

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, AUGUST 27, 2002  
6:00 PM

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

**INVOCATION:**

The invocation was given by Deputy Mayor Haynie.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Mayor Steven L. Abrams  
Deputy Mayor Susan Haynie  
Council Member Dave Freudenberg  
Council Member Bill Hager  
Council Member Carol Hanson (arrived at 6:05 p.m.)

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to move consideration of Item 8., FPL Update, as the next item of business after Regular Business – Part I, Item 1. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes.*

**PROCLAMATIONS:**

Ovarian Cancer Awareness Month – September 2002

The proclamation was accepted by Shelley Rosenberg, Community Relations Director for the National Ovarian Cancer Coalition.

**AWARDS/RECOGNITIONS:**

There were no awards or recognitions.

**MINUTES:**

Minutes of the Council Planning Session of May 1, 2002  
Minutes of the Strategic Planning Workshop of May 2, 2002  
Minutes of the Regular Workshop Meeting of July 22, 2002  
Minutes of the Regular Meeting of July 23, 2002  
Minutes of the Budget Workshop Meeting of July 30, 2002

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

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:

- a. Advisory Board for the Physically and Mentally Challenged – one (1) vacancy due to resignation of Alexander Martone, whose term expires 04/23/03.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to appoint Lee Glynn. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

Lee Glynn was appointed.

- b. Community Relations Board – two (2) student positions.

Doug Haskins interviewed for the position.

*Motion was made by Council Member Hanson, seconded by Council Member Hager, to appoint Elizabeth Barron and Doug Haskins to the Community Relations Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

Elizabeth Barron and Doug Haskins were appointed to fill the student positions.

- c. Telecommunications Advisory Board – three (3) vacancies, due to term expirations of Arnold Granet, Gene A. Folden, and Claudette Deien, whose terms expire 09/08/02.

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to re-appoint Arnold Granet and Gene Folden to the Telecommunications Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

Arnold Granet and Gene Folden were appointed.

8. FPL Update (CITY MANAGER RECOMMENDATIONS AND REPORTS:)

Mayor Abrams explained that this was not a public hearing. However, after the staff report, Florida Power & Light (FPL) and Woodfield Country Club would have ten minutes each to be heard in regard to the transmission line issue. At Mayor Abrams' request, the court reporter stated she was present at the request of FPL.

The City Manager advised that the questions related to the 8/10 of a mile issue would be addressed, along with other related issues. Mr. Ahnell then introduced Assistant City Manager George Brown, who provided the update.

Mr. Brown explained that staff had met on numerous occasions with FPL representatives to discuss the route selection process, the analysis undertaken, the criteria used in the analysis, and the data to which the criteria was applied. Regarding appropriateness, objectivity, and impartiality of the criteria developed by FPL, the City and FPL have "agreed to disagree." Mr. Brown then clarified that the direction given to him by Council was to determine whether the analysis was consistent.

In reference to the methodology used by FPL to categorize the 0.81-mile in question, Mr. Brown stated that the City discovered several errors. However, the re-calculations did not result in a different transmission line route; the route selection coincided with that originally reached by FPL. During this time, additional questions about the study and applications of the criteria arose. Mr. Brown contacted FPL, in writing, regarding these questions. On August 20, 2002, Mr. Brown met with FPL representatives,

who provided verbal responses to his queries. At that same meeting, FPL advised that a detailed audit of the criteria and data had been completed, and some errors had been discovered. Corrections were made and re-calculations took place, which did not result in the designation of a new transmission line route; the same proposed route remained the best option, according to FPL. Mr. Brown then provided the rankings of the five favored routes both before and after the audit. He concluded his presentation by stating that, based on the verbal information provided by FPL at the August 20<sup>th</sup> meeting regarding the criteria, data, calculations, and the corrections they made, it appeared that the criteria were consistently applied to the data, and the calculations were correctly performed. Mr. Brown then answered questions from Council.

