

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, MARCH 18, 2002
1:00 PM

The regular workshop meeting of the City Council of the City of Boca Raton, Florida was called to order at 1:00 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

1. BOARD INTERVIEWS:

- a. Builders' Board of Adjustment and Appeals – (1) one vacancy due to complete the term of Lee Walker. Term expires 02/15/04.

No one came forward to interview.

- b. Citizens' Pedestrian & Bikeway Advisory Board – (1) one vacancy due to resignation of Constance Scott. Term expires 01/12/04.

Anita Pearson interviewed for the position.

- c. General Employees' Pension Board – (1) vacancy due to term expiration of David E. Norris. Term expires 03/29/02.

David Norris and Robert Daniels came forward to interview.

- d. Planning & Zoning Board – (2) vacancies due to term expirations of Joanne Morrison and William E. Fairman. Terms expire 03/31/02.

Alfred Gladstone and Joanne Morrison interviewed for the positions.

- e. Police & Fire Pension Board – (2) vacancies due to term expirations of Richard Robinson and John D. Girard. Terms expire 03/29/02.

John Girard expressed interest in retaining his position.

- f. Telecommunications Advisory Board – (1) vacancy due to resignation of Jose F. Gonzalez-Heres. Term expires 09/08/02.

Arnold Granet came forward to interview.

- g. Zoning Board of Adjustment – (2) vacancies due to term expirations of John P. von Stetten and Steve Utrecht. Terms expire 04/10/02.

Alfred Gladstone interviewed for the position. In addition, a letter from Steve Utrecht was submitted; Mr. Utrecht expressed interest in retaining his position on the board.

2. PUBLIC REQUESTS:

General Employees' Pension Board Member John Reilly requested reappointment of David Norris to the General Employees' Pension Board.

Ray Trombly, on behalf of San Remo and Boca Raton Yacht & Racquet Club, spoke in support of a slow wake zone in the Intracoastal Waterway to protect the manatee population. He opined that the City has given up on this issue and asked for an update. Mr. Ahnell advised that the City has approached the State on several occasions. Unfortunately, the photographs and data, as submitted by the task force and City staff, was not satisfactory to the State; the State has indicated that anything other than a commissioned study will not be acceptable.

Joe Rubino indicated that he had a conflict with a code enforcement staff member. He was advised to contact the City Manager to discuss the matter. On another topic, Mr. Rubino stated that construction, taking place at the corner of Dixie Highway and Spanish River Boulevard, had resulted in sprinkler lines being cut on his commercial property. He inquired as to whether the City would make restitution. Mayor Abrams confirmed that the City would take care of the sprinkler lines as part of the project.

Joan Karp with the Palm Beach County League of Women Voters questioned why the contract with Adelphia was being delayed, when the contract would be signed, and what provisions would be included in that contract for the community. Mayor Abrams explained that he would be meeting with Adelphia this week and would bring forward these concerns.

Malka Kornblatt referenced her letter to the Mayor, which expressed concern over the noise made by the Goodyear Blimp. She also stated that the Blimp could be a potential danger to citizens should it encounter mechanical difficulty when hovering over residential neighborhoods. She was advised that the matter had been referred to the Airport Authority. Ms. Kornblatt then questioned why the road construction on N.W. 2nd Street has not yet been completed, saying that the road is hazardous, due to protruding manhole covers. Mr. Ahnell explained that the final paving would take place in June or July of this year. He added that, by repaving the entire project area at one time, tax dollars are being saved.

William Fairman expressed interest in retaining his position on the Planning & Zoning Board.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the Agenda.

(Consent Agenda Item No. 3.f. – Taser Stun Guns) Council Member Freudenberg questioned why a total of 170 taser stun guns were needed for 155 police officers. The City Manager explained that the additional tasers are used as back-ups should some units need repairs or experience mechanical difficulties. He then confirmed with Mr. Freudenberg that the tasers have been very successful, since they provide police officers with a non-lethal option for handling potentially dangerous situations.

(Consent Agenda Item No. 3.j. – Resolution No. 48-2002 / Stormwater management designs for Old Floresta and Boca Raton Heights) Council Member Freudenberg questioned where the funds would come from to implement the study. Mr. Ahnell explained that the funds come out of the stormwater management fee, which is charged on the City's water/sewer bill. Council Member Haynie followed up by asking whether the money from the stormwater management fee would also be funding a study for sanitary sewers. Mr. Ahnell responded that, while the engineers are conducting the study, they would simply be in a position to observe whether some areas are in need of sanitary sewers; they will not perform an actual study for sanitary sewers.

