

MINUTES OF THE REGULAR WORKSHOP MEETING  
CITY COUNCIL  
BOCA RATON, FLORIDA  
MONDAY, AUGUST 22, 2005  
1:30 PM

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

ATTENDING THE MEETING WERE:

Mayor Steven L. Abrams  
Deputy Mayor Susan Whelchel  
Council Member Bill Hager  
Council Member Susan Haynie  
Council Member Peter R. Baronoff

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 – one (1) vacancy (Electrical Contractor), due to resignation of Robert L. Welch, whose term expired 02/15/05.

No one came forward to interview.

- b. Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy, due to resignation of Scott G. Borchers, whose term expires 01/12/08.

No one came forward to interview.

- c. Education Advisory Board – two (2) student vacancies.

No one came forward to interview.

- d. Financial Advisory Board – three (3) vacancies, due to term expirations of Arnold M. Straus, Charles F. Edris, and Andrew John Vissicchio, Jr., whose terms expire 08/26/05.

Arnold M. Straus expressed interest in reappointment; John Capelletti and Michael Kokol each interviewed for a position on the board.

- e. Telecommunications Advisory Board – three (3) vacancies, due to term expirations of Arnold Granet, Gene Folden, and Neil Eisner, whose terms expire 09/08/05.

Arnold Granet expressed interest in reappointment.

**2. PUBLIC REQUESTS:**

Joyce Carter, President of San de Vance condominiums, advised that the roundabout proposed for NW 67th Street and NW 2nd Avenue is insufficient for their needs; the residents want a traffic light. Mr. Ahnell explained that, according to a traffic survey conducted previously in connection with the Hidden Valley project, there was not enough traffic coming out of NW 67<sup>th</sup> Street to warrant a light. Council questioned whether the study was conducted during season; staff was asked to determine when the study was conducted.

John Gumina, a resident of NW 67<sup>th</sup> Street, asked that the Development Order for Hidden Valley be revised in regard to the roundabout and asserted that San de Vance residents want a traffic light; he provided statements in support of same and urged Council to be aware of increased traffic, due to future development in the area. Mr. Ahnell stated that he had spoken with Mr. Gumina on this issue; if the intersection is close to meeting the required standards for a traffic light, it is possible that the developer could escrow funds for same. Then, at a point in time when a traffic light is warranted, it would be paid for by the developer. Mr. Ahnell stated that staff would check the traffic counts; if the count was not recent, another would be done.

### **3. REVIEW OF REGULAR AGENDA ITEMS:**

#### **a. Questions relating to the agenda.**

(Consent Agenda Item 3.d. – Resolution No. 143-2005 / Work Order No. 10 with LBFH, Inc., relating to the design of the NW 12<sup>th</sup> Avenue Capital Improvement Project) Council Member Haynie questioned whether the City had coordinated with the School Board regarding Boca Raton Middle School construction. She also referred to material provided in regard to the standard detail for speed tables, saying she was unaware that speed tables were incorporated in this design. Mr. Ahnell stated that the School Board was not doing any work on this project. He explained that the City offered to pay the School Board to do the work, since they could complete the project a year sooner; they declined and, consequently, the City is doing all the work on the intersections. Mr. Ahnell then advised that he was not aware of any speed tables being constructed, as this was a major access road; however, he will follow up.

(Consent Agenda Item 3.e. – Resolution No. 145-2005 / Encouraging the Palm Beach County School Board to purchase the property south of Boca Raton High School) Council Member Haynie referred to an eminent domain proceeding with another high school in the County and suggested incorporating some of that language into this resolution. Mayor Abrams advised that he was going to pull this item for discussion and stated that he did not want to foreclose other alternatives for obtaining athletic fields for Boca Raton High School; he asked Council members for suggestions on additional language. During discussion, it was noted that this land purchase was to have been funded by the half-cent sales tax, which is one of the reasons why the tax was supported by City residents; the ball fields were to be a direct result of the tax and were included in the School Board's five-year plan, which outlined what the City would be receiving from the tax proceeds. Council questioned what the School Board intended to do with regard to Boca Raton High School and the approximate \$6 million, if ball fields are not forthcoming. Members also agreed that if this property could not be purchased, then the dollars earmarked for Boca Raton High School, according to the School Board's plan, should be used for fields elsewhere in the City that would benefit the high school. It was determined that language would be drafted to preclude the School Board from doing nothing, if for any reason they could not achieve the objectives of the resolution. Council was clear that a solution should be promoted and no avenues are to be blocked for acquiring the fields.

Council Member Haynie noted that the public hearing for Advent Lutheran Church was not on the agenda for tomorrow night and asked for an update. Mr. Ahnell explained that the petitioner asked to withdraw this item. He understood that Advent Lutheran was to schedule neighborhood meetings in order to reach a solution on the project, at which time the public hearing could be re-scheduled, probably for November or December. Mr. Ahnell confirmed with Ms. Haynie no action was required on the part of Council at this time.