Christopher Wheeler, the attorney representing FPL, reviewed gestures made by the utility company to appease the City and the homeowners. He then referred to the "height ordinance" recently adopted by the City and asked that the appropriate section of the Code be amended to exclude the electrical poles from the height restriction. He stated FPL's position is that the ordinance is unconstitutional and breaches agreements FPL has with the City. Mr. Wheeler further stated that, although FPL had no desire to do so, his client would take legal action if the Code section were not revised. He then answered questions from Council.

Rod Macon and Daniel Hronec, FPL representatives, expressed the need for increased power in the Boca Raton area as being critical and maintained their belief that the proposed transmission line is the best option available. They provided additional information to Council as requested.

Council Member Hanson appealed to FPL to take 30 days to work with the City to find a route that is more palatable to the City and the homeowners. Mr. Wheeler advised he did not have the authority to commit to that action, but the suggestion would be taken under consideration.

Rick Coffin and Karen Posner, homeowners in Woodfield Country Club and representatives of the residents in that community, expressed strong opposition to the proposed transmission line, citing decreased property values and possible health hazards from the electro-magnetic fields.

*Motion was made by Council Member Hanson, seconded by Council Member Hager, to direct the City Attorney to prepare an ordinance to delete the height restriction on FPL's transmission poles. Motion failed 1-4; Council Member Hanson voting yes. Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voted no.*

The meeting recessed at approximately 7:50 p.m. and reconvened at approximately 8:00 p.m.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.o., Resolution No. 137-2002 – Work Order No. 9 with Hazen and Sawyer, P.C.) A memo was provided explaining that the Florida Department of Environmental Protection (FDEP) has proposed changes to environmental regulations, which would require a reduced ammonia level in ocean outfall. The FDEP has said that this proposed standard is used for ocean outfalls by many other states; however, this does not appear to be the case. The new standard would also be very costly. The City has requested this work order to ensure that the standard proposed by the FDEP is necessary, justified, and based on fact, rather than speculation.

3. Consent Agenda:

*Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to approve the Consent Agenda minus Item Nos. 3.e.1. and 3.t., which will be considered as the next items of business, and with Item x., Initial Assessment Resolution No. 01-I, as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

Responding to a query from Council Member Hanson, the City Attorney explained that Initial Assessment Resolution No. 01-I was revised to amend a definition relating to residential and commercial areas and to reflect the exact dollar amount to be assessed, as opposed to listing an estimate.

- 3. a. Sealed Bid
  - 1) Offsite Water Transmission Mains,  
Concentrate Piping & Lift Station Force Main  
Requested by Utility Services  
Astaldi Construction Corporation \$848,261
- b. Competitive Sealed Proposal
  - 1) Bi-Directional Tractor (Replacement)  
Requested by Recreation Services  
Sunrise Tractor And Equipment Inc. \$82,987
- c. Sealed Renewal
  - 1) Overhead Door, Gate and Operator Maintenance Renewal  
Requested by Municipal Services Recreation Services  
Electronic Door Lift, Inc. \$53,310
- d. Intergovernmental Agreement
  - 1) Electric Motor Service Repairs  
Requested by Utility Services  
Tampa Armature Works, Inc. \$63,641
- e. Sole Source
  - 2) Radio Communication Device  
Requested by Fire Rescue Services  
Fisher Scientific Company LLC \$64,600
- f. Resolution No. 127-2002  
  
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to the Agreement with KPMG, LLP for the provision of financial auditing services; providing for severability; providing for repealer; providing an effective date
- g. Resolution No. 128-2002  
  
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Emergency Services Agreement for mutual assistance and automatic aid with the City of Delray Beach for the purpose of providing and receiving emergency fire rescue services assistance; providing for severability; providing for repealer; providing an effective date
- h. Resolution No. 129-2002  
  
