

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, APRIL 22, 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 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:

- a. Environmental Advisory Board – (3) vacancies due to term expirations of Elisabeth Hoffman, Andrew M. Gross, and Gary E. Eichler. Terms expire 04/30/02.

No one came forward to be interviewed.

2. PUBLIC REQUESTS:

Earl Starkoff congratulated Council Member Hager on his election to Council. Mr. Starkoff stated his opposition to term limits for board members, citing the value of institutional knowledge.

Virginia Bower spoke in opposition to the sidewalk project that is planned in front of her condominium along East Camino Real. She alleged that a hazardous situation would be created for residents entering and exiting their driveways.

Jim Hackett elaborated on the perceived safety issue. He stated it would exacerbate the egress and ingress problems that already exist.

Melba Silver, Joy Robinson and Rita Lewis also spoke against the sidewalk.

3. REVIEW OF REGULAR AGENDA ITEMS:

- a. Questions relating to the Agenda.

(Consent Agenda Item 3.b.5., Speed Monitoring Awareness Radar Trailer) In response to Council Member Freudenberg's question, the City Manager advised that this purchase would give the City three of these trailers. He added that the new trailers also collect data. Council Member Hanson asked if there is a way to measure their effectiveness. Mr. Ahnell stated they do enhance awareness, and they are followed up with manual enforcement. Deputy Mayor Haynie inquired as to the power source, i.e. solar or battery. Mr. Ahnell will provide a response.

(Consent Agenda Item 3.f., Resolution No. 68-2002 / Agreement with FDEP related to the Spanish River Park Boat Dock) – Council Member Freudenberg inquired regarding funding assistance for the design and construction of the Spanish River Boat Dock. The City Manager replied that in addition to the \$150,000 reimbursement from the Florida Department of Environmental Protection this resolution

provides for, the City expects, based on information from Palm Beach County Commissioner Mary McCarty, to receive \$100,000 that is being earmarked in the County's recreation services budget next year. In response to a query from Deputy Mayor Haynie, Mr. Ahnell stated that the City would try to coordinate simultaneous construction of this dock and the Police Services dock; however, it is dependent on the funding falling into place within the same timeframe.

(Consent Agenda Item 3.m., Resolution No. 75-2002 / Work Order No. 1 with Architects Design Group, Inc. for a Facilities Space Study) – Council Member Freudenberg inquired as to the scope of this work order for consultant services for a Facilities Space Study. Mr. Ahnell stated that this work order is solely for City Hall and the Police Services building. A separate work order will be issued for the Police/Fire Training facility.

(Consent Agenda Item 3.b.4., Sodium Hypochlorite) Council Member Freudenberg asked if the sodium hypochlorite would be in liquid or solid form. Mr. Ahnell replied it is in liquid form.

(Consent Agenda Item 3.j. & k., Resolution Nos. 72-2002 and 73-2002) At Deputy Mayor Haynie's request, Mr. Ahnell provided an update on beach renourishment funding and permitting status. He stated that Resolution No. 72-2002 is related to the north beach and south beach projects; the south beach project is completed, the contract with DEP has been increased by approximately \$360,000 to begin the north beach project.

Regarding Resolution No. 73-2002, which approves an initial agreement for the central beach project, he stated the State is providing approximately \$350,000 to begin the process. He then went into detail regarding the pending issues, including whether or not an Environmental Impact Statement will be required, which would result in significant delay. He advised he has met with Representative Sanderson and Senator Mack and added that he hopes to have more information later this week. Mr. Ahnell noted that there is much competition for the \$30 million the State has identified for beach renourishment projects. Best and worst timeline scenarios were then discussed. Deputy Mayor Haynie suggested if the project does get delayed, additional geotubing might be a temporary solution to further safeguard the structural integrity of threatened buildings.

(Consent Agenda Item 3.l., Resolution No. 74-2002 / Agreement with Architects Design Group, Inc. for a Facilities Space Study) In response to a question from Deputy Mayor Haynie, Mr. Ahnell provided additional explanation regarding this resolution and Resolution No. 75-2002. He noted that \$125,000 has been budgeted; the city hall/police services study will cost \$78,400, the police/fire training facility, approximately \$24,000.

