

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, MARCH 21, 2006  
6:00 PM

The Regular Meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven Abrams at 6:00 p.m.

**INVOCATION:**

Council Member Hager gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Mayor Steven L. Abrams  
Deputy Mayor Susan Whelchel  
Council Member Peter R. Baronoff  
Council Member Bill Hager  
Council Member Susan Haynie

Also attending the meeting were:

City Manager Leif J. Ahnell  
City Attorney Diana Grub Frieser  
City Clerk Sharma Carannante

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to add Resolution Nos. 38-2006, 39-2006, and 40-2006 to the Consent Agenda and to add Ordinance Nos. 4934 and 4935 under "Regular Business - Part V – Introduction of Ordinances." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

**MINUTES:**

Minutes of the Regular Workshop Meeting of February 27, 2006  
Minutes of the Regular Meeting of February 28, 2006

*Motion was made by Council Member Hager, seconded by Council Member Baronoff, to approve the minutes as presented. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

**PROCLAMATIONS/RECOGNITIONS/AWARDS:**

FAIR Housing Month – April 2006

Planning and Zoning Director Carmen Annunziato accepted the proclamation on behalf of the FAIR Housing Center.

Woodfield Cancer Research Unit Day – March 20, 2006

The proclamation was presented by Mayor Abrams and Council Member Baronoff.

## **REGULAR BUSINESS - PART I:**

### 1. Appointments to the following boards:

- a. Board of Trustees for Police & Firefighters' Retirement System – two vacancies due to term expirations of Richard Robinson and John D. Girard, whose terms expire 03/29/06.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to reappoint Richard Robinson and John D. Girard to the Board of Trustees for the Police & Firefighters' Retirement System. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

Mr. Robinson and Mr. Girard were reappointed to the Board.

- b. Board of Trustees for General Employees' Pension Plan – one vacancy due to term expiration of Carole R. Marko, whose term expires 03/29/06.

Lewis Duberman interviewed for the position on the Board.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Lewis Duberman to the Board of Trustees for the General Employees' Pension Plan. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

Mr. Duberman was appointed to the Board.

- c. Citizens' Pedestrian and Bikeway Advisory Board – two vacancies; one term expires 01/12/07 and one term expires 01/12/09.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Steve Dworkin to the Citizens' Pedestrian and Bikeway Advisory Board for the term expiring 01/12/09. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

Mr. Dworkin was appointed to the Board.

- d. Planning and Zoning Board – three vacancies due to term expirations of Frank J. Gulisano, Robert B. Hagerty, and Steve Utrecht, whose terms expire 03/31/06.

Jim Matthews and Rick Coffin interviewed for positions on the Board.

Seeing no other candidates come forward to interview, nominations were then opened. Council Member Hager nominated Rick Coffin; Council Member Haynie nominated Frank Gulisano and Steve Utrecht; Deputy Mayor Whelchel nominated Arnold Sevell. Nominations were then closed without objection.

In the voting: Mayor Abrams, Council Members Baronoff and Hager voted for Rick Coffin, Arnold Sevell, and Steve Utrecht. Deputy Mayor Whelchel voted for Frank Gulisano, Arnold Sevell, and Rick Coffin; Council Member Haynie voted for Frank Gulisano, Arnold Sevell, and Steve Utrecht.

Mr. Utrecht was reappointed to the Board; Mr. Coffin and Mr. Sevell were appointed.

- e. Zoning Board of Adjustment – two vacancies due to term expirations of Jeffrey S. Barker and Ryan Shoup, whose terms expire 04/10/06.

Leo Plevy interviewed for a position on the Board.

*Motion was made by Council Member Haynie, seconded by Council Member Hager, to reappoint Jeffrey Barker and to appoint Leo Plevy to the Zoning Board of Adjustment. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

Mr. Barker was reappointed to the Board; Mr. Plevy was appointed.