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Emergency Services Agreement for mutual assistance and automatic aid with the City of Deerfield Beach for the purpose of providing and receiving emergency fire rescue services assistance; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 130-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Emergency Services Agreement for mutual assistance and automatic aid with the City of Boynton Beach for the purpose of providing and receiving emergency fire rescue services assistance; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 131-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Emergency Services Agreement for mutual assistance and automatic aid with Palm Beach County for the purpose of providing and receiving emergency fire rescue services assistance; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 133-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the National Center for Missing & Exploited Children (NCMEC) for the LOCATER (Lost Child Alert TEchnology Resource) Project; 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

l. Resolution No. 134-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a joint participation agreement with the State of Florida Department of Transportation for the purpose of obtaining reimbursable funding for the installation of Enhanced Traffic Calming Speed Humps on standard local residential streets and to develop traffic calming alternatives for local residential streets which are used routinely by Fire/Rescue vehicles and cannot tolerate vertical deflections; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 135-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from the School Board of Palm Beach County, over certain lands located at 103 S.W. 1<sup>st</sup> Avenue; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 136-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with William R. Welhaf, M.D., for the purpose of providing professional services as Medical Director for emergency & non-emergency medical services provided by the Fire-Rescue Services Department and the City; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 137-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No.9 with Hazen and Sawyer, P.C. for the purpose of providing consulting engineering services related to the study and evaluation on un-ionized ammonia standards proposed by the State of Florida Department of Environmental Protection; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 138-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 3 with CH2M Hill Inc. for the purpose of providing consulting engineering services related to an evaluation of the wastewater mains crossing the Intracoastal Waterway; providing for severability; providing for repealer; providing an effective date

q. Resolution No. 139-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 8 with Kimley-Horn and Associates, Inc. for the purpose of providing professional engineering services for Spanish River Boulevard Phase II widening capital improvement project; providing for severability; providing for repealer; providing an effective date

r. Resolution No. 140-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Eric and Melissa Zeitlin for the purpose of providing the placement of a fence within the El Rio Canal right-of-way located adjacent to 730 NW 7<sup>th</sup> Avenue; providing for severability; providing for repealer; providing an effective date

s. Resolution No. 141-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a temporary license agreement with Palm Beach County for the purpose of allowing Palm Beach County to manage, on a temporary basis, certain lands adjacent to the Yamato Road right-of-way, as more particularly described herein; providing for severability; providing for repealer; providing an effective date

u. Resolution No. 143-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 6 with Kimley-Horn & Associates, Inc. for the purpose of providing consulting engineering services; providing for severability; providing for repealer; providing an effective date (Pertains to Airport Road)

v. Resolution No. 144-2002

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Reverend James Murtagh, as Apostolic Administrator of the Diocese of Palm Beach, over certain lands located at 7250 North Federal Highway; providing for severability; providing for repealer; providing an effective date

w. Resolution No. 145-2002

A resolution of the City of Boca Raton approving and adopting the Goal Setting Session Report of May 2 and 3, 2002 (entitled "Leadership 2002") and the Strategic Plan 2002-2006 Update (including the Action Agenda for 2002-2003); providing for severability; providing for repealer; providing an effective date

x. Initial Assessment Resolution No. 01-l (as revised)

A resolution of the City of Boca Raton providing for the construction, reconstruction and repair of storm sewers in Royal Palm Yacht & Country Club Subdivision; as more particularly described herein; adopting the assessment plat and plans and specifications submitted by the City Engineer; determining to defray the expense thereof by special assessments against the properties specially benefited thereby; directing the City Engineer to prepare an assessment roll; providing for severability; providing for repealer; providing an effective date

y. Board Resignation

- 1) Resignation of Claudette Deien from the Telecommunications Advisory Board
- 2) Resignation of David Schmidt as Director of Boca Raton Educational Television (B.R.E.T.)

z. Receive and File

Board Orders

- 1) Builders' Board of Adjustment and Appeals
  - a) Case No. BBAA-02-2721
- 2) Special Master
  - a) SM (G) Case No. 2-657
  - b) SM (G) Case No. 1-4864
  - c) SM (G) Case No. 2-749
  - d) SM (G) Case No. 2-1488
  - e) SM (G) Case No. 01-3341
  - f) SM (G) Case No. 00-307
  - g) SM (G) Case No. 2-1494
  - h) SM (G) Case No. 2-1116