(Consent Agenda Item 3.b.4. – Sodium Hypochlorite) In response to Council Member Hanson, the City Manager confirmed that this purchase of sodium hypochlorite is for the water treatment plant. He will follow up on whether last month's purchase was for the wastewater treatment plant.

(Consent Agenda Item 3.d., Resolution No. 66-2002 / First Amendment to Agreement with Nutting Engineers of Florida to extend the Agreement until December 31, 2002) Council Member Hanson asked if any additional dollars were involved. Mr. Ahnell stated this resolution merely approves a time extension. Ms. Hanson then asked that dollars spent to date on the project be provided.

(Consent Agenda Item 3.e., Resolution No. 67-2002 / Revocable License Agreement with Bibletown Community Church, Inc. for a parking area in the Beulah Heights Subdivision) Council Member Hanson requested clarification as to which entity is doing business at the location in question, First Care Ministries Outreach or Women's Pregnancy Center. She explained that when the applicant came before Council originally, it was understood that First Care Ministries Outreach – not a pregnancy center – would be providing counseling services at the site. Consequently, neighbors are concerned about signage, which periodically appears and disappears, advocating the pregnancy center. Ms. Hanson stated that the signage should reflect First Care Ministries Outreach, as that is what was represented to Council. The City Attorney was asked to provide clarification relating to the signage.

(Consent Agenda Item 3.h., Resolution No. 70-2002 / Work Order No. 7 with Camp, Dresser & McKee Inc. for engineering services connected with the Wellfield Rehab and Improvement Project) Council Member Hanson asked whether the \$329,000 cost represents an additional expenditure. Mr. Ahnell explained that this cost is a “not to exceed” figure for this work order only. Mr. Frieser added that while costs for prior work orders could be calculated, the original blanket agreement does not contain a “not to exceed” number. Ms. Hanson then requested the costs associated with Work Order Nos. 1 – 6. Mr. Ahnell stated he would provide same and advised that these prior work orders may be unrelated to the wellfield project.

(Consent Agenda Item 3.i., Resolution No. 71-2002 / Grant application to the EPA for emergency operations and security planning) Council Member Hanson voiced concern over the lengthy timeline for putting an emergency operation plan into place, expressing apprehension with the projected completion date of December 2003. She questioned whether the City could still move forward on its own should this grant from the EPA be denied.

(Consent Agenda Item 3.j., Resolution No. 72-2002 / Third Amendment to the Agreement with the DEP for reimbursable funding for beach renourishment projects) Council Member Hanson questioned whether the parking spaces noted were located in residential areas, west of A1A. Mr. Ahnell explained that these are existing parking spaces; they were predetermined in previous agreements.

(Consent Agenda Item 3.k., Resolution No. 73-2002 / Agreement with the FDEP for reimbursable funding of the Central Beach Renourishment Project) Council Member Hanson asked whether the County was providing the City with financial assistance in regard to South Beach renourishment. Mr. Ahnell explained that South Beach is a City park, not a County park. Therefore, no funding would be forthcoming. He then clarified that the park located at A1A and Palmetto Park Road is a city park; the park located on the south side of the Boca Raton Inlet is a County park. Regarding the Central Beach design project, Mr. Ahnell expressed that the County has indicated that DERM will provide some funding for engineering services. Assistant City Manager George Brown provided additional information relating to City and County parks and who’s eligible to access same.

(Consent Agenda Item 3.n., Resolution No. 76-2002 / Contract with The Beacon Group, Inc. for procurement of insurance coverage) Council Member Hanson questioned whether the annual payment to the broker, including commissions and fees, would actually be paid to the insurance company. Mr. Ahnell stated that the broker is The Beacon Group; the City is paying Beacon a broker fee to search the market for the best insurance coverage possible. The City Attorney provided additional information as to who would be paid and how. Mr. Ahnell clarified that several factors, including cost and previous experience, are taken into account when choosing the broker.

(Item 8., Ordinance No. 4644 / Abandonment of Utility Easement at 7898 N. Federal Highway) Council Member Hanson asked what building is located at 7898 N. Federal Highway. Mr. Ahnell is to provide that information tomorrow night.