2. Responses to Workshop Information Requests:

(Consent Agenda Item No. 3.h. – State Legislation relating to Cable Television Franchising) A memorandum was provided. Mr. Ahnell explained that a more detailed outline of the impacts of the initiative by BellSouth and Verizon to provide cable television services was prepared as requested. He advised that while residents might benefit from having more competition, there are negative aspects to the proposed bills as well, such as eliminating fee requirements for use of City rights-of-way and limiting customer service standards.

3. Consent Agenda:

Mayor Abrams provided an opportunity for the public to comment on any Consent Agenda item. No one came forward to speak.

*Motion was made by Council Member Baronoff, seconded by Council Member Hager, to approve the Consent Agenda minus Item No. 3.h., which was considered separately immediately thereafter. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

a. Sealed Bid

1) Countdown Pedestrian Signals Requested by Municipal Services Transportation Control Systems, Inc.	\$41,000
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b. Competitive Sealed Proposal-Renewal

1) Property Insurance-Renewal Requested by Financial Services Beacon Group, Inc.	\$1,546,177
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c. Intergovernmental Agreement

1) Roofing Repair Services Requested by Municipal Services Weiss & Woolrich Southern Enterprises, Inc.	\$59,360
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d. Sole Source

1) Access Control System for Fire Support Building Requested by Fire Rescue Services Johnson Controls, Inc.	\$28,776
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- e. Emergency
- 1) Causeway Lumber Demolition  
Requested by Recreation Services  
Omega Contracting, Inc. \$350,000

- f. Emergency-Hurricane Wilma (Phase V)
- 1) Sidewalk Repairs  
Requested by Municipal Services  
Florida Blacktop, Inc \$140,000
  - 2) Electrical Inspection and Repairs to  
Sports Lighting  
Requested by Recreation Services  
Lectra Living Inc. \$173,900
  - 3) Fence Repairs  
Requested by Municipal Services  
Hartzell Construction, Inc. \$77,353
  - 4) Mizner Park Street Lighting Repairs  
Requested by Municipal Services  
Reichenbach Electric Inc. \$154,250
  - 5) Disaster Recovery for Medians and Parks  
Requested by Recreation Services  
Hartzell Construction, Inc. \$63,773

g. Resolution No. 35-2006

A resolution of the City of Boca Raton changing the name of a street in the Arvida Country Club Plat One of University Park – P.U.D.; providing for conditions to the change; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 37-2006

A resolution of the City of Boca Raton, Florida supporting the proposed “Permanent Protection for Florida Act of 2006”; providing for severability; providing for repealer; providing an effective date

j. Receive and File – Election Results

- 1) Memorandum regarding the uncontested election of Bill Hager to City Council Seat C and M. J. Mike Arts to City Council Seat D.
- 2) Certification of the results of the March 14, 2006 Regular Election
- 3) Certification of the election of Michael Barbera (firefighter) as a trustee on the Board of Trustees of the Police and Firefighters’ Retirement System for a term to expire March 29, 2008.
- 4) Memorandum regarding the uncontested election of Chris Somers (police officer) as a trustee on the Board of Trustees of the Police and Firefighters’ Retirement System for a term to expire March 29, 2008.

- 5) Memorandum regarding the uncontested election of Carolyn (Lynn) Bodor as a trustee on the Board of Trustees of the General Employees' Pension Plan for a term to expire March 29, 2007, and the uncontested election of Janice Vassell as a trustee on the Board of Trustees of the General Employees' Pension Plan for a term to expire March 29, 2009.

