

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, JUNE 24, 2002
1:00 PM

The regular workshop meeting of the City Council of the City of Boca Raton, Florida was called to order by Deputy Mayor Susan Haynie at 1:04 p.m.

ATTENDING THE MEETING WERE:

Deputy Mayor Susan Haynie
Council Member Bill Hager
Council Member Carol Hanson
Council Member Freudenberg
Mayor Steven Abrams (entered the meeting at approximately 3:00 p.m.)

Also attending the meeting were:

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

PRESENTATION: Legislative Session Update - Representative Anne Gannon
(Presentation was given after the Board Interviews)

1. BOARD INTERVIEWS:

- a. Community Relations Board– (3) vacancies. Two vacancies due to term expirations of Kathleen M. O’Leary and Bruce P. Foster, whose terms expire 07/25/02; one vacancy to replace student David Tring.

Bruce P. Foster interviewed for the position.

- b. Historic Preservation Board – (4) vacancies. Three vacancies due to term expirations of Howard E. McCall, Merle Haber, and Dr. Donald W. Curl, whose terms expire 07/01/02; one vacancy due to resignation of Bonnie Dearborn, whose term expires 07/01/02.

Merle Haber, Jason Mankoff, and Kathleen Altizer interviewed for the positions.

Representative Anne Gannon stated that the \$50 billion budget was passed; 8% of that budget is funded by non-recurring general revenue, which may necessitate a special session in November.

Ms. Gannon then spoke to the issue of re-districting and outlined those areas of the City that she would be representing. She also focused attention on the Boca Raton Airport and expressed concern regarding the presence of Class I & II airplanes, increased hangar space, and the proposed townhouse development, which would be built directly in the flight path. Discussion then followed regarding re-districting, citrus canker, election reform laws, and voter fraud.

2. PUBLIC REQUESTS:

Carl Jacobs voiced concern regarding pathogens in recycled (IRIS) water and questioned the public’s awareness. He advocated nighttime watering until the issue was settled. He also advised that he had observed the safety gate at SW 18th Street open again, the cap on a fire hydrant on A1A was still missing, and that he continues to see contractors’ inappropriate use of City fire hydrants. In response to the concerns about the safety of the IRIS water, the City Manager stated that the City has been very proactive in testing of the IRIS water, i.e. testing coming out of the plant and at the distribution source, and noted that testing would soon also be done at the supply source. This testing exceeds that required by law. In addition, the City continues to have testing done by Dr. Jean Rose. On the issue of the fire hydrants, Mr. Ahnell pointed out that it is difficult to catch violators as the

City has between 5000 and 6000 fire hydrants. There is an ongoing program to replace and upgrade fire hydrants, where needed.

Herman Hammer, a resident living outside the City but belonging to the Boca Raton library, expressed opposition to the proposed construction of an eastern and western library. He suggested that only one library should be built.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

(Consent Agenda Item 3.a.1. – Military Trail Beautification / Hillsboro Canal to Camino Real) Council Member Freudenberg requested a breakdown of the total cost of \$371,353. The City Manager explained that a hard copy of the following numbers would be made available tomorrow: \$275,000 from Palm Beach County; \$45,000 from the Beautiful Palm Beach County grant; \$35,000 from private donations; and \$17,000 from the City.

(Consent Agenda Item 3.c.1. – Web Based Software) Council Member Freudenberg asked for clarification as to what this software can do. The City Manager explained that this software would interface with the City website's current system and allow the public to perform certain tasks on-line, such as paying utility bills, obtaining building permits and inspection schedules, and paying parking tickets. Mr. Ahnell added that appropriate security measures have also been built into the system.

(Regular Agenda Item 9 – Ordinance No. 4662 / Relating to public entity crimes) Council Member Freudenberg stated that five entities are listed on the State of Florida's Convicted Vendor List and asked if any other lists exist.

(Consent Agenda Item 3.e. – Resolution No. 98-2002 / Work Order No. 4 with Coastal Planning and Engineering, Inc. relating to acquisition of a permit for inlet maintenance at Boca Raton Inlet) Council Member Hanson asked whether lines could be installed to redistribute sand to the north at the same time the City is dredging the Inlet. Mr. Ahnell stated that it would not be permissible as the natural flow of sand is from the north to the south; the process would simply assist the littoral drift. Mr. Ahnell added that all the sand from the inlet would be pumped to the south, which is an ongoing requirement for dredging the Inlet. Responding to Deputy Mayor Haynie, the City Manager confirmed that the Inlet has not been dredged since February, due to receipt of a "cease and desist" order. Ms. Hanson then questioned whether staff would be responsible for the daily monitoring of the beach and the sea turtles during the dredging process. The City Manager explained that the State mandates monitoring schedules; additional information would be forthcoming tomorrow night.

(Consent Agenda Item 3.i – Resolution No. 102-2002 / Relating to beach and coastal management programs and the funding of same) Council Member Hanson quoted the total cost of beach re-nourishment over a 10-year period as being \$11.1 million, of which the local share is \$5.5 million. She then questioned whether the federal government was participating in sharing the cost. The City Manager stated that their participation depends on the project.