(Item 9., Ordinance No. 4645 / Abandonment of George A. Long Alley between SE 5th and SE 6th Streets) Council Member Hanson inquired as to whether staff had responded to correspondence from Utility Services Director Mike Woika and Chief of Design Tony Puerta relating to two fireflow tests. Mr. Ahnell is to follow up.

(Procurement process and dollar limits for the City Manager) Regarding purchasing authority, Council Member Hager questioned the City Manager’s monetary limitations. Mr. Ahnell explained that the City Manager’s limit is \$24,999 and is set by ordinance. Mr. Hager then requested a survey of comparable municipalities and the limits imposed on their respective city managers. Mr. Ahnell stated that this request will be included in the goal-setting session and a survey will be provided.

(Consent Agenda Item 3.i., Resolution No. 71-2002 / Grant application to the EPA for emergency operations and security planning) Council Member Hager questioned what procedures are currently in place to guard the City from catastrophe. Mr. Ahnell explained that, in regard to the water supply, the City has a natural protective barrier in the aquifer. Cameras, monitoring, and additional personnel are also protective features.

(City Hall renovation) Council Member Hager inquired as to what possible structural changes might be made to City Hall. Mr. Ahnell stated that there are too many people in too little space; document retention is another problem. In addition, the Council Chamber needs to be upgraded in many respects. Council Member Hanson commented on the configuration of the Council Members' offices.

- b. Ordinance No. 4637 (Regular Agenda Item No. 4), which would amend the City Code relating to height of buildings and nonresidential building height.

Planning and Zoning Director Carmen Annunziato gave the presentation, explaining that two public hearings are required before this ordinance could be enacted. He stated that the Planning & Zoning Board reviewed this ordinance last night and recommended it unanimously. Changes to the land development code were then outlined. The first amendment relates to definitions and would clarify that "height of building" equates to "height of structure," which includes public utility poles in excess of 50 feet in single-family districts. The second amendment proposes that non-residential buildings and structures, including public utility poles in excess of 50 feet in height, be listed as a conditional use in single-family districts. The last amendment proposes new language relating to non-residential buildings and structures in excess of 50 feet, subject to the standards provided in this proposed ordinance and the conditional use approval standards provided in Code Section 28-102. Mr. Annunziato then answered questions from Council.

In response to queries about lightning rods, the City Attorney provided additional information related to architectural features exemptions, as outlined in Page 3 of the ordinance. Discussion turned to the proposed cell tower at the Camino Real Community Church and touched briefly on the proposed FPL transmission lines. Ms. Frieser stated that she would bring forward an amendment tomorrow night regarding a severability provision in relation to the FPL issue.

- c. Ordinance No. 4641 (Regular Agenda Item No. 5), which would authorize the sale of a parcel of City-owned land consisting of approximately 2.48 acres, located between N.W. 15th Avenue and Interstate 95 at the Boca Raton Community High School.

Property Specialist Appraiser Lynn Bodor made the presentation, explaining that the School Board wished to purchase a portion of the Lake Worth Drainage District (LWDD) L-46 Canal at the abovementioned location for incorporation into the approved plan for the expansion of Boca Raton Community High School. The sale of this property is a condition of that approval. Staff contacted the LWDD, the City's Civil Engineer, and the Directors of Recreation Services and Utility Services; they all support the proposal. However, Utility Services has requested that an easement be retained over the entire area as water and sewer mains are located in the canal right-of-way. In addition, installation of communications facilities is expected in the future. According to Code Section 13-63 (3), the School Board may purchase this parcel for less than fair market value. Since the School Board has committed more than \$40 million to the expansion of the high school, staff recommends approval and a payment of \$0, conditioned upon retaining a full-width easement. Ms. Bodor concluded by stating that the Planning & Zoning Board unanimously recommended approval; she then answered questions from Council.

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

Boca Raton Educational Television (B.R.E.T.) Annual Update

No update was provided, as the director of B.R.E.T. could not be present. The report will be rescheduled.