k. Board Resignations

- 1) Resignation of Andrew Conger from the Builders' Board of Adjustment and Appeals
- 2) Resignation of Neil D. Eisner from the Telecommunications Advisory Board

l. Receive and File Board Minutes – March 21, 2006

- 1) A1A Landscape Task Force  
January 18, 2006
- 2) Citizen's Pedestrian and Bikeway Advisory Board  
December 12, 2005
- 3) Community Appearance Board  
February 14, 2006  
February 21, 2006  
February 28, 2006
- 4) Education Advisory Board  
January 23, 2006
- 5) Executive Employees' Retirement Plan Board of Trustees  
December 7, 2005
- 6) Financial Advisory Board  
January 30, 2006
- 7) Historic Preservation Board  
January 17, 2006
- 8) Library Advisory Board  
January 18, 2006
- 9) Marine Advisory Board  
February 1, 2006
- 10) North Federal Highway Steering Committee  
January 3, 2006
- 11) Physically and Mentally Challenged Advisory Board  
February 2, 2006
- 12) Police and Firefighters' Pension Board  
December 22, 2005 (Investment Committee Meeting)  
December 22, 2005 (Regular Meeting)

3.m. Resolution No. 38-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of State, Division of Library and Information Services for construction of a downtown library, authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

3.n. Resolution No. 39-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Palm Beach County Department of Public Safety, Division of Emergency Management, Office of Emergency Medical Services for the purchase of personal protective equipment and supplies for Fire Rescue Services Department personnel; authorizing the acceptance of said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

3.o. Resolution No. 40-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Health, Bureau of Emergency Medical Services Matching Grant Program for the purchase of carbon monoxide detection equipment; authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

*The following item was pulled from the Consent Agenda and considered separately.*

3.h. Resolution No. 36-2006

A resolution of the City of Boca Raton, Florida, opposing the following proposed State legislation, HB1199, SB1254, and SB1984; urging members of the Florida Legislature, and the Governor, to oppose these bills; supporting existing law under which local governments are franchising authorities for the provision of cable services; directing that this resolution be forwarded to members of the Florida Legislature, the Governor, the Palm Beach County Legislative Delegation, Palm Beach County League of Cities and the Florida League of Cities; providing for severability; providing for repealer; providing an effective date

Deputy Mayor Whelchel and Council Member Baronoff suggested that the City solicit support from other municipalities, the Chamber of Commerce, and the Federation of Homeowners to assist in opposing this legislation. In general, Council Members voiced their opposition, advising that customer service and customer protections would be negatively impacted, the City's ability to communicate with citizens - particularly in times of disaster - could be lost, as would revenue received in the form of franchise fees. It was noted that the Florida League of Cities is also supportive of the City's position.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to adopt Resolution No. 36-2006 as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

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**REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:**

There were no items for consideration.

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**REGULAR BUSINESS – PART II-B – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:**

There were no items for consideration.

**REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

4. Ordinance No. 4929

An ordinance of the City of Boca Raton amending Chapter 19, Code of Ordinances, to be consistent with the Florida Building Code; amending Section 19-43, Code of Ordinances, to clarify construction site maintenance requirements; creating Section 19-70, Code of Ordinances, and amending Sections 19-62 and 19-75, Code of Ordinances, to provide for proceedings before the Builders' Board of Adjustment and Appeals related to fraud and willful building code violations and to provide for penalties for such fraud and violations; amending Section 19-92, Code of Ordinances, to provide consistency with Florida Statutes regulating the scope of owner-builder permits; deleting Sections 19-128, 19-171, and 19-197, Code of Ordinances, to be consistent with the Florida Building Code; providing for severability; providing for repealer; providing for codification; providing an effective date

Chief Code Administrator Michael Berkman gave the PowerPoint presentation. In 2004, the Florida Building Code was updated and, as a result, certain sections of the City Code required revisions to provide for consistency with the new State code. In addition, this ordinance enumerates specific safety measures required of a contractor in regard to construction site maintenance responsibilities; it provides for disciplinary action should a contractor fail to secure a site during a hurricane emergency. If adopted, this ordinance also designates the Builders' Board of Adjustment and Appeals to hear violation cases brought forward by the building official or Chief Code Administrator. The Board would be allowed to deny, or revoke, permits issued to contractors found in violation of the Building Code. Mr. Berkman explained that, per the request made at yesterday's workshop, revised language regarding construction materials and solid waste, as they relate to hurricanes, had been prepared and distributed to Council accordingly. If adopted, this ordinance would strengthen the City's ability to enforce building codes and construction site maintenance, eliminate discrepancies with the State Building Code, clarify and simplify the local Building Code, and enhance customer service. Mr. Berkman advised that staff recommended adoption of the ordinance and then answered questions from Council related primarily to ensuring that developers are aware of the City's expectations in the event that a hurricane strike is imminent.