Board Minutes – August 27, 2002

- 1) Community Appearance Board
  - June 25, 2002
  - June 26, 2002
  - July 2, 2002
  - July 9, 2002
  - July 16, 2002
- 2) Environmental Advisory Board
  - June 20, 2002
- 3) Financial Advisory Board
  - May 20, 2002
- 4) General Employees' Pension Board
  - June 12, 2002
- 5) Marine Advisory Board
  - June 12, 2002
- 6) Pearl City Blue Ribbon Committee

- June 27, 2002
- 7) Physically and Mentally Challenged Advisory Board  
June 6, 2002
- 8) Planning and Zoning Board  
June 6, 2002
- 9) Planned Unit Development Subcommittee  
June 20, 2002
- 10) Police and Firefighters' Pension Board  
June 19, 2002  
July 2, 2002
- 11) Special Master  
April 24, 2002
- 12) Zoning Board of Adjustment  
June 13, 2002

**Consideration of Items removed from the Consent Agenda:**

e. Sole Source

- 1) Portable Gas Chromatograph & Mass Spectrometer Unit  
Requested by Fire Rescue Services  
Inficon \$122,865

Council Member Freudenberg reported that a demonstration of the GCMS convinced him that it is a very effective analytical tool. He advocated strong support for purchase of this equipment.

*Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to approve the expenditure. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager, and Hanson voting yes.*

t. Resolution No. 142-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an amendment to the Agreement with the Firefighters of Boca Raton, Local 1560, I.A.F.F., Inc., effective October 1, 2002 through September 30, 2005; providing for severability; providing for repealer; providing an effective date

The City Manager explained that this was a three-year extension of the existing I.A.F.F. agreement. He then provided a brief overview of the annual cost, over the next three years, of implementing the proposed changes to the plan as outlined in his memo to Council, dated August 6, 2002.

*Motion was made by Council Member Freudenberg, seconded by Council Member Hanson, to adopt Resolution No. 142-2002. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager, and Hanson voting yes.*

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

There were no quasi-judicial public hearings.

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

There were no regular public hearings.

**REGULAR BUSINESS – PART IV – SETTLEMENTS**

4. Settlement of Liability Claim  
Case No. AL95-0039-US

Risk Manager Pam Gardner presented the recommendation for settlement and provided additional information to Council, as requested.

*Motion was made by Council Member Hanson, seconded by Council Member Hager, to approve the City Manager's recommendation for settlement. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager, and Hanson voting yes.*

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

5. Ordinance No. 4668

An ordinance amending Section 2-285.1, Code of Ordinances, to provide that one member of the Telecommunications Advisory Board shall be the Executive Director of Boca Raton Educational Television, Inc. and such member shall not be required to be a resident of the City; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Hanson.

6. Ordinance No. 4669

An ordinance of the City of Boca Raton amending the Fiscal Year 2001-2002 budget through the Third Quarterly Budget Amendment; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Deputy Mayor Haynie.

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

No one wished to speak under public requests.

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

7. Resolution No. 114-2002

A resolution of the City of Boca Raton, Florida; to be adopted in connection with the proposed issuance of general obligation bonds in the aggregate principal amount of not exceeding \$17,500,000 for the purpose of financing the renovation and improvement and/or replacement of five (5) existing fire stations and the construction and equipping of two (2) new fire stations and related administration building and support facilities located in the City of Boca Raton, Florida for the purpose of maintaining adequate fire safety facilities, in the City of Boca Raton, Florida; calling for a bond referendum of the qualified electors of the City of Boca Raton, Florida to be held on November 5, 2002, as to whether general obligation bonds for such purpose should be issued; and providing an effective date

a) Resolution No. 146-2002

A resolution of the City Council of the City of Boca Raton declaring the City's official intent to seek reimbursement for certain capital expenditures made or to be made with respect to the renovation and improvement and/or replacement of five (5) existing fire stations and the construction and equipping of two (2) new fire stations and related administrative building and support facilities located within the City from the proceeds of its not to exceed \$17,500,000 General Obligation Bond issue; providing for severability; providing for repealer; providing for an effective date

