

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, FEBRUARY 25, 2002
1:00 PM

The regular workshop meeting of the City Council of the City of Boca Raton, Florida was called to order at 1:02 p.m. by Mayor Steven L. Abrams.

ATTENDING THE MEETING WERE:

Mayor Steven L. Abrams
Deputy Mayor Carol Hanson
Council Member Dave Freudenberg
Council Member Bill Glass
Council Member Susan Haynie

Also attending the meeting were:

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

PUBLIC REQUESTS:

The seventh-grade class of St. Joan of Arc spoke in support of affordable housing within the City of Boca Raton.

1. BOARD INTERVIEWS:

- a. Boca Raton Housing Authority – (1) vacancy due to resignation of Veronica Hart. Term expires 11/14/04.

No one came forward to interview.

- b. Education Advisory Board – (1) vacancy due to resignation of Judy Myers Anderson. Term expires 07/28/03.

Anita Candig interviewed for the position.

- c. Marine Advisory Board – (2) vacancies due to term expirations of Gene Folden and Barry Lehman. Terms expire 03/20/02.

Barry Lehman, Will Mercier, Tim Williams, and Barry Chesler interviewed for the position.

2. PUBLIC REQUESTS (cont'd):

Citing a health hazard and decreased property values, Barbara Banks-Wittich, Peter Greenblatt, Peter Stubenvoll, Paul Appelbaum, and Carol Levitats spoke against construction of overhead transmission lines in their neighborhoods, as proposed by Florida Power & Light (FPL). These citizens reside in the communities of Fox Landing and Woodfield Country Club.

Responding to residents' questions, Council Member Freudenberg provided a brief history of events, regarding the FPL issue, leading up to the present. He mentioned that a route had been decided upon on February 13, 2002. Mr. Freudenberg then asked that the City Manager contact FPL directly to determine that company's intentions. He also requested that the City Attorney draft a resolution, to be added to tomorrow night's agenda, asking that FPL re-open this issue and allow the City direct input in relation to these transmission lines.

Deputy Mayor Hanson suggested that FPL make a presentation to the Council at the next workshop meeting. Mr. Ahnell reported that he has contacted FPL and requested a copy of their master plan for the City, which would include the routes in question. Upon receipt and review, the City will ask FPL to make a presentation to the Council.

Alicia Hoag referenced the section of Glades Road between 4th Avenue and 2nd Avenue, stating that she has contacted FDOT, as it is a State road, about constructing a wall to block noise coming from the street. Per FDOT, there are no plans to do so for another five years. Therefore, she was before Council to seek direction. Mayor Abrams explained that her concerns would be taken under advisement, and Council would await a recommendation from the City Manager regarding options.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the Agenda.

(Consent Agenda Item No. 3.a.1. – Resource Recovery Services) Council Member Haynie questioned when the Delray transfer station would re-open. Mr. Ahnell clarified that the City has always used the Atlas-Lox Road station as well as the Delray station; this item is simply an annual renewal. Municipal Services Director Robert DiChristopher stated that the Delray station was expected to re-open in approximately 45 days, according to the Solid Waste Authority.

(Consent Agenda Item No. 3.b.1. – Mizner Park Property Maintenance) Council Member Haynie asked whether repairs to the central fountain were included in the cost and what the status of the central fountain is at this time. Mr. Ahnell explained that this contract is for maintenance and small repairs. He is awaiting more information regarding the problem with the main fountain. Repair costs for the central fountain are not included.

(Consent Agenda Item No. 3.c.3. – Fire Hydrants) Council Member Haynie questioned whether the purchase of 80 fire hydrants was to guarantee adequate parts and structures to ensure safe operation of the City's fire hydrants. Mr. Ahnell responded in the affirmative, saying that aging hydrants will be replaced.

(Consent Agenda Item 3.g. – Resolution No. 33-2002, Easement Deed over land located at NE 74th Street and N. Federal Highway) Council Member Haynie inquired as to when the long-awaited traffic signal would be installed at this intersection. Mr. Ahnell advised that the poles are in the right-of-way, and the installation process should begin upon passage of this resolution.

(Consent Agenda Item No. 3.b. – Mizner Park Property Maintenance) Council Member Glass requested clarification regarding maintenance, asking whether it included the cleaning of sidewalks. Mr. Ahnell explained that maintenance incorporated all common areas; the City is not responsible for maintaining private retail areas. Development Services Director / CRA Executive Director Jorge Camejo provided additional information relating to maintenance coverage at Mizner Park. At Council Member Glass's request, Mr. Camejo is to outline more specifically those areas the City is responsible for maintaining.