The public hearing was opened and, seeing no one come forward to speak, closed.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4929, as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

5. Ordinance No. 4930

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of the George A. Long Alley right-of-way, located between S.E. 8<sup>th</sup> and S.E. 9<sup>th</sup> Streets, west of South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-04-05)

6. Ordinance No. 4931

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement located at 855 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-10)

7. Ordinance No. 4932

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement located at 855 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-11)

The City's Property Specialist/Appraiser Lynn Bodor gave a joint presentation on the above three ordinances. Regarding Ordinance No. 4930, she explained that the applicant was requesting abandonment of a portion of the George A. Long Alley right-of-way for incorporation into the 855 South Federal Highway Mixed-Use Project, which was approved in January by the Community Redevelopment Agency. Ms. Bodor reviewed the criteria for abandonment, as outlined in the City Code, advising that staff determined that this proposed abandonment met the criteria on several levels. Essentially, the alley is not currently traversable. The proposed plan would provide open access for both pedestrians and vehicular traffic; it would also allow for improved building and site design. Ms. Bodor advised that all affected franchised utility companies, the City's Civil Engineer, and the Director of Municipal Services were contacted. They agreed to the abandonment with conditions; details were provided. Consequently, staff recommended approval of the petition, subject to the conditions outlined in the ordinance, specifically, payment of a monetary contribution of \$112,931, recording of the Unity of Title, and the relocation or encasement of utilities within the easements provided.

In reference to Ordinance Nos. 4931 and 4932, Ms. Bodor stated that there are also two intersecting public utility easements that interfere with the approved site plan. As such, they must be abandoned. Once again, all pertinent parties were contacted and all agreed to the abandonment with the conditions outlined in the ordinances. Ms. Bodor concluded her presentation and answered questions from Council.

The public hearing was opened and, seeing no one come forward to speak, closed.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4930. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

*Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Ordinance No. 4931. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

*Motion was made by Council Member Hager, seconded by Council Member Haynie, to adopt Ordinance No. 4932. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

8. Ordinance No. 4933

An ordinance of the City of Boca Raton creating Article VII "Impact Fees" of Chapter 23 "Planning and Development" of the City Code of Ordinances including Division I "Generally" that includes provisions for findings; and including Division II "Parks and Recreation Impact Fees," including provisions for Payment of Fees; Definitions; Disposition of Fees; Independent Impact Analysis; Refunds; and Credits; providing for repeal of Division 2. "Land Dedication" of Article IV "Development Regulations" of the City of Boca Raton Code of Ordinances; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 25-2006

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule related to Parks and Recreation impact fees; providing for severability; providing for repealer; providing an effective date

Planning and Zoning Director Camen Annunziato gave the PowerPoint presentation. He explained that, if approved, the above ordinance would establish a new method for assessing Parks and Recreation fees; the resolution would amend the User Fee Schedule to reflect same. Mr. Annunziato stated that, prior to instituting an impact fee, a detailed analysis must be prepared based on established criteria, and a legally-defensible ordinance must be created based on established case law. To that end, Dr. James Nicholas and Ms. Nancy Stroud, experts in the development of impact fees, were retained to prepare the impact fee study and the legal analysis, respectively. As requested at yesterday's workshop, their resumes were provided to City Council. Mr. Annunziato specified that the City currently collects Recreation and Park impact fees, based on land value converted to dollars. He explained that, under current regulations, no credit is granted for existing building square footage or existing units, which is an important reason why the City decided to revisit the impact fee methodology.