(Consent Agenda Item 3.b.1. – Mizner Park Property Maintenance {Renewal}) Council Member Hager questioned where the half million dollars came from to fund the maintenance. Mr. Ahnell explained that this item is funded by General Fund dollars in the Recreation Services budget. Responding to Mr. Hager, Mr. Ahnell stated that this would be an appropriate expenditure from CRA revenue, however, those dollars are currently pledged toward the debt service payments.

(Consent Agenda Item 3.c.1. – Recycled Plastic Wood Picnic Tables, Trash Receptacles & Park Benches {Renewal}) Council Member Hager asked whether these items perform in superior fashion as compared to wooden items. Mr. Ahnell explained that these items were more durable and would last longer.

(Regular Agenda Item 7 – Ordinance No. 4894 / Amending the City Code regarding cable television system franchises in the City) Council Member Hager asked for the time frame for passage of this item. Mr. Ahnell stated that the public hearing would be held at the next meeting.

**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 provided an update on the City cemetery case. She explained that the 11<sup>th</sup> Circuit Court of Appeals issued an opinion in support of the City, which supports the Florida Supreme Court opinion and the trial court opinion. At this time, the City was waiting to see whether an appeal would be filed. If no appeal is filed, the decision will become final in 90 days.

**7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:**

Deputy Mayor Whelchel advised that she had occasion to deal with Adelphia recently and nothing has changed, saying the service is horrible and respect for customers is worse. In regard to the granting of a cable franchise, Deputy City Manager George Brown explained that the City was in the midst of three processes. First of all, an ordinance would be introduced tomorrow night, which would govern any future franchise in the City. Within 90 days of adoption, the ordinance would also govern existing franchises. Mr. Brown stated that this new ordinance provides requirements not found in the previous ordinance. For example, the City would require the cable company to provide their hurricane response plan, annually; the City could review same and work with the cable company to make necessary changes.

At the public hearing for this ordinance on September 13, 2005, another ordinance will be introduced that is required, under federal law, to respond to Comcast's request for a transfer of the existing, non-renewed franchises from Adelphia. One of the conditions of the transfer is that Comcast will abide by the new regulations, including those pertaining to customer service; details were provided. The public hearing for the ordinance relating to the transfer is scheduled for September 27, 2005; if approved, the City will then negotiate a new franchise – the term will be 10 years or less – with Comcast.

Regarding specific customer service issues raised by Council, Mr. Brown advised that the regulatory framework, outlined in the ordinance scheduled for public hearing on September 13, would address the majority of the customer service and responsiveness issues. He added that Adelphia received copies of the public hearing notice and the proposed ordinance; Adelphia representatives indicated that they would be in attendance at the public hearing on September 13. Mr. Brown stated that all provisions of the ordinance have been reviewed by Council and are legally sufficient and constitutional; however, Adelphia was expected to object to some provisions as being unduly burdensome. Responding to Council, Mr. Brown explained that one reason the ordinance was redrafted was to address compliance with changes in federal and state regulations in order to provide the City with maximum protection. Mr. Brown provided additional information to Council as requested.

Council Member Hager extended compliments to City staff regarding the completed intersection at Military Trail and Potomac, saying that staff did a fantastic job and, to his knowledge, it was the fastest road construction project completed in Florida in the last 15 years.

Council Member Baronoff requested an update for tomorrow night in regard to the defibrillator ordinance and the fire inspection ordinance. He added that on Friday, he spoke at the badge ceremony for eight City firefighters; it was an honor to be involved and he offered thanks to staff for giving him that opportunity.

Council Member Haynie asked the City Manager to clarify the situation related to the Boca Raton Executive Golf Course, questioning whether the City had received a formal submission for redevelopment. Mr. Ahnell explained that the golf course in question was located at Hidden Valley and NW 2<sup>nd</sup> Avenue. He then stated that the City had received no submittals or inquiries regarding due diligence. Mayor Abrams added that if there had been a submittal, it would be subject to staff review and public hearing. Council Member Haynie asked that the City Manager prepare an informational memo on the golf course issue. She then commented positively on the traffic circle at SW 12<sup>th</sup> Avenue and SW 13th Street and confirmed with Mr. Ahnell that staff would continue to monitor activity there. Last of all, Ms. Haynie mentioned the need for a recurring funding source for the Boca Raton Inlet; she requested information on the Jupiter Inlet District, specifically, how it was formed and how it operates. Mr. Ahnell explained that staff did research the Hillsboro Inlet District; the City of Deerfield Beach assesses waterfront properties and funds the Inlet via the Hillsboro Inlet District. He is to research the Jupiter Inlet District and provide information on same.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:28 p.m. on Monday, August 22, 2005.

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Vanessa Hines, Assistant City Clerk