(Consent Agenda Item No. 3.c.1. – Landscaping for Enhanced Speed Humps) Council Member Glass questioned whether this cost included construction and landscaping of the speed humps. Mr. Ahnell explained that construction of the humps was approved in December. This cost is for landscaping only.

(Consent Agenda Item No. 3.c.2. – Pocket Parks) Council Member Glass inquired as to whether the cost included the design and construction of all six pocket parks with no further expenses projected. Mr. Ahnell responded affirmatively; he will provide additional information as to whether picnic tables and benches are also included in the cost.

(Consent Agenda Item No. 3.c.4. – NE 2nd Street Mini-Traffic Circles) Council Member Glass cited several City projects, which experienced problems and delays due to the contractor, Weekley Asphalt Paving Inc., and questioned why the City was using them again. The City Manager explained that the Florida Department of Transportation (FDOT) had already hired Weekley Asphalt to work on the bike lane portion of the project. The contractor is already performing construction and has agreed to do the work at

a lower rate. Also, the residents in the area are pleased that everything will be completed simultaneously and on a timely basis. Municipal Services Director Robert DiChristopher explained that the City has reviewed recent projects completed by the contractor, and Weekley Asphalt's performance has improved; they are also anxious to work for the City again. Responding to Council, Mr. DiChristopher provided information relating to the monitoring of various projects and whether roads would be closed for construction.

(Consent Agenda Item 3.f. – Resolution No. 32-2002, Work Order No. 2 with Nutting Engineers of Florida, Inc., relating to testing services for construction of the new membrane addition to the water treatment plant) Council Member Glass asked whether the cost of \$737,490 was a part of the original estimate to build the membrane plant. Mr. Ahnell replied that this cost was anticipated in the overall budget.

(Consent Agenda Item 3.h. – Resolution No. 35-2002, approving and accepting the final plat known as the Boca Raton Hotel and Club, Residential Hotel Replat subdivision plat) Council Member Glass confirmed with Mr. Ahnell that this resolution had nothing to do with the proposed renovations of the Boca Beach Club. Mr. Ahnell explained that this resolution concerned submerged land on the main portion of the hotel facility on the west side of the Intracoastal.

(Consent Agenda Item 3.i. – Resolution No. 36-2002, Agreement with the School Board of Palm Beach County related to Boca Raton Elementary School) Council Member Glass questioned whether arrangements would be made for a fence, or some other barrier, to be constructed near the railroad tracks for the safety of the schoolchildren. Mr. Ahnell is to follow up.

(Consent Agenda Item 3.b.1. – Mizner Park Property Maintenance) Deputy Mayor Hanson requested the total maintenance costs for last year. Mr. Ahnell stated that last year's costs were \$507,161.

(Consent Agenda Item 3.i. – Resolution No. 36-2002, Agreement with the School Board of Palm Beach County related to Boca Raton Elementary School) Deputy Mayor Hanson questioned whether the \$25,000 provided by the City would be used to purchase the 143 trees listed in the plan. Planning and Zoning Director Carmen Annunziato explained that most of the trees shown on the site plan would be purchased by the City and provided additional information relating to landscaping and parking. Mr. Annunziato is to follow up on the possibility of constructing a fence near the railroad tracks.

(Agenda Item 4 – Ordinance No. 4632, relating to decisions made by the Civil Service Board) Deputy Mayor Hanson referenced the language regarding meetings and asked for clarification concerning when and how the Board would meet. Ms. Frieser provided additional information to Ms. Hanson as requested. A copy of the code section in question is to be provided to the Deputy Mayor by the City Attorney.

(Personnel Rules and Regulations) Deputy Mayor Hanson asked for a copy of same.

4. FUTURE AGENDA MATTERS/ITEMS OF COUNCIL/PUBLIC CONCERN:

There were no other items for consideration.

5. CITY MANAGER REPORTS:

Citrus Canker Update

Mr. Ahnell explained that the City Attorney would provide an update on the legal challenge.

Ms. Frieser referred to a memo, dated February 22, 2002, from John McKirchy, Senior Assistant City Attorney, which provided an update on the citrus canker issue. She gave a brief review of events, explaining that the City had joined Broward County, Miami Dade County, Ft. Lauderdale, Delray Beach, Margate, and Pembroke Pines, in the action against the Department of Agriculture (DOA) over the 1900-foot radius rule. The new Rule was published on October 19, 2001 and the administrative proceeding has continued. Currently, an administrative hearing has been scheduled for April 16, 2002, and is expected to continue for approximately one week. Discovery is ongoing. In a new development, the DOA has filed a motion to have the administrative law judge recuse himself from the case. The motion was denied and is being appealed. Ms. Frieser then deferred to Assistant City Manager George Brown for additional information regarding legislation.