(Consent Agenda Item No. 3.i. – Resolution No. 50-2002 / Engineering services for compliance with National Pollutant Discharge Elimination System {NPDES} Permit Year 5) Council Member Freudenberg asked for clarification on this item. The City Manager explained that the NPDES is a federal mandate. Palm Beach County,

and every municipality in Palm Beach County, are co-applicants and are required to meet a 5-year permit agreement. The NPDES provides conditions or criteria, which the City must meet in order to clean up stormwater runoff and pollutants from cars, such as oil and gas, and maintain cleaner ground water.

(Consent Agenda Item No. 3.a.1. – Palmetto Park Road Beautification) Council Member Haynie asked for an explanation of the alternate bid. Mr. Ahnell is to follow up.

(Consent Agenda Item 3.b.1. – Submersible Wastewater Pumps) Council Member Haynie requested an update of the lift station conversion process. The City Manager is to follow up.

(Consent Agenda Item 3.m. – Resolution No. 51-2002 / Grant for a police vessel dockage facility) Council Member Haynie questioned whether this facility would be for police boats only, or if this dock would replace the one that collapsed. She also questioned the status of funding from the County. Mr. Ahnell responded that the dock would be for police boats only; it will be constructed in the vicinity of the collapsed dock. Approximately \$200,000 is needed for construction; 50% of the funding is being requested. Regarding the collapsed recreational dock, some funding from the County should be allocated next year for the dock replacement. The City is considering a floating dock, which would be built across the lagoon from the police dock. Deputy Mayor Hanson referenced the licensing of boats through Tallahassee, questioning how much money Boca Raton contributes, how much of that money returns to the City, and where the money goes. Mr. Ahnell is to follow up.

(Consent Agenda Item 3.o. – Resolution No. 53-2002 / Agreement with PMG Associates, Inc. for an annexation study) Council Member Haynie asked for a breakdown in cost of the four regions, which constitute the Reserve area. She also questioned whether the cost to benchmark all the non-conformities in the western area is considered a “special problem,” as outlined in a section entitled, “Scope of Work.” Mayor Abrams clarified with Ms. Haynie that she was asking for an inventory of non-conformities, how those issues would be addressed, and the cost involved. The City Attorney indicated that the non-conformities would probably not fall under, “Scope of Work,” as this would be a very large task; she then outlined options as to how the non-conformities might be handled. Mr. Ahnell added that this study would take a more generalized overview of non-conformities and would not include specific non-conformities for each property. Council Member Haynie then referenced, “service requirement costs,” which would extend police, fire/rescue, and municipal services to the Reserve area, and stated that, regarding utilities, development services, and general administration, no mention is made that additional facilities would be provided. She questioned whether that issue was discussed during the RFP procedure. Mr. Ahnell explained that it would be addressed in this study as part of the service requirements; personnel costs and/or capital costs would be identified. He then provided a breakdown of the costs to study all four areas individually.

(Consent Agenda Item 3.d.1. – Red Reef Park Renovations and Additions) Council Member Glass questioned whether the Beach and Parks Tax District was aware of this second Change Order and whether it had been approved by that body. Mr. Ahnell responded that the District is aware of the changes, stating that they have approved the Change Order. Mr. Glass then voiced concern over the deteriorating pavilions at South Beach Park and requested the status of same. Mr. Ahnell replied that the procedure has been lengthy, due to the permitting process, environmental concerns, and simply working with the State. Planning and Zoning Director Carmen Annunziato provided additional information, saying the site plan should come before Council in the next 4 to 6 weeks for a Coastal Construction Control Line variance. Mr. Ahnell voiced that construction should begin by late summer.

(Traffic signalization) Council Member Glass commented on problems with signalization within the City and asked for an update on the traffic signal system. Mr. Ahnell explained that the City was going to approach the County again about this issue, since there are traffic lights within the City, which are controlled by the County. Responding to another question, Mr. Ahnell advised that the City was still interested in a three-county traffic control system and is currently working with the Department of Transportation (DOT) on this project. However, it is a long-term venture. Mr. Glass then specifically asked the City Manager to review the signals on Palmetto Park Road at Federal Highway, Dixie Highway, and NW 2nd Street. Mr. Ahnell explained that a study is being conducted in that area; results of the study are expected in July.

(Consent Agenda Item No. 3.a.2. – Supply & Installation of Three Phase Uninterruptible Power System {UPS} Replacement) Deputy Mayor Hanson asked: 1) whether all three UPSs would go into effect at the same time, 2) how old they are, 3) whether they had anything to do with the recent power outage, and 4) whether there is a

connection between the UPS and the high-frequency pumps installed at the water treatment plant. Mr. Ahnell is to follow up.

(Consent Agenda Item No. 3.f. – Taser Stun Guns) Deputy Mayor Hanson questioned whether the taser guns were reusable. Mr. Ahnell explained how the tasers work, stating that they are reusable.

