

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, JANUARY 13, 2003
1:00 PM

The regular workshop meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Abrams at 1:03 p.m.

ATTENDING THE MEETING WERE:

Mayor Steven Abrams
Deputy Mayor Susan Haynie
Council Member Dave Freudenberg
Council Member Bill Hager
Council Member Carol Hanson

Also attending the meeting were:

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

1. BOARD INTERVIEWS:

There were no positions available.

2. PUBLIC REQUESTS:

Due to the number of people in attendance having interest in the City's Canal Width Policy, Council decided to hear that presentation immediately after Public Requests.

Lenore Wachtel, President of the Golden Harbour Homeowners' Association, stated that the Association was willing to leave decisions relating to canal width and trimming of foliage to City staff and rely on staff's professional knowledge in this regard.

Steve Reiss, a resident of Golden Harbour, gave a PowerPoint presentation, speaking to the issue of proposed changes to the Marine Structures Code. He voiced concern about the usage of the term, "mean high tide," saying that it would provide for too great of an allowance for boat docks to intrude into the canal. Mr. Reese also commented on a neighbor's existing boatlift, which he stated was not in compliance with the City Code.

Dr. Mark Ericson, owner of the aforementioned boatlift, rebutted statements made by Mr. Reiss and submitted written comments relating to canal width and property owners' rights.

Dr. John Van Blois, a resident of Golden Harbour, also spoke in opposition to the boatlift. David Harvey and Barbara Akins commented on the canal issues, voicing concern about current tight navigation. Paul Gardein (phonetic) asked that, prior to enacting any new legislation, all persons' property rights be considered. Steve Ross spoke to the issue of cutting back the foliage along the canal, expressing concern regarding a possible loss of privacy.

Pat Connell, who opposed the Boca Beach Club expansion, commented on Council's recent approval of the Villas at Spanish River project. She also questioned why the Citizens for Responsible Development did not receive a "legal notice" from the City regarding the City's position not to accept the proposed petition to repeal the approvals for the Boca Beach Club. In addition, Ms. Connell also asked whether the annexation issue would be included on the March ballot. In regard to the possibility that the Florida Department of Transportation may time the opening of the Camino Real Bridge at every 30 minutes in order to alleviate traffic congestion, Ms. Connell suggested that 20 minutes might be a better solution.

Emil Danciu asked Council to rescind the approvals for the Boca Beach Club expansion, specifically, Resolution Nos. 196-2002, 197-2002, and 198-2002, or to move forward with a referendum on the matter. In response, Mayor Abrams noted the legal repercussions of not acting in accordance with State law. Mr. Danciu then spoke to the issue of annexation, stating that City residents should be allowed to vote on this matter. Discussion followed related to the annexation issue.

Sheldon Klasfeld and Marjorie Baker suggested that the International Museum of Cartoon Art building would be an excellent site for their new charter school, the Academic School for the Arts, which they expect to open in August 2003.

Wayne Jones spoke in opposition to the practice of residents renting out their docks to third parties and asked that the Code be amended to prohibit same.

In response to his query, Charlie Ward, a resident in Spanish Village, was advised that the City has no plans, nor has an application been submitted, to rezone NW Second Avenue, between Palmetto Park Road and Glades Road, for commercial use. This topic prompted a discussion regarding the number of homes for sale by the same realtor on NW 35th Street, west of NW Second Avenue and on NW Second Avenue to the north of NW 35th Street. Due to constituents' reports that those residents are being led to believe that the area could soon be rezoned to Commercial, as well as Council Member Freudenberg's telephone call to the realtor, the City Manager was directed to contact the realtor to clarify the matter.

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

a. Marine Structures – Canal Width Policy

Planning and Zoning Director Carmen Annunziato gave the presentation. He explained a draft policy was being proposed to address implementation of the Marine Structures Code where one or both sides of a canal are unstructured. He stated that Council had asked staff to review the Marine Structures Code as it related to the Golden Harbour subdivision to determine whether a Code amendment was necessary to address the method used to establish canal width. Consequently, staff was directed not to issue permits for marine structures within the Golden Harbour subdivision until this matter was resolved. While staff did not believe that a Code amendment was needed, approval of an implementation policy would provide greater clarity in instances where a canal is bounded by a seawall on one side and is unstructured on the other side, or where both sides of the canal are unstructured. If the implementation policy were to be adopted by Council, the zoning-in-process restriction would be lifted, and permit applications would be evaluated on the basis of this policy, if applicable.

