

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, OCTOBER 25, 2004
1:30 PM

The regular workshop meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Abrams at 1:30 p.m.

ATTENDING THE MEETING WERE:

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

Also attending the meeting were:

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

1. BOARD INTERVIEWS:

- a) Boca Raton Housing Authority - (1) one vacancy, due to term expiration of Marjorie O'Sullivan, whose term expires 11/14/04.

Joseph Spangenberg interviewed for the position.

- b) Civil Service Board – (1) one vacancy, due to term expiration of David R. Thomas, whose term expires 11/01/04.

Dave R. Thomas expressed interest in retaining his position on the Board.

2. PUBLIC REQUESTS: (Public requests shall be limited to five (5) minutes each. No public comment may be made regarding any land use matter for which the City Council is required by law to conduct a quasi-judicial hearing.)

Gerald Damsky and Millicent Duvall appeared on behalf of the K-12 Education Task Force in regard to the issue of the half-cent sales tax referendum question. Mr. Damsky stated that the task force unanimously supported the sales tax referendum.

John Capeller, Joe DiMauro, and Joe Hish, advised that Boca Raton High School had lost its home baseball field, due to construction of the new school building on the site. Mr. DiMauro explained that he had spoken with the City's Recreation Services Department about booking time on public fields; fields were available, but not for the six hours that they say they need them. Mr. DiMauro stated that the unavailability is due to use by private schools and opined that public schools should be given top priority. During the course of discussion, it was noted that Boca High is the only high school in the County without a baseball field. It was determined that the school district had been contacted but to no avail. It was also clarified that funding for more baseball fields was not a part of the upcoming referendum. Responding to Council, the City Manager advised that he would speak with staff to obtain more information and possible options. In addition, the Mayor advised that the City would contact the School Board to seek a solution.

Mark Hopin again spoke about the location of The Boca Raton Charter School at a site within the FAU Research Park. He asked that a construction permit not be issued. He provided statements and material to Council in support of his opposition to the location of this facility, reiterating that the site is in a runway clear zone. The City Attorney commented regarding the pending permit and jurisdictional issues.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

(Consent Agenda No. 3.f. – Resolution No. 191-2004 / Agreement with Cole Vision Services, Inc. re: vision coverage for City employees) Deputy Mayor Hager questioned whether this was a new program. The City Manager advised that this agreement constituted a continuation of the prior program with Cole Vision Services.

(Consent Agenda No. 3.e. – Resolution No. 190-2004 / Work Order No. 14 with Coastal Planning and Engineering, Inc. re: South Boca Raton Beach Nourishment Project) Council Member Haynie questioned whether another agreement existed through which the City monitors the inlet and the jetty. Mr. Ahnell explained that monitoring of the inlet/jetty falls under a separate maintenance agreement with DOT; the City is responsible for passing a certain amount of sand through there each year. He stated that each project requires a separate scope of work for the monitoring process, which results in separate agreements. It would be preferable to combine these projects into one agreement, as individual agreements are more expensive; however, the City has been unsuccessful in getting approval to do so from Federal and State agencies.

(Consent Agenda No. 3.b.4. / Lighting Repair and Maintenance for Ballfields and Tennis Courts – Renewal) Council Member Freudenberg questioned whether the cost included hurricane-related repairs or whether the cost was related to standard maintenance. The City Manager responded that this was an annual, standard maintenance item; repairs are made on an “as-needed” basis.

Consent Agenda Item Nos.:

(3.a.2 / Vehicle Air Conditioning Repairs)

(3.b.2. / Preventative Maintenance of Automobiles and Light Trucks)

(3.c.1. / Tires and Tubes)

(3.c.2. / Tire Services)

Council Member Freudenberg referred to the above bids and questioned whether the costs were not to exceed maintenance amounts and the contractors’ posted rates. The City Manager explained that funds were being allocated that may, or may not, be used. Staff calculated estimates and included “not to exceed” amounts in the agreements. Mr. Ahnell then stated that 3.c.1. related to the purchase of new tires and tubes through a State contract. Item 3.c.2. is for recapping and repair services.

(Consent Agenda No. 3.d.2. / Motorola Radio System Maintenance) Council Member Freudenberg questioned whether this was a service agreement. Mr. Ahnell explained that maintenance charges were included for the first five years of the original purchase agreement for the radio system; this would be the first year the City was paying for maintenance costs outside the purchase price. Responding to the Mayor, the City Manager clarified this was the main (“backbone”) system used by Police and Fire-Rescue, and they experienced no problems with it during the hurricanes; the cell phone service is separate from this system.

b. Ordinance Nos. 4810, 4811, 4814 & 4815 (*Regular Agenda Nos. 5 through 8*), which would grant a Future Land Use Map amendment and a rezoning for the proposed Yamato Commons project, located at 300 West Yamato Road, and vacation and abandonments of an anchor easement and a utility easement.