Mr. Brown provided an update on legislation relating to citrus canker and the 1,900-foot radius rule. He summarized the City Manager's memo, with attachments, to Council, dated February 24, 2002, explaining that the DOA had removed five infected trees within the City of Boca Raton and would be conducting surveys on a 60-day cycle to test for citrus canker. Mr. Brown then focused on two bills being considered by the Florida Legislature, House Bill HB1539 and Senate Bill SB1926, and provided detailed information as to what passage of these bills would mean. He concluded by stating that the City's lobbyists, Smith, Ballard & Logan, P.A., are monitoring the progress of this legislation. At Council's request, Mr. Brown is to provide a map of the City, reflecting those areas potentially affected by the 1,900-foot radius rule, due to the previous removal of the five infected trees, should the legislation be passed.

Boca Raton Airport Authority

Mr. Ahnell introduced Assistant City Manager George Brown, who provided an update on legislation relating to the Airport Authority.

Mr. Brown referenced the memo, with attachments, from Smith, Ballard & Logan, P.A., dated February 22, 2002, regarding House Bill 1185, which would alter the composition of the Airport Authority. The Bill failed on a 6-6 vote in the House Transportation Committee. No further action is expected on this Bill; however, it may be brought forward again by other committees or added to another bill. Mr. Brown spoke to the issue of the amendment, which would have created a safety and noise committee instead of changing the membership of the Authority, expressing that the amendment was more of an instruction to the Authority and a matter for that body to resolve. The lobbyists will continue to monitor the legislation. Mr. Brown then answered questions from Council.

Boca Tech Property

The City Manager explained that before land may be purchased by the County, an environmental committee must submit a recommendation. A favorable recommendation has been obtained, and the process is moving forward.

School Board Purchase of IBM Building and City Land

The School Board is continuing in its endeavor to purchase the IBM building and adjoining City land at the Boca Tech site.

Campus Development Agreement (CDA)

Florida Atlantic University's CDA has been forwarded to the Board of Education for approval.

Gymnasium

Mr. Ahnell reported on the Boca Elementary School Gymnasium, saying that a meeting recently took place between staff and members of the School Board, the Pioneer Club, and the Historical Society. Mr. Ahnell explained that the School Board has proposed deeding the gym to the City with a reverter clause. If funds are not received by a deadline date to be determined, the School Board would take possession of the building again. Meanwhile, the City will work with an historical architect to determine renovation costs. Once those figures are obtained, another meeting with the School Board would be in order to establish what is acceptable to the School Board. It is expected to take approximately six months to obtain all necessary funding to restore the building, and the School Board appeared to be amenable to that timeframe. Much discussion took place regarding proposed uses for the gymnasium.

Royal Palm Plaza

Mr. Ahnell stated that a request had been received from the petitioner's attorney, Charles Siemon, to postpone the Community Redevelopment Agency's (CRA) public hearing on Resolution No. CRP-00-02R2, relating to Royal Palm Plaza to the March 18, 2002, CRA meeting.

6. CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Deputy Mayor Hanson asked Council members to be sure their microphones are on when speaking and suggested a sign be posted on the dais as a reminder.

Deputy Mayor Hanson referenced the query made of Council members by a citizen at the last meeting regarding whether or not they would support bringing forward a bond issue to pay for a Downtown Spine. Mayor Abrams confirmed with Ms. Hanson that Council Members were not supportive.

Deputy Mayor Hanson questioned when the petition relating to the Boca Beach Club would be heard. Mr. Ahnell responded that the hearing is tentatively scheduled for Tuesday, March 19, 2002, at a different venue to accommodate the public.

Deputy Mayor Hanson referenced the CRA agenda and the petition relating to the amphitheatre (Res. No. 2002-02-CRA). She confirmed with Mr. Ahnell that the City is not guaranteeing the \$3.8 million loan to the Centre for the Arts. Responding to Ms. Hanson, the City Attorney briefly provided additional information relating to restrictions.

Deputy Mayor Hanson asked whether the City Code treats noisy pool pumps in the same manner as noisy air conditioners. Development Services Director Jorge Camejo explained that different decibel levels are involved, and residents would need to contact Code Enforcement should they have concerns or complaints.