Details were provided regarding the methodology used in preparing the impact fee study and the land and facilities analysis. It was noted that certain parks were excluded from the tabulations, since they are funded through user fees or external sources. The parks removed from the inventory were the Municipal Golf Course, Red Reef Golf Course, Red Reef Park, Spanish River Park, South Beach, and the Countess de Hoernle Park. In addition, parks and recreation facilities owned and operated by the Beach and Park District were not included in the analysis. Mr. Annunziato then spoke to methods of imposing impact fees, based on the size of the dwelling. Fees may vary based on the amount of square footage under air, the size of the unit, or the number of bedrooms; details were provided, as was a proposed cost range. Mr. Annunziato advised that Ordinance No. 4933 would establish Article VII, Chapter 23, create Divisions I and II, and provide for disposition of funds, independent impact analysis, refunds, and credits. Resolution 25-2006, for which an amendment was requested, would list the new Parks and Recreation Impact Fees; he noted that the words, "per unit," should be added to the language. Mr. Annunziato then concluded his presentation by stating that this legislation was reviewed by the Parks and Recreation Board, the Financial Advisory Board, and the Planning & Zoning Board; they all recommended approval, as does staff. He, the City Attorney, and the City Manager then answered questions from Council regarding how these fees would relate to workforce housing, methodology used by neighboring cities, whether the revenues collected would be comparable to what the City now receives, and elimination of the land dedication fee.

The public hearing was opened and, seeing no one come forward to speak, closed.

*Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4933.*

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to amend Ordinance No. 4933, Page 3, Line 7, using language generally consistent with the following: "...does not exceed 400-600 square feet, ..." deleting "400" and adding "600." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

*The motion to adopt Ordinance No. 4933, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

*Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 25-2006.*

*Motion was made by Council Member Hager, seconded by Council Member Haynie, to amend Resolution No. 25-2006, Page 2, Lines 5 and 6, to reflect the following: "400 600 or fewer" and "404 601-799." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

*The motion to adopt Resolution No. 25-2006, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

**REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:**

There were no items for consideration.

**REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:**

8.b. Ordinance No. 4934

An ordinance of the City of Boca Raton requiring City Council approval to convert hotel and motel rooms, within hotels/motels that do not qualify as a permitted use, to residential dwelling units; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Baronoff introduced the ordinance.

8.c. Ordinance No. 4935

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the Police and Firefighters' Retirement System by amending Section 12-151, "Retirement Dates and Benefits; Optional Provisions for Firefighters" to implement the recently approved collective bargaining agreement; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Haynie introduced the ordinance.

**REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:**

Diane Hines, representing the North Federal Highway Steering Committee, acknowledged that this was Council Member Haynie's last meeting and thanked her for her service and all her assistance over the years in initiating and continuing forward movement regarding the redevelopment of the North Federal Highway Corridor; Council Member Haynie was then presented with a plaque and a bouquet of flowers.

Joanne Morrison, representing the Federation of Homeowners and the many residents of the City of Boca Raton, also thanked Council Member Haynie for her years of service and presented her with flowers as well.

**REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:**

There were no items for consideration.

**QUASI-JUDICIAL PUBLIC HEARINGS – APPEAL OF BOARD DECISION**

There were no items for consideration.

## **CITY MANAGER RECOMMENDATIONS AND REPORTS:**

### 9. Request for Use of City Seal – Lagoon Keepers

The City Manager advised that the Lagoon Keepers, a group who cleans canals, had requested, through the Marine Advisory Board, use of the City seal. Mr. Ahnell advised that many private contractors perform work for the City and the City does not allow them to use the City seal; therefore, staff did not recommend approval of this request, voicing concern that it could set a precedent. Responding to Council, Mr. Ahnell advised that this group works in different cities; ostensibly, the seal would be evidence of the City's sponsorship.