Fire-Rescue Services Chief Bruce Silk made a brief presentation relating to Resolution No. 114-2002, explaining that improvements to the existing fire stations and construction of two new stations is needed to: 1) accommodate a diversified work force, 2) meet current health and safety standards, 3) harden structures to withstand hurricanes, 4) increase apparatus storage capacity, and 5) provide for police substations.

Mervyn Timberlake, Director of Financial Services, explained that passage of Resolution No. 146-2002 is necessary in order for the City to obtain reimbursement for capital expenditures before the bonds are issued. He added that the Internal Revenue Service requires the City to declare its official intent in connection with incurring any capital expenditures, prior to bond issuance, in order for the City to be reimbursed once the bonds are actually sold.

No one came forward to speak during the public hearing.

In response to a prior inquiry, the City Attorney confirmed with Council that the ballot question may be comprised of up to 75 words.

*Motion was made by Council Member Hanson, seconded by Deputy Mayor Haynie, to adopt Resolution No. 114-2002. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager, and Hanson voting yes.*

*Motion was made by Deputy Mayor Haynie, seconded by Council Member Hanson, to adopt Resolution No. 146-2002. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager, and Hanson voting yes.*

**APPEAL OF BOARD DECISIONS:**

There were no appeals to consider.

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

Follow-up regarding FPL Issue

The City Manager advised that he would keep Council apprised of developments regarding FPL. Following a suggestion from Mayor Abrams, Council directed Mr. Ahnell to send a letter to FPL, concerning the suggestion of a 30-day interval, during which time a mutual resolution of the issue might be achieved.

FAU Master Plan and CDA

Mr. Ahnell reported that the FAU Master Plan and Campus Development Agreement (CDA) was on the Board of Education's Thursday agenda for approval.

Boca Elementary Gym

Following an appeal for support from Diane Borchardt, President of the Board of Directors of the Boca El Gym Fund, the City Manager was directed to prepare a letter, addressed to the Palm Beach County

School Board, to request a two-month extension of the deadline set for obtaining funding for the Boca El Gym.

**CITY ATTORNEY REPORTS:**

The City Attorney had nothing to report at this time.

**MAYOR AND COUNCIL MEMBER REPORTS:**

Council Member Freudenberg asked for removal of the "For Sale" sign on the City's property at Spanish River Boulevard and Military Trail, and questioned the posting of a campaign sign attached to it.

Deputy Mayor Haynie asked the City Manager to follow up on a citizen's allegation that Deerfield Beach is discharging wastewater into the Hillsboro/EI Rio Canal.

Deputy Mayor Haynie requested further input from staff regarding the Federal Railroad Administration (FRA) train rule. The City Manager commented on the City's efforts to motivate the FRA to act on the issue of establishing a quiet zone. Assistant City Manager George Brown stated that a mandate from Congress, a result of legislation adopted in 1996 and amended in 1999, could be used as leverage to apply pressure on the FRA.

Council Member Hanson asked that staff investigate if there is a code violation at a business in Winfield Plaza that has erected an inflated sign.

In response to a query from Council Member Hanson, the City Manager advised that new plans for the Boca Beach Club have been submitted, and the petition would likely come before Council in November.

Council Member Hanson asked if the results of the cryptosporidium tests had been received. Mr. Ahnell advised that he had recently learned that Dr. Rose is moving her lab to the University of Michigan; therefore, testing options will need to be addressed.

**ADJOURNMENT:**

*Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adjourn the meeting. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.*

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 8:53 p.m. on August 27, 2002.

\_\_\_\_\_  
Steven L. Abrams, Mayor

ATTEST:

\_\_\_\_\_  
Sharma Carannante, City Clerk