(Consent Agenda Item No. 3.n. – Resolution No. 52-2002 / Agreement with Grant Thornton LLP to provide internal audit services) Deputy Mayor Hanson questioned why the term, “culture,” is included in what the plan is expected to address. Mr. Ahnell explained that the term refers to issues that the City must address, as an organization, as they relate to multi-ethnicity. Ms. Hanson then asked whether the citywide risk assessment would be completed in a year. Mr. Ahnell responded that completion is expected by the end of the year. In next year’s budget, specific projects will be identified and recommendations can be made. Ms. Hanson confirmed with Mr. Ahnell that this is the standard contract that the City has with its other auditors. She then confirmed with Mr. Ahnell that this is an independent audit firm and no personal relationship exists between Grant Thornton LLP and any City staff members.

(Regular Agenda Item No. 7 – Ordinance No. 4634 / Classification of Division and Department Heads as at-will employees) Deputy Mayor Hanson requested a list of all Division Heads and Department Heads in the City.

- b. Resolution Nos. 45-2002, 46-2002, & 47-2002 (*Regular Agenda Item Nos. 4, 5, & 6*), which would grant a variance pursuant to the City of Boca Raton Coastal Construction Control Line Setback Ordinance for the Boca Raton Resort and Club; grant conditional use approval for the Boca Beach Club; and grant Planned Unit Development Master Plan Approval of the proposed Boca Beach Club Planned Unit Development, located at 900 South Ocean Boulevard.

Mayor Abrams explained that the above resolutions had been withdrawn for consideration at the petitioner’s request. Therefore, no presentations would be made. Discussion turned to how the City might accommodate any citizens who may wish to speak on the above resolutions tomorrow night.

- c. Ordinance No. 4634 (*Regular Agenda Item No. 7*), which would amend Article 1, Section 1, and Article 10 of the Personnel Rules and Regulations to provide that the following positions shall be in the unclassified service and that persons appointed to the following positions shall be at will employees: Department Heads appointed on or before January 23, 1979 and Division Heads appointed on or before November 24, 1987.

The City Manager gave a brief presentation, explaining that this ordinance would change the language in the code to be more consistent with regard to the term, “at will status,” as it relates to Division Heads and Department Heads; only three employees would actually be affected by this modification. Mr. Ahnell then answered questions from Council.

- d. Ordinance No. 4635 (*Regular Agenda Item No. 8*), which would amend Section 8-27, Code of Ordinances, to require nonprofit religious, nonprofit charitable and nonprofit educational institutions to obtain a Certificate of Use prior to occupying a building.

Manager of Administrative Services for Development Services, Ruby Childers, gave the presentation. She explained that Chapter 8 of the City Code provides definitions for businesses but does not currently include nonprofit entities in those definitions. Since more nonprofit organizations, particularly churches, are locating in retail centers and warehouses, changes in use intensity are taking place. As a result, zoning and health/safety regulations are affected; parking is also an issue in some cases. Staff contacted other municipalities and discovered that those cities utilizing a Certificate of Use program have included nonprofit uses in their definitions to maintain consistency in code enforcement. They charge fees and conduct inspections to ensure that zoning and health/safety regulations are being met. Ms. Childers estimated that, should this ordinance pass, approximately 150 currently existing nonprofit entities could be brought into compliance within a year. While this ordinance is not revenue-based, expected revenue from items, such as application fees, would be approximately \$11,000 annually. Benefits of this ordinance would include requirement of a Certificate of Use, monitoring of use changes, and consistency in code enforcement. Ms. Childers concluded by stating that staff recommended approval and then answered questions from Council.

- e. Ordinance No. 4636 (Regular Agenda Item No. 9), which would amend Section 10-66, Code of Ordinances, Fans and air conditioners, to provide that the City Manager or designee shall administer air conditioner noise regulations and to establish noise regulations for emergency generators in residential districts.

Planning and Zoning Director Carmen Annunziato gave the presentation, providing a brief history as to how this ordinance came into being. He then explained, in detail, which sections of the Code would be amended. Mr. Annunziato stated that the thrust of this ordinance relates to the regulatory framework for emergency generators. The criteria for emergency generators is as follows: 1) they are exempt from the noise regulatory framework in place at the time of an outage, 2) noise shall not, in any event, exceed 72 decibels in residential districts, 3) emergency generators may be tested for 30 minutes per week between 11:00 a.m. and 5:00 p.m., Monday through Saturday, and 4) no testing of emergency generators in any residential district is permitted on Sundays or City holidays. The Planning and Zoning Board unanimously recommended approval, as did staff. Mr. Annunziato then answered questions from Council.

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

There were no items for consideration.