Council determined that this group is rendering a public service and placement of the City seal on the vessel during canal clean-up would identify it as having a legitimate purpose for being in the canal. Consequently, members were favorably inclined to grant the request. The City Manager asked that a restriction be placed on the request, specifically, that the City seal would be in evidence only when the Lagoon Keepers are cleaning canals within the City of Boca Raton. It was noted that Council could revoke this privilege at any time.

*Motion was made by Council Member Baronoff, seconded by Council Member Haynie, to allow the Lagoon Keepers to place a magnetic placard, reflecting the City seal, on the Lagoon Keepers' vessel only when they are cleaning canals within the City limits. If they are working outside the City of Boca Raton, the placard must be removed. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

## **CITY ATTORNEY REPORTS:**

The City Attorney referred to discussions between the City and the general contractor for the western library in regard to a series of issues and delays related to construction of same. She advised that the City had been served with a complaint from the contractor today and asked Council for the authority to file all appropriate counterclaims or third-party claims regarding issues and delays related to this matter.

*Motion was made by Council Member Haynie, seconded by Council Member Hager, to provide the City Attorney with the authority to file all appropriate counterclaims or third-party claims regarding issues and delays related to the construction of the western library as deemed appropriate by the City Attorney's office. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

Responding to Council, Mr. Ahnell advised that it would probably be a year before the library will be completed.

Deputy Mayor Whelchel left the meeting at approximately 7:00 p.m.

## **MAYOR AND COUNCIL MEMBER REPORTS:**

Council Member Baronoff reported that he received a funding request for a program entitled, "Project Graduation" to donate \$500 to Spanish River High School; he suggested that Boca Raton High School receive a donation as well. Mr. Ahnell explained that this program provided a drug- and alcohol-free environment for kids to celebrate graduation activities.

*Motion was made by Council Member Baronoff, seconded by Council Member Hager, to donate \$500 each to Spanish River High School and Boca Raton High School to fund a program entitled, "Project Graduation." Motion carried 4-0 on a voice vote; Mayor Abrams, Council Members Baronoff, Hager and Haynie voting yes.*

Council Member Haynie provided positive commentary regarding Chairman Robert Hagerty, who is retiring from the City's Planning and Zoning Board after serving 28 years. She stated that he had been the

Chairman for 25 years. Council agreed that Mr. Hagerty had done an outstanding job and discussion turned to how best to honor his contributions. Mr. Ahnell advised that staff was reviewing options at this time.

Mayor Abrams advised that he had just returned from Tallahassee and reported on the following topics: 1) a bill relating to local control of City growth, which would require that a County ordinance regarding land use would not apply within cities, unless the City Council agreed or if there was a dual referendum, 2) a request from the Beach & Park District to waive the Dog Park fee for Beach & Park District residents; Council will meet with Beach & Park District members in May and this issue will be added to that agenda, 3) the Palm Beach County School Board's decision to spend revenue from the half-cent sales tax on Boca Raton High School's wish list as opposed to purchasing the adjacent six acres for a ball field, 4) an ordinance promoting humane treatment of gopher-tortoises by developers; staff was asked to obtain a copy of the City of Minneola, Florida's ordinance, 5) expediting the permit process for owners of supermarkets (such as Publix), wishing to install generators before hurricane season, 6) State legislation proposing a requirement that gas stations (specifically, large chains) purchase generators; Mayor Abrams suggested that the City's gas station owners be brought together to discuss their plans for the upcoming hurricane season, and 7) determining the City's role in preparations relating to avian flu.

**ADJOURNMENT:**

*Motion was made by Council Member Hager, seconded by Council Member Haynie, to adjourn the meeting. Motion carried 4-0 on a voice vote; Mayor Abrams, Council Members Baronoff, Hager and Haynie voting yes.*

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:27 p.m. on Tuesday, March 21, 2006.

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Steven L. Abrams, Mayor

ATTEST:

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Sharma Carannante, City Clerk