

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, MAY 13, 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

PROCLAMATIONS:

Drinking Water Week – May 20 through 24, 2002
The proclamation was accepted by David Case and Shawn Sexton of Utility Services.

1. BOARD INTERVIEWS:

- a. Boca Raton Airport Authority – three (3) vacancies due to term expirations of Lawrence Rayman, George L. Lanham, and Philip Modder. Terms expire 06/01/02.

Robert O'Connell, Richard Russo, Philip Modder, Harold Ingraham, David Agronow, John Anderson, Ron Lakey, Larry Rayman, Peter Greenblatt, and Ron Peasley interviewed for the positions.

- b. Builders' Board of Adjustment and Appeals – one (1) vacancy for a general contractor. Term expires 02/15/04.

No one came forward to interview.

- c. Environmental Advisory Board – one (1) vacancy due to term expiration of Gary E. Eichler. Term expires 04/30/02.

Maggie Barszewski expressed interest in the position.

2. PUBLIC REQUESTS:

Shirley Schnuer spoke, on behalf of the residents and Board of Directors at Boca Teeca, in opposition to the increased aircraft noise experienced by her community. She then endorsed Robert DuKate as Boca Teeca's choice to serve on the Airport Authority.

David Siegel advocated Peter Greenblatt and Robert DuKate as members of the Airport Authority.

Craig Doring (phonetic) requested that the Airport Authority expend more effort in representing the people of Boca Raton and particularly those affected by airport noise. He then asked that follow-up information on the noise study be sent to residents.

Peter Greenblatt also spoke to the issue of the severe aircraft noise over Boca Teeca and endorsed Robert DuKate for membership on the Airport Authority.

Charlie Mae Brown thanked Council members for their support in regard to the Martin Luther King, Jr. Memorial. She then read a letter of thanks into the record and presented Council with a Certificate of Appreciation.

Jacqueline Waldeck supported moving the downtown library into the International Museum of Cartoon Art building in Mizner Park.

Attorney Barry Silver, representing several homeowners in pending litigation, provided an overview and update on the citrus canker issue. He offered his assistance to the City and asked for Council's support as well.

Lenore Wachtel commented on the citrus canker issue, thanking Council members for their support and stating that she had written to State legislators asking for help. As of this date, she had received one response from Representative Bill Andrews. Ms. Wachtel then expressed support for using the International Museum of Cartoon Art building as the new downtown library.

Robert Dodson related to Council his personal experience with the Department of Agriculture over the citrus canker issue.

Ms. Frieser provided an update on the citrus canker litigation, based in Broward County, of which the City is involved as one of the plaintiffs. After the 1900-foot rule was added as a statutory amendment to the State Statutes, the plaintiffs requested a temporary injunction to stop the destruction of citrus trees while the underlying case is being deliberated by the judge. Ms. Frieser explained that the judge is expected to render a decision on May 24, 2002. Meanwhile, on May 6, 2002, the Department of Agriculture (DOA) tendered IFOs (Immediate Final Orders) to several residents in the City. The IFOs allow the DOA to move in and cut down the trees within ten days. Residents can file for administrative relief within those ten days; however, that does not guarantee that their trees will be saved. The City requested that the DOA, as a courtesy, forestall the cutting until May 24th when the judge will make his decision; the DOA refused. An emergency motion was filed. Motions will be argued Thursday, May 16, 2002, in an effort to resolve two issues: 1) the temporary injunction awaiting the judge's decision on May 24th relating to the main motion, and 2) the IFOs received by City residents. Ms. Frieser will intervene on behalf of the property owners, with Council's authorization, as this action serves a public purpose to ensure that these people are representative of the citizens of Boca Raton. Ms. Frieser concluded by stating that she would provide an update after the Thursday meeting. Much discussion followed between Ms. Frieser and Council.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

(Consent Agenda Item 3.a.2. – Tree Relocation Services) Deputy Mayor Haynie questioned why there was only one response out of 50 solicited bids. The City Manager is to follow up.

(Consent Agenda Item 3.b.1. – In Car Video Camera System {New}) Deputy Mayor Haynie asked whether this item was being fully funded through the Law Enforcement Trust Fund (LETF). Mr. Ahnell responded in the affirmative.

(Consent Agenda Item 3.h. – Resolution No. 82-2002 / Agreement with Palm Beach County for beautification of Military Trail from the Hillsboro Canal to SW 18th Street) Deputy Mayor Haynie questioned whether this section of the road was within City limits and, if not, whether this was a concern that should be addressed. Mr. Ahnell replied that this section of the road is on the border and beautification is being funded by the "Keep Palm Beach Beautiful" grant; the City has agreed to take care of the maintenance. Ms. Haynie then confirmed with the City Manager that the area from the Hillsboro Canal to SW 18th Street is outside the City limits.

(Consent Agenda Item 3.a.2. – Tree Relocation Services) Council Member Freudenberg questioned how many trees were being moved. Mr. Ahnell explained that 77 trees would be relocated to various areas, including the cemetery. He then provided additional details as requested. Commenting on this item as

well, Council Member Hanson requested a master plan for the cemetery, showing the placement of trees, fountains and benches.