Mr. Annunziato then referred Council to his memo, dated December 23, 2002, regarding the Canal Width Policy, and provided specific, proposed language. He also used a graphic to assist in explaining how canal width is measured utilizing "mean high water." It was noted that canal width is a factor in determining placement of marine structures, such as dolphins and boatlifts. The difference between "mean high water" and "mean low water" was clarified. Staff recommended continued use of mean high water for canal measurement instead of using mean low water, as suggested by some residents of Golden Harbour, stating that, among other things, the proposed change could result in existing marine structures being made nonconforming. Mr. Annunziato suggested that this matter be referred to the Marine Advisory Board for a more thorough analysis and concluded his presentation. He then answered questions from Council. Attention focused on the different needs/problems of the various canals within the City and the need to apply the implementation policy, relating to marine installations, in a fair manner. Mr. Annunziato clarified that it would be possible to have different policies for different canals.

Responding to Council, Mr. Ahnell explained that the issue of the canal would be referred to the Marine Advisory Board for additional workshops and public hearings. Regarding the shoaling and dredging, the City would provide the Golden Harbour subdivision with \$10,000 to pay for same. Trimming of foliage is expected to cost approximately \$80,000; the City will work with the neighborhood to ensure that as much privacy as possible is maintained. Mr. Ahnell provided additional information as requested. He noted that renting of docks to third parties would also be referred to the Marine Advisory Board.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

(Consent Agenda Item 3.d. – Resolution No. 7-2003 / Easement Deed from MMS Holdings, LLC) Deputy Mayor Haynie questioned whether the bus shelters would have trashcans and, if so, whether the cans would become part of the maintenance responsibility of the adjacent property owner. Mr. Ahnell stated that he would follow up.

(Consent Agenda Item Nos. 3.j., k., & l. – Resolution Nos. 13-2003, 14-2003 & 15-2003 / Work Orders 7,9, & 10 with Coastal Planning and Engineering, Inc. relating to beach renourishment) Deputy Mayor Haynie questioned when sand would be added to the Central Beach area. Mr. Ahnell said dredging was expected in November or December 2003, after turtle season. Mayor Abrams added that conversations with Senator Atwater and various State officials have been encouraging regarding funding assistance.

(Consent Agenda Item 3.o. – Resolution No. 18-2003 / Grant from the Florida Department of Health for purchase of a fire rescue boat) Deputy Mayor Haynie asked where this boat would be docked and whether the City has negotiated for dockage. Mr. Ahnell said a dock is available off of A1A; the response team is stationed at Fire Station #3, located at A1A and Palmetto Park Road, and would respond with the boat. Ms. Haynie also questioned how often the City has had to respond to marine emergencies. She then confirmed with the City Manager that this grant would provide funding for the purchase of the boat and training for personnel; future maintenance would be the responsibility of the City. Council Member Hanson requested a picture of the aforementioned boat; Mr. Ahnell provided additional information as requested.

(Consent Agenda Item 3.g. – Resolution No. 10-2003 / Agreement with the Florida Philharmonic Orchestra) Council Member Hanson questioned how many free concerts would take place at the amphitheatre in 2003. Mr. Ahnell responded that the City provides for 20 performances, with free admission to the public.

(Consent Agenda Items 3.r. & s. – Resolution Nos. 21-2003 and 22-2003 / Amending the name of a street in Briarcliff at Woodfield and Somerset at Woodfield) Council Member Hanson referenced Internet mapping systems and questioned whether these name changes would become (require) an official United States postal office change. Mr. Ahnell explained that when the change is adopted, it becomes official; depending on what mapping service is used, it may or may not reflect that change.

(Consent Agenda Item 3.n. – Resolution No. 17-2003 / Grant application for development of a municipal comprehensive emergency management plan) Council Member Hanson referenced the population on the barrier islands and questioned whether, in terms of how the census operates, one had to be a full-time resident to be counted. Mr. Ahnell explained that part-time residents are only counted if they declare Boca Raton as their place of residency. Ms. Hanson then requested a copy of the County emergency management plan as it relates to the barrier islands. Mr. Ahnell provided information to Ms. Hanson, as requested.

(Consent Agenda Item 3.p. – Resolution No. 19-2003 / Vulnerability Assessment and Emergency Operations Plan for the City's water system) Council Member Hanson confirmed with the City Manager that the object of this plan is geared toward thwarting terrorists. Mr. Ahnell provided additional information as requested.

b. Sealed Bid (Consent Agenda Item 3.a.1.), for Spanish Village Commercial Area Improvements Project, Phase 1.