Ms. Hanson questioned whether the geotubes at the Chalfonte condominiums had been removed. Mr. Ahnell explained that they are still in place, and the City does not plan to remove them.

(Consent Agenda Item 3.h. – Resolution No. 101-2002 / Work Order No. 1 with Flynn Engineering Services, P.A. relating to bike lanes for SW 13th St/Camino Gardens Blvd and SW 12th Avenue) Council Member Hanson asked why SW 12th Avenue near Addison Mizner Elementary School was excluded in this plan. Mr. Ahnell explained that it was likely included in a future project; he is to follow up.

(Consent Agenda Item 3.j. – Resolution No. 103-2002 / Amendment to Agreement with William Welhaf, M.D. as Medical Director for Fire Rescue Services) Council Member Hanson clarified with the City Manager that this was not a new contract with Dr. Welhaf. Mr. Ahnell explained that this amendment

corrected a typographical error relating to salary. Instead of \$37,800 monthly, the contract should read \$37,800 annually.

(Consent Agenda Item 3.d.1. - Glades Road Water Treatment Plant On-Site Sodium Hypochlorite Generation System) Council Member Hanson mentioned that a total of \$124,737 had been added to this project as a result of change orders. Mr. Ahnell explained that several factors created the increase. Some of the pipes in the foundation were located in an area other than what was shown in the drawings, and modifications had to be made. Two electrical manholes were also relocated for the same reason. The City Manager provided additional details related to installation of additional equipment for safety purposes. Responding to Council Member Freudenberg, Mr. Ahnell explained that information regarding change orders from the past year would be brought forward to Council for review tomorrow night. He added that change orders could also reflect decreases in cost; however, Council only sees those change orders requiring more funding.

3. REVIEW OF REGULAR AGENDA ITEMS (cont'd):

- b. Ordinance No. 4656 (Regular Agenda Item No. 4), which would amend the Future Land Use Map of the Comprehensive Plan and grant a technical deviation to Chapter 23, Code of Ordinances.

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation, explaining that one of two required public hearings would take place on this proposal tomorrow night. Council would actually be rendering decisions on two items: 1) the appeal of the decision made by the Parks and Recreation Board relating to land dedication, and 2) whether this petition would be transmitted to the Department of Community Affairs.

Ms. Simon stated that the petitioner was requesting universal conditional approval of the proposed Windsor Court at Boca Raton development, which includes an amendment to the Future Land Use Map, a rezoning, site plan approval, and a technical deviation. The property, located at 5580 N. Federal Highway, is comprised of approximately 12.08 acres and is currently occupied by the Kingsbridge Square Shopping Center and the Carson's Steakhouse restaurant. The proposed request to rezone the parcel from R-B-1 to R-3 would allow for the development of 104 three-story townhomes. The Planning and Zoning Board reviewed the petition and recommended approval with one condition; specifically, the 10-foot wide, shared-use pathway is to be constructed after the Certificate of Occupancy is issued for the 53rd unit.

The Parks and Recreation Board reviewed the project for land dedication and recommended that the petitioner dedicate approximately one acre of land for public use. The Recreation Services Department recommended that a fee in the amount of \$109,200 could be paid in lieu of the land dedication; staff concurred with this recommendation by Recreation Services. The applicant has filed an appeal of the Parks and Recreation Board's decision, and Development Services' staff supports this appeal.

Ms. Simon concluded her report by stating that this project was in keeping with the goals, objectives, and policies of the Comprehensive Plan. In addition, the change in land use and zoning would be compatible with existing/future land uses and would help to revitalize the area. She then answered questions from Council, which touched on green space, enhancement of area values, water usage, traffic, and details relating to Boca Marina, a nearby development. An amendment to the ordinance was discussed in relation to notifying potential residents that, although they may live close to a particular school, there is no guarantee that their children would be attending that school. The City Attorney provided additional information to Council regarding the effective date of the ordinance.

Mayor Abrams entered the meeting at approximately 3:00 p.m.

- c. Ordinance No. 4658 (Regular Agenda Item No. 5), which would amend the Comprehensive Plan Future Land Use Element of the Comprehensive Plan, relating to intensity regulations for commercial and industrial uses.

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation, stating that this ordinance required two public hearings and included a Comprehensive Plan amendment, which would

ultimately be transmitted along with the previously mentioned Windsor Court petition. These amendments would comprise the second round of Land Use Plan Amendments for the 2002 calendar year.

This petition would amend the Future Land Use Element of the Comprehensive Plan relating to intensity regulations for uses in the MC (Medical Center) and LB (Civic Center and Limited Business) zoning districts. This amendment was referred to as a "housekeeping item," since it would provide consistency with the Code of Ordinances. Ms. Simon explained that Council adopted Ordinance No. 3849 in 1990, which amended the code to establish maximum intensity standards for the LB and MC zoning districts. However, Land Use Policy 1.1.1 of the Comp Plan was not amended to reflect same. Therefore, this proposed amendment would correct that oversight and provide uniformity between the Code of Ordinances and the Boca Raton Comprehensive Plan. Ms. Simon concluded her presentation by stating that staff recommended approval and answered questions from Council. Attention focused on traffic impacts. A color map of affected districts was requested.