5. CITY MANAGER REPORTS:

The City Manager stated that the “freeze” on hiring has been lifted; therefore, vacant positions within the City may now be advertised.

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 referenced the mailbox issue, voicing opposition to the acting Postmaster’s edict that residents within certain communities must utilize curbside mailboxes, due to a postal carrier having been bitten by dogs in those areas. She asked for input from Mayor Abrams, who suggested that Council provide direction to the City Manager regarding the enforcement of leash laws. He also suggested that the City contact its congressmen and senators for assistance.

Deputy Mayor Hanson referred to a letter from a constituent, who had been towed from an area near the library and charged \$166. She asked for input from Council relating to towing charges. Mr. Ahnell explained that the County has a schedule of charges, as do private towing companies; the City does not have a towing-charge schedule. The Police Department contacts a private towing company to take cars away that are in violation.

Deputy Mayor Hanson commented on the issue of privacy in voting and asked Council for input. Ms. Hanson suggested that placement of the voting machines was a factor in the lack of privacy, as perceived by some voters. The City Clerk explained that placement of the machines was predicated on what the room would accommodate and where the electrical outlets are located. The City Clerk was directed to write a letter to the Supervisor of Elections regarding the issue of privacy in voting.

Deputy Mayor Hanson asked Mayor Abrams for an update on the sober house legislation. She then referenced a stabbing, which had occurred at one of the sober houses within the City, and asked that Mr. Ahnell or Ms. Frieser contact the appropriate party to determine what security measures are in place at that location.

Deputy Mayor Hanson referenced First Christian Outreach Ministries at Bibletown, saying the pregnancy sign is in the window again. She suggested that staff check on the zoning to establish whether the sign is permissible. Mr. Ahnell is to follow up.

Council Member Haynie mentioned that approximately 100 people showed up at the annual Beach Bash, saying that it was a wonderful event. On behalf of Council, she thanked the members of the Advisory Board for the Physically and Mentally Challenged for all their hard work.

Council Member Haynie referred to the Amber Restaurant, asking for an update on the code enforcement issue. Mr. Ahnell explained that the City is seeking code compliance. Failing that, the issue would come before Council to determine the City's policy with regard to demolishing buildings. Mr. Ahnell is to provide additional information.

Council Member Haynie requested an update on when construction is proposed to begin at One North Ocean Boulevard. Mr. Ahnell is to follow up.

Council Member Haynie asked the City Attorney when information or material related to the franchise agreement, and any pending litigation, with Florida Power & Light (FPL) would be forthcoming. Ms. Frieser explained that she is currently researching the matter. At this time, since FPL has taken no action in furtherance of the transmission lines, there is no action for the City to take. Ms. Frieser will follow up with a more formal report.

Council Member Freudenberg said he attended the meeting of the Community Council in West Boca last Tuesday where the FPL proposal was a topic of major concern. Mr. Freudenberg commented on a statement attributed to him at that meeting in the newspaper, calling for the cost of the transmission lines to be paid for through the establishment of a new taxing district. Mr. Freudenberg explained that he did not make that comment; it was made by the President of the Community Council, Jeffrey Winikoff.

Council Member Freudenberg voiced his concern over the inconsistency of the information coming forward from FPL. He stated that he had obtained written information from one of the members of the community panel that FPL had worked with, and offered to share this information with Council.

Council Member Freudenberg mentioned that he was contacted by a resident with a complaint about Adelphia. It appears that, after 10:00 p.m., programming on C-SPAN and C-SPAN2 now goes to infomercials instead of running the news programs of the day. Mr. Freudenberg asked that this item be addressed when the City speaks with Adelphia.

Council Member Freudenberg asked the City Manager for a report on sound barriers, saying that he had recently received a request from Broken Sound for a sound wall, due to residents' apprehension about increased noise once Yamato Road is widened.

Mayor Abrams mentioned the meetings that have taken place to obtain public input on what should be built at the Boca Tech site, questioning how the information would be given to Council. Mr. Ahnell explained that the Parks and Recreation Board would organize the information, categorize it, and bring forward recommendations. This report is expected sometime in May.

Mayor Abrams confirmed with those present that tomorrow night's meeting would still be held at the FAU Campus in the Barry and Florence Friedberg Lifelong Learning Center, even though the Boca Raton Resort & Club had withdrawn its application.

Deputy Mayor Hanson stated that she was receiving complaints from residents about Adelphia and questioned who is in charge of taking the complaints and logging them in. Mr. Ahnell explained that the Public Information Officer, Constance Scott, is currently responsible for handling complaints. Prior to that, the City Clerk's Office took care of cable service complaints.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:02 p.m. on Monday, March 18, 2002.

Vanessa Hines, Assistant City Clerk