Utility Services Director Mike Woika gave the PowerPoint presentation. He explained that this project included installation of a sanitary sewer collection system, rehabilitation of water lines, installation of stormwater lines, installation of reclaimed water lines, and roadway improvements. The area in question is south of Glades Road and east of N.W. 2nd Avenue and is comprised of approximately 36 acres of commercial property and 35 single-family homes. In 2001, the project was expected to cost \$2.4 million; currently, the total cost is projected at \$1,985,828, which includes construction, contingency, and

engineering costs. While the assessment would bring in \$615,566, the balance would be paid out of the Utility Fund for water, the Utility Fund for sewer, the Stormwater Fund and the Utility Fund for reclaimed water. Council had previously determined, by resolution, that the Uniform Method of Collection would be utilized whereby the County would collect the assessment as part of the real estate taxes and remit same to the City. It was noted that assessment costs could be spread over a multiple-year period. Mr. Woika explained how the assessment costs were calculated and provided a recommendation as to how the assessment might be billed annually through the County. He then addressed the issue of the Wastewater System Impact Fee, providing the expected cost to residential property owners, as well as a recommendation as to how this fee might be billed – this time through the City. Mr. Woika provided a timeline of the project schedule from January 2003 through July 2004 and concluded his presentation by stating that the action being requested was award of the construction contract tomorrow night. He, and the City Manager, then answered questions from Council.

- c. Resolution No. 20-2003 (*Consent Agenda Item 3.q.*), which would approve a Park Master Plan for the approximately 300 acres of land acquired by the City which was formerly part of the Boca Technology Center.

Municipal Services Director Robert DiChristopher gave the PowerPoint presentation. He explained that this resolution was seeking approval of the Boca Technology Master Plan and the recently-named Countess de Hoernle Park. Once the Master Plan is adopted, the objective is to obtain concurrency analysis and concurrency approval from the County through their traffic performance standards, resulting in a 4-year vesting period; the project would have a 2006 buildout date. Mr. DiChristopher referred to the Master Plan created by Richard Brooks or RKB Architects Planners, Inc., several months ago, saying that assumptions were made regarding uses and trip generation rates. Some of the proposed uses include a golf training center, library, athletic complex, restaurant, outdoor amphitheatre, community center, ice arena, and a dog park. He stressed that adopting the Master Plan now did not limit the City's ability to amend or revise the Master Plan in the future. Mr. DiChristopher then compared the trip generations between the previous Blue Lake development plan and the current plan, which resulted in a sizeable reduction of trips. He concluded his presentation and answered questions from Council.

- d. Resolution Nos. 2-2003, 3-2003, & 4-2003 (*Regular Agenda Item Nos. 4, 5, & 6*), which relate to proposed petitions for development at Ocean Breeze Golf and Country Club, Inc. (formerly Boca Teeca Country Club).

Development Services Senior Planner Alejandro Zurita gave a joint PowerPoint presentation on the above resolutions. The first petition, Resolution No. 2-2003, related to conditional use and site plan approval for the new clubhouse. Resolution Nos. 3-2003 and 4-2003 related to the master plan and conditional use and site plan approval for the renovation of the existing golf course. The property location, acreage, and zoning information were outlined. Construction of the new clubhouse, the subject of one petition, and renovation of the existing golf course, the subject of a separate petition, constitute one privately-owned recreational facility.

The existing clubhouse would be demolished and a larger facility (26,362 square feet) would be constructed. An existing 9,000 square foot cart-storage building and adjacent cart-staging area are proposed to remain. Parking was addressed; spaces would be provided in two locations. While 203 spaces are required by Code, 209 spaces would be provided.

The golf course would be renovated in three phases. Phase I, generally located east of I-95 and south of Jeffrey Street, is approximately 57 acres and corresponds to the South Course 9 holes. Phase II, to the north, is approximately 79 acres and identified as the North Course (9 holes) on the master plan. Phase III is located to the east, adjacent to the FEC Railroad tracks, and identified as the Ease Course 9 holes.

The Planning and Zoning Board reviewed the three related petitions on November 7, 2002. The two petitions regarding the golf course were recommended for approval, as submitted. The petition regarding the clubhouse was recommended for approval with two additional conditions, which would be reviewed tomorrow night. Mr. Zurita then provided information related to public input, stating that most questions involved the clubhouse; the majority of people were in favor of the project. In conclusion, staff

recommended approval of the subject petitions. He concluded his presentation and answered questions from Council.

- e. Ordinance No. 4684 & Resolution No. 1-2003 (Regular Agenda Item Nos.7 and 7.a), which relate to the issuance of general obligation bonds.

Financial Services Director Mervyn Timberlake gave the PowerPoint presentation, stating that in the November 5, 2002 election, voters approved the bond referendum for fire station construction by almost 72%. The bonds would be used to construct and equip two new fire stations and related administration building and support facilities. In addition, five existing fire stations would be renovated. Regarding property taxes, it was noted that a homesteaded residence assessed at \$200,000 would pay \$23 annually. The projected total debt service is expected to be \$25,291,500. Mr. Timberlake then explained that the ordinance would authorize issuance of the Bonds, provide for 20-year GO Bonds, and provide for payment from property taxes. Resolution No. 1-2003 establishes how the Bonds would be sold and awarded, authorizes the City Manager and Financial Services Director to accept Competitive Bids if the interest rate is below 6%, and approves the Official Statement and allows for Internet bidding. He concluded his presentation and answered questions from Council.