- d. Ordinance No. 4659 and Resolution No. 97-2002 (*Regular Agenda Item Nos. 6 and 6.a*), which relate to the designation of Pearl City as an historic district.

The Development Services Department's Manager of Administrative Services, Ruby Childers, gave the PowerPoint presentation. The location and size of Pearl City was provided, along with zoning information. It was noted that the proposed historic district of Pearl City was based on the official platting, which took place May 30, 1915. Currently, 32 buildings comprise the proposed district; the majority of buildings are residential. Ms. Childers explained that the area in question should be designated historic for several reasons: 1) Pearl City has the most significant concentration of African-American cultural resources in Boca Raton, 2) a sense of community is evident, geographically, socially, and spiritually, in Pearl City, and 3) Pearl City was platted in 1915 for African-American farm workers, representing the primary historical significance of African-American contributions to the City of Boca Raton. Passage of Resolution No. 97-2002 would provide interim guidelines, relating to rehabilitation and new construction, for staff and property owners until permanent design guidelines can be established. The Pearl City Blue Ribbon Committee, the Historic Preservation Board, and the Planning and Zoning Board provided unanimous recommendations for the historic designation of Pearl City. Ms. Childers concluded her report by stating that staff recommended approval of the request for historic designation and the interim design guidelines. She then answered questions from Council. The City Attorney also provided additional information as requested, relating to ensuring the historical context of the area. Ms. Frieser confirmed with those present that historic designation would provide some protection for the area by creating an impediment to developers who might wish to buy land cheaply and construct condominiums or other large-scale developments.

- e. Ordinance No. 4660 (*Regular Agenda Item No. 7*), which would amend the Future Land Use Map of the Comprehensive Plan by redesignating certain property located at 5101 Congress Avenue from IL (Light Industrial) to N (Conservation).

Development Services Planner Daryl Johnson gave the PowerPoint presentation. The City was requesting a change to the Comprehensive Plan's Future Land Use Element designation of the VPC Center Environmental Preserve from IL (Light Industrial) to N (Conservation). This 1.01-acre parcel is located along the north and west boundaries of the VPC Center. Mr. Johnson explained that a master plan for the VPC Center was approved in 1997, and a condition of that approval required a Future Land Use Element designation of N (Conservation) for the environmental preserve. He concluded his report by stating that the Planning and Zoning Board unanimously recommended approval; staff also recommended approval. Mr. Johnson then answered questions from Council.

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

There were no other items for consideration.

5. CITY MANAGER REPORTS:

The City Manager explained that he would be requesting an amendment to the agenda tomorrow evening to include a resolution relating to the sale and purchase of approximately 78 acres of City-owned land at Boca Tech to the Palm Beach County School Board.

6. CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Hanson questioned why the application for alteration of a duplex, located at NE 36th Street and NE 5th Avenue, was again on the Community Appearance Board's (CAB) agenda, when a decision had already been rendered at a prior CAB meeting. Development Services Director Jorge Camejo explained.

Council Member Hanson referenced the proposed University Drive extension into Palm Beach County, west of 441 and ending at Glades Road, voicing concern over the influx of more traffic on the City's already crowded streets. She questioned whether staff would be attending a meeting regarding the extension, scheduled for Wednesday morning. Ms. Hanson also asked staff to provide information relating to the cost of the project and those entities contributing money to same, the start/completion dates, the impact on Glades Road, and whether any other east/west roads in the City would be impacted by this extension.

Council Member Hanson expressed concern over the issue of double-tracking and commercial ventures along Dixie Highway by the Florida East Coast (FEC) railroad. She stated that new information indicates it is possible to ban train horns along railroad crossings.

Council Member Hanson questioned whether the dates set for the budget workshops were final. The City Manager and Ms. Hanson are to review her calendar and, if feasible, come back to Council with options.

Council Member Haynie asked for an update on the annexation study of Town Center Mall. The City Manager explained that the study is ongoing; results are expected in late July.

Council Member Freudenberg commented on the procedures currently being followed by the Community Appearance Board (CAB), voicing concern over the number of items that are postponed and the amount of staff time that is expended in these instances. The City Attorney explained that her office is currently assisting the CAB to develop bylaws in order to streamline, and tailor, procedures to that Board's particular needs. In addition, an attorney may be made available to the CAB on a regular basis, as needed.

Council Member Hanson referred to a letter written by an attorney, expressing negative comments about proposed funding for the Tri-County Humane Society, and questioned whom he was representing. The City Attorney explained that the letter was written on behalf of "concerned citizens." Ms. Hanson then requested information relating to how the land is zoned at the shelter, the number of Tri-County members, how dues are paid, and how Board members are selected. She then requested the total amount of tax dollars spent on the shelter since it was turned over to the City in 1987. The City Manager is to address these issues at tomorrow night's meeting under "City Manager Reports."

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:51 p.m. on Monday, June 24, 2002.

Vanessa Hines, Assistant City Clerk