5. CITY MANAGER REPORTS:

Tri-Rail

Tri-Rail has scheduled a meeting for April 26, 2002, to discuss the Glades Road site as a possible station. Staff will be in attendance and will report back to Council. Mayor Abrams added that he had been approached by a Tri-Rail board member to provide them with the City's position regarding the proposed site. Mr. Abrams stated that he felt the T-Rex property would be a more appropriate location than the parcel near King's Deli and asked for Council's input. As Council was in agreement, the Mayor will convey this information to Tri-Rail. In response to Council Member Hanson's query, Mayor Abrams confirmed that it was his understanding that two stations

would ultimately be located in Boca Raton; one at Yamato Road and the other at Glades Road or the T-Rex property. Per Council's request, the City Attorney provided additional information as to how competing government entities might determine where the station would be constructed should the T-Rex suggestion be rejected.

Central Beach Renourishment Update

Referring to earlier comments, the City Manager stated that Council would be provided with regular updates.

RFP for Cartoon Museum

A draft RFP is being created at this time and will be available to Council at the next regularly scheduled meeting.

Signage on Bridge at A1A

Mr. Ahnell advised that the sign on the A1A bridge that had created a visibility problem for the bridge-tender has been lowered.

6. CITY ATTORNEY REPORTS:

The City Attorney advised Council that she would seek direction tomorrow night to authorize an Executive Session regarding the pending litigation with the Airport Authority and Premier LLC.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Hager mentioned again reviewing the purchasing capabilities/limitations of the City Manager.

Council Member Hanson explained that Charlie Mae Brown, representing the Martin Luther King, Jr. Foundation, had planned on thanking Council today for authorizing full payment of the balance owing on the Memorial. However, she was out of town and would, most likely, come before Council at the next meeting.

Council Member Hanson requested an update on funding from the County and FDOT regarding Pearl City since it may be easier to obtain additional funding if dollars have already been allocated by the abovementioned entities. Mr. Ahnell stated that he would keep Council informed on this project.

Council Member Hanson distributed a news article to Ms. Frieser relating to legislation being drafted by the Acting City Attorney in West Palm Beach to provide a 6-month time limit on the boarding up of houses.

Council Member Hanson commented on the valets at Mizner Park, stating that they are giving preferential treatment to those people driving expensive cars.

Council Member Hanson voiced consternation at the amount of trash being left all over Mizner Park by people attending the free concerts. She suggested that disposal cans are needed. In addition, barricades are placed out in the streets by the valets, creating a potentially dangerous situation. Council Member Freudenberg explained that he has spoken with Codina Management about the parking problem and changes are coming.

Council Member Hanson requested outdoor ashtrays be placed in Mizner Park for those people who do smoke.

Council Member Freudenberg asked the City Attorney to research the formal obligations of the Public Service Commission (PSC) in relation to the siting of transmission lines.

Council Member Freudenberg requested a breakdown of the costs incurred for the Mobile Command Center, as well as additional funds received. He then mentioned that Fire-Rescue Services had received a used vehicle from Police Services and requested information as to how that is working out.

Council Member Freudenberg requested an update on the prior approvals Tri-Rail has received for two hotels at their Glades Road site. Staff is to provide information on this issue.

Deputy Mayor Haynie mentioned that Camino Gardens Boulevard will be closed April 29, 2002, and asked whether a notice would be listed in the newspaper or some other form of notification would be provided. Mr. Ahnell explained that staff would provide door-to-door notices at businesses; appropriate notification would be

provided in affected neighborhoods as well. Ms. Haynie confirmed with Mr. Ahnell that NW 3rd Avenue would be re-opened before Camino Gardens Boulevard is closed.

Mayor Abrams suggested a map be provided either in the newspaper or on the City's website, perhaps bi-weekly, showing those areas where road construction is taking place. Mr. Ahnell replied that staff is currently working on a similar project; an update would be provided.

Council Member Hanson spoke to the issue of identity theft. Mayor Abrams noted legislation brought forward by Representative E. Clay Shaw. It was suggested that Police Services coordinate with the video division to provide consumer alert information on Channel 20.

Council Member Hager commented on a recent scam related to e-mails originating out of Africa.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:10 p.m. on Monday, April 22, 2002.

Vanessa Hines, Assistant City Clerk