5. CITY MANAGER REPORTS

The City Manager stated that since the Marine Structure issue had already been addressed, he had no additional reports at this time.

6. CITY ATTORNEY REPORTS:

Ms. Frieser stated that the City had recently resolved the election litigation; a voluntary dismissal was approved by the Court and has been filed.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Hager mentioned that a constituent had asked him about the possibility of installing a left turn signal at the intersection of Potomac and St. Andrews Boulevard, as one heads west on Potomac. Mr. Ahnell stated that the traffic/engineering department would evaluate the feasibility of a signal at that site.

Council Member Freudenberg mentioned the tendency of various companies, hotels, and restaurants to rope off prime parking spaces for use as paid valet parking, resulting in people parking on swales, grass, and yards. He suggested that Council might wish to address this issue in future development approvals.

Council Member Freudenberg commented on the completion of Spanish River Boulevard and questioned whether any vacant lots now exist, which may be given to Habitat for Humanity.

Noting that there is an upcoming election, Council Member Freudenberg requested that everyone cooperate in refraining from involving spouses in any personal attacks.

Deputy Mayor Haynie expressed pleasure that Highland Beach has agreed to assist in funding the manatee study and asked for an update on the study. Mr. Ahnell explained that an RFP (Request for Proposal) has already been issued.

Deputy Mayor Haynie mentioned that the League of Cities discussed the issue of taxing utilities outside of the City limits. She asked for an update regarding what type of liability the City might face by doing so. Mr. Ahnell stated that this was a major issue and provided various scenarios as to how the City might be impacted. Ms. Haynie requested that this situation be monitored as it related to fiscal impacts on the City.

Council Member Hanson asked how many City employees have been called to active military duty and what departments are being affected. She voiced concern that this might negatively impact Utility Services and result in one plant operator per shift. Mr. Ahnell reassured Council that the City had no intention of resorting to one-person shifts, as happened years ago.

Council Member Hanson expressed concern regarding a very large Midnight Sun tour bus that she observed crossing the Camino Real Bridge and questioned what the tonnage limitations are for that bridge. She also asked for information relating to the weight and the width of that particular bus.

Council Member Hanson mentioned the Mizner Forest beautification problem and asked for an update. Mr. Ahnell is to follow up.

Council Member Hanson referred to the Community Appearance Board (CAB) appeals, which were listed on the agenda as being conducted in a quasi-judicial manner. She questioned whether these appeals had always been conducted as quasi-judicial. The City Attorney explained that quasi-judicial procedures have been followed when hearing the appeals for quite some time.

Council Member Hanson inquired if the issue regarding the Temporary Certificates of Occupancy for Mizner Grande had been resolved. Mr. Ahnell is to follow up.

Council Member Hanson commented on how the permitting issue regarding the Hillsboro Canal had again arisen. Deputy Mayor Haynie confirmed that it is a pending issue and State Representative Adam Hasner has become involved.

Council Member Hanson asked whether the straightening of Airport Road was being delayed. Mr. Ahnell advised that the City had not received any notification from the State in that regard.

Council Member Hanson stated that she couldn't support the settlement of the airport litigation, expressing she has too many reservations regarding the underground storage tanks. She said her concerns were supported by information that she had acquired from the Office of Underground Storage Tanks Internet site. Ms. Hanson said she has additional questions for the Airport Authority and asked whether Airport Director Ken Day could answer them by tomorrow night. The City Attorney distributed Boca Raton Airport title documents that she had compiled at Council Member Hanson's request and reviewed her memorandum to Ms. Hanson referencing same.

Mayor Abrams referred to a letter from the Chamber of Commerce regarding recent events in Spandau, Germany and a Reuters news article, which imparted additional information relating to the rioting over a proposed street-name change. He stated that Council was requested to contact the Mayor of Spandau for an explanation and an update. Barring any objections from Council, he would follow through with that request.

Mayor Abrams reported that the Florida League of Cities and the National League of Cities had requested that the City write Congress in support of funding for the Homeland Security Department. Council agreed that a letter should be prepared and forwarded accordingly.

Mayor Abrams advised that he met with Johnnie Byrd, the new Speaker of the Florida House of Representatives, last week. Mayor Abrams tendered the list of legislative priorities to Speaker Byrd and briefly discussed same as well. He reported that Speaker Byrd appeared interested in the transportation funding and, in particular, the FAU connection.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 4:00 p.m. on Monday, January 13, 2003.

Vanessa Hines, Assistant City Clerk