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation. He explained that a professional office building, known as Yamato Commons, was proposed to be located at 300 West Yamato Road and then outlined each of the four petitions requested by the applicant. Acreage, location, and surrounding properties were identified. The vacant subject site could accommodate seven single-family units. However, the parcels are small and limited in terms of options for redevelopment; existing single-family homes near the subject property were shown. Mr. Zurita then provided information on traffic, explaining that the proposed plan would yield additional road trips on adjacent streets and could encourage future failing links. He also stated that the current plan met the requirements for small-scale

development; the petition to amend the Future Land Use Map of the Comprehensive Plan would require four votes for adoption.

A preliminary review by the Community Appearance Board resulted in favorable comments. The Planning and Zoning Board also reviewed this project and recommended approval; members acknowledged that this was a difficult site and recognized staff's concerns in regard to same.

Mr. Zurita noted that the proposed project did not meet the City's standards of consistency, compatibility, and concurrency. He cited negative traffic impacts and advised that the site plan did not provide for an appropriate building design, setbacks, and landscape buffering to enhance the neighborhood; it reduced opportunities for moderately-priced housing; the site was surrounded by residential zoning and land use categories; and finally, if approved, the amendment could establish the basis for subsequent rezoning and trip generation increases to the east of the site. Mr. Zurita concluded his presentation and answered questions from Council related to whether anything had previously been built on the land and where the noise contours from the nearby airport would fall on this property.

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

There were no items for consideration.

5. CITY MANAGER REPORTS:

The City Manager had nothing to report at this time.

6. CITY ATTORNEY REPORTS:

The City Attorney advised that she would seek direction from Council tomorrow night regarding the occupational license tax law. She explained that the City of Weston would be going before the Broward Legislative Delegation and had invited Boca Raton to partner with them in their efforts. Weston has developed a local bill in regard to the occupational license tax. If Council was interested in joining the City of Weston in this endeavor, Ms. Frieser was prepared to draft a resolution for tomorrow night in regard to same. She clarified that the proposed changes would simply provide local government with more flexibility in levying the occupational license tax.

Council Member Haynie advised that the League of Cities would be meeting on Wednesday morning to formulate a legislative agenda and offered to bring this item before the League at that time.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Freudenberg referred to the Code Enforcement Board and questioned whether this Board handled any matters that did not fall within the purview of the Special Masters, stating that the City could continue advertising for this position or possibly eliminate the Board. The City Attorney advised that it might be appropriate to look at the policies again for the Special Masters and the Code Enforcement Board and/or survey other cities to determine their procedures in this regard. Mr. Freudenberg suggested that a review be conducted of the cases the Code Enforcement Board has presided over, in order to make a decision as to whether this Board should continue to exist.

Council Member Haynie reported that she spoke with Kevin Ross with Lynn University; he inquired as to whether Lynn might use the ballfields at Don Estridge High-Tech Middle School, as their fields are overcrowded. Ms. Haynie also advised that she had attended the Boca Raton Philharmonic Symphonia concert to benefit hurricane relief last night and commented that the group was very talented; it was a beautiful evening.

Council Member Freudenberg advised that the City received \$500,000 from the Metropolitan Planning Organization (MPO) for bike lanes and sidewalk improvements on SW 18th Street.

Deputy Mayor Hager referred to the area of Spanish River Boulevard from Florida Atlantic University to Military Trail, stating that traffic coming from T-Rex onto Spanish River was very bad. He asked the City Manager to speak to long-range planning and how T-Rex will be integrated into the mix. Mr. Ahnell advised that traffic was very heavy now due to improvements being made at Congress Avenue and Yamato Road, which shut off the exit

from that facility; only a few exits from that site currently exist. In addition, the Don Estridge School has been opened and the road has not yet been widened. The widening of the road, from the bridge at I-95 west to Military Trail, should be completed in approximately one year. Additional details were provided regarding a new signalized intersection, the new entrance into the new western library, more turn lanes, and other road improvements.

Council Member Whelchel referred to tonight's Town Hall meeting and questioned whether all the homeowners associations were notified of same. Mr. Ahnell explained that the City notified the Federation of Homeowners. In addition, public notices and flyers were sent out.

Mayor Abrams referred to widespread early voting problems, saying it was getting ugly with harassment and intimidation problems at early voting places and elsewhere. Mayor Abrams opined that things would only get worse over the next ten days and asked for a recommendation from the City Manager or the Police Services Department to set up a voter intimidation hotline, or take other steps, so that people can feel safe and comfortable about voting. The City Manager was asked to provide suggestions or options as soon as possible.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:39 p.m. on Monday, October 25, 2004.

Vanessa Hines, Assistant City Clerk