(Consent Agenda Items 3.k. and 3.k.1. – Resolution Nos. 85-2002 & 86-2002, respectively / Agreement with Phoenix Consulting Group, Inc. and Work Order No. 1 for security consulting services, respectively) Council Member Hanson questioned whether the funding for these items came from the LETF. The City Manager answered affirmatively.

(Consent Agenda Item 3.m. – Resolution No. 89-2002 / Grant for Boca Raton Historical Society from FDOT for the Transportation Efficiency Act for the 21st Century {TEA-21}) Council Member Hanson asked for clarification as to whether this would be a one-time grant for \$250,000. Also, should the City receive the grant, Ms. Hanson questioned whether three other projects would be delayed until 2006-2007. Mr. Ahnell explained that this grant was being requested in addition to those already submitted for the three projects. He then provided additional information regarding how the Metropolitan Planning Organization (MPO) awards funding.

Ms. Hanson then asked why Pearl City's historic designation was not on the Boca Raton Historical Society's list instead of the railroad station. Deputy Mayor Haynie explained that restoring historic transportation buildings is allowed because TEA-21 is transportation funding.

(Consent Agenda Items 3.g. and 3.k. – Resolution Nos. 81-2002 & 85-2002 / Work Order No. 8 with Hazen and Sawyer, P.C. for consulting engineering services and Agreement with Phoenix Consulting Group, Inc. for security consulting services, respectively) Council Member Hager confirmed with the City Manager that before a company is retained, the City takes into account any prior experience with that vendor, and reviews the company's expertise in the field and competence in serving other comparable municipalities.

- b. Resolution No. 78-2002 (Regular Agenda Item No. 4), which would grant a variance pursuant to the City of Boca Raton Coastal Construction Setback Ordinance for South Beach Park located at 2 South Ocean Boulevard.

Planning and Zoning Director Carmen Annunziato gave the presentation, explaining that the City has proposed to redevelop South Beach Park; some improvements would be located seaward of the Coastal Construction Control Line. Mr. Annunziato provided the location of the park and identified those structures in close proximity to same. He stated that tomorrow night staff would ask Council to find that the proposed variance meets the standards outlined in Code Sections 28-130 and 28-1556 and to grant the variance. A more detailed presentation would be forthcoming tomorrow night. Meanwhile, a hard copy of the Powerpoint presentation was made available for Council's review.

- c. Ordinance No. 4649 (Regular Agenda Item No. 6), which would amend the City Code in relation to Substance Abuse Treatment Facilities.

Manager of Administrative Services Ruby Childers gave the presentation, stating that this ordinance was introduced on April 9, 2002, and subsequently referred to the Planning and Zoning Board. On May 2, 2002, the Board unanimously recommended approval. Two public hearings are required for this ordinance. Ms. Childers outlined those sections of the Code, which would be amended should this item be approved. Code Section 28-197 is a new section that would require existing substance abuse facilities to comply with the provisions and requirements of this ordinance within 18 months after the effective date of same. Information was also provided relating to zoning. Ms. Childers concluded that, if approved, the ordinance would provide for more restrictive local regulation, similar to the State legislation on substance abuse treatment facilities. Staff recommended approval.

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

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

Dave Schmidt, Executive Director of B.R.E.T., presented the annual update, stating that B.R.E.T had just completed the second year of its five-year contract with the City to provide educational programming on the City's education channel. Currently, B.R.E.T. is broadcasting from the Children's Museum. Mr. Schmidt provided

details relating to programming hours and the types of programs being broadcast. A volunteer staff of 23 includes students and senior citizens. A class has been initiated with the State's Work Force Redevelopment Program; three classes have been conducted to date with full enrollment. Production abilities have been increased with the acquisition of more equipment. In addition, B.R.E.T. continues to use FAU and Lynn University facilities while their own are being built. Mr. Schmidt then answered questions from Council.

5. CITY MANAGER REPORTS:

Mr. Ahnell reported that staff has successfully tested broadcasting of the City Council Workshop and Regular Meetings on Radio Station 1650, which is the City's radio station. Consequently, the City is now officially broadcasting these meetings on the radio.

6. CITY ATTORNEY REPORTS:

The City Attorney had nothing to report.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Hanson requested attendance records for the Boca Raton Airport Authority for tomorrow night and inquired as to how many of the current Authority members are pilots.

Mayor Abrams mentioned that he attended the meeting of the Tri-Rail Authority and asked that the Boca Tech site be considered as a possible location instead of the site behind King's Delicatessen; the Authority was receptive.

Mayor Abrams attended the meeting of area mayors, convened by Commissioner Mary McCarty, in regard to the Airport Authority. A proposed interlocal agreement is being reviewed to set up a five-member board to consist of one member each from the City of Deerfield Beach, the City of Delray Beach, the City of Highland Beach, Palm Beach County, and the City of Boca Raton to address noise issues. Consequently, Mayor Schmidt of Deerfield Beach agreed to drop the effort to gain seats on the Airport Authority.

Mayor Abrams suggested that an update on the Part 150 study and related issues be included in the next newsletter published by the City.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:15 p.m. on Monday, May 13, 2002.

Vanessa Hines, Assistant City Clerk