Deputy Mayor Hanson referenced the Harbour Homes issue regarding a warning sign, which should be posted on a dock. She asked the City Manager for an update. Mr. Ahnell said a memo would be forthcoming.

Deputy Mayor Hanson then questioned whether the VPC conservation area had been included on the City map, per Council's discussion at the last meeting. Mr. Ahnell replied it is in process.

Deputy Mayor Hanson requested the status of the property located at 5910 N. Federal Highway, the Amber restaurant. The City Manager explained that the contractor has withdrawn his permit; an update will be provided.

Deputy Mayor Hanson asked for an update on the cable franchise. Mr. Ahnell reported that the City should begin negotiations within the next 45 days or so.

Deputy Mayor Hanson mentioned that summer school is being cancelled by the School Board and questioned whether the City would continue to offer summer camp programs. Mr. Ahnell responded that the summer camp programs have been budgeted and would be provided. Recreation Services Director Mickey Gomez is to follow up with additional information.

Deputy Mayor Hanson stated that the property located at Dixie Highway and Glades Road, still has cars parked there "for sale" and asked whether Code Enforcement had followed up on the issue. Mr. Ahnell explained that Code Enforcement is monitoring the situation, and he will provide an update.

Deputy Mayor Hanson questioned the setback of the Varian office building, located at 20th Street and Dixie Highway. Mr. Ahnell will have staff check for compliance.

Council Member Glass requested an update on the cars parked at the Shell service station at Palmetto Park Road and Dixie Highway. Mr. Ahnell advised that information would be forthcoming.

Council Member Glass mentioned that he received a letter from Representative Jeff Atwater, asking for the City's support of two issues: 1) creating a user-friendly permitting process for beach renourishment funding, and 2) making windstorm insurance in the State, again, competitive. Mr. Glass advised he has requested that resolutions be drafted showing the City's support for these issues.

Council Member Haynie requested an update on the status of the sober house legislation. Mr. Ahnell is to provide same.

Council Member Haynie reported on the most recent Boca Tech public hearing. It appears that some people have been riding dirt bikes on the land. In an argument supporting construction of dirt bike trails on the site, proponents stated that they might as well compensate the City since they've been using the land anyway. Staff attending the hearing expressed consternation, since the site was thought to be secured and some of this land is environmental. Per the City Manager, the police are aware of the situation and are monitoring the area more closely. All Terrain Vehicles (ATVs) will be used as a tool in this regard.

Council Member Haynie stated that a new idea came forward at the Boca Tech public hearing, when a track coach from Spanish River High School suggested a cross-country track for meets. Since people attend these meets from different areas, it would be beneficial for local business.

Council Member Freudenberg thanked Commissioner Mary McCarty for her assistance in arranging the FPL meeting and expressed that Ms. McCarty shares the City's concerns regarding this issue. It was agreed that the City needed to work with the County to find a resolution.

Mayor Abrams mentioned that the Acting Postmaster is requiring curbside mailboxes in the area of Country Club Village, due to a postal carrier being bitten by a dog. The Mayor suggested the City try to find a way to crack down on vicious dogs for public safety and so that residents don't have to purchase new mailboxes. Mayor Abrams also mentioned requesting a "stay" from the post office if the City provides concrete steps for solving the problem. Deputy Mayor Hanson referred to the subdivisions of Winfield Park and Chatham Hills, stating that the postal service is requiring curbside mailboxes in those areas; otherwise, people will not receive their mail at home. They will have to retrieve their mail at the post office.

Regarding the manatee no-wake zone issue, Mayor Abrams commented that the City and the Fish & Wildlife Agency have basically hit a dead end in the matter. He explained that State would act if an agreement could be reached with the boaters to shift the markers in the Intracoastal Waterway.

On behalf of Council, Mayor Abrams thanked the police department for their handling of the fatal shooting incident last week. He also stated he had received positive responses regarding the handling of the sinkhole situation by the police department, fire-rescue, and utilities crew. The Mayor then asked for a recommendation from the City Manager as to whether the City should seek restitution from the owner of the van, who disregarded signage and proceeded into the sinkhole, thereby causing increased damages and costs.

Mayor Abrams commented on the Tom Cherubin Cup (soccer championship) and the Police Athletic League boxing tournament, stating that great sportsmanship was exhibited. Those organizations are to be commended, as the programs they offer are beneficial to children in the community.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:05 p.m. on Monday, February 25, 2002.

Vanessa Hines, Assistant City Clerk