

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, JUNE 10, 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.

ATTENDING THE MEETING WERE:

Deputy Mayor Susan Haynie
Council Member Bill Hager
Council Member Carol Hanson

Mayor Abrams and Council Member Freudenberg were absent (excused).

Also attending the meeting were:

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

AWARDS: Florida Association of Public Purchasing Officers (FAPPO) 2002 Outstanding Purchasing Department Award for Medium-sized City.

Nora Laudermilk, President of FAPPO, presented the award to Deputy Mayor Haynie, stating that this is the second time that the City of Boca Raton has won this award. Deputy Mayor Haynie then presented the award to Purchasing Manager Carol Thomas, who thanked her staff for their efforts in making this award possible.

1. BOARD INTERVIEWS:

- a. Builders' Board of Adjustment and Appeals – (1) vacancy for a general contractor to complete the term expiring 02/15/04.

There were no applicants.

- b. Library Advisory Board – (1) vacancy due to resignation of Mary Ann Billing. Term expires 08/10/03.

Robert Keltie interviewed for the position.

- c. Noise Compatibility Committee – (2) vacancies, 1-year term. (A new committee established by the Airport Authority).

The City Manager clarified that the bylaws of the committee do not state that applicants must be City residents.

Richard Russo, John Skobern, John Anderson, and Robert Brewster interviewed for the positions.

- d. Pearl City Blue Ribbon Committee – (1) vacancy due to resignation of Bonnie Dearborn, (Historic Preservation Board representative). Term expires 02/13/04.

Merle Haber, a member of the Historic Preservation Board, expressed interest in the position.

- e. Special Master – (2) vacancies, due to term expirations of Cormac Conahan and Richard Gescheidt. Terms expired 3/21/02.

Mitchell Kirschner, Richard Gescheidt, and Cormac Conahan interviewed for the positions.

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.)

No one came forward to speak.

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

- a. Questions relating to the agenda.

(Consent Agenda Item 3.a.1. – Hauling & Disposal of Spent Lime) Council Member Hanson questioned where the sludge is deposited and what the previous costs were for disposal. She also requested the locations of the other two bidders. Mr. Ahnell advised that information would be forthcoming tomorrow night.

(Consent Agenda Item 3.b.1. – Tree Trimming/Pruning Services and Tree Removal/Stump Grinding Services) Council Member Hanson asked whether funding for this item was coming from both this year's budget and next year's budget. The City Manager replied affirmatively. Ms. Hanson then confirmed with Mr. Ahnell that the dollar figure listed in the back-up material for FY '01-'02 is the remainder of the funds available for this fiscal year.

(Consent Agenda Item 3.c.2. – Printing and Distribution of Utility Bills) Council Member Hanson inquired as to where the firm, Better Business Forms, is located. Mr. Ahnell indicated that the information would be available tomorrow night.

(Consent Agenda Item 3.c.3. – Custodial Maintenance Services) Council Member Hanson questioned whether the Greater Boca Raton Beach and Parks District (GBRBPD) provides funding for other recreation services in addition to Red Reef Park. Mr. Ahnell explained that the GBRBPD only reimburses the City for those parks that belong to them; they have maintenance crews to take care of their other facilities.

(Consent Agenda Item 3.g. – Resolution No. 60-2002 / Revocable License Agreement with Boca Technology Center {BTC}) Council Member Hanson questioned the acreage being given to BTC for road improvements. Mr. Ahnell explained that 1.14 acre is being allotted that BTC may widen Yamato Road. Ms. Hanson then voiced concern that the right-of-way on Military Trail, which is environmentally sensitive, may be paved over in the future. The City Manager explained that the right-of-way in question relates only to Yamato Road; however, he would follow up. Ms. Hanson then questioned whether BTC was ready to pull permits and begin building. Mr. Ahnell stated that he was not aware of any permits being issued at this time.

(Consent Agenda Item 3.h. – Resolution No. 93-2002 / Agreement with Charles J. Narvin, a tennis professional, for services at the Swim and Racquet Center) Council Member Hanson questioned why this agreement was not between the GBRBPD and the tennis pro. The City Manager explained that the tennis pro's activities are part of the operations of the facility, for which the City is responsible per its contract with the GBRBPD. Mr. Ahnell provided additional information to Ms. Hanson, explaining that the City is reimbursed for maintenance costs by the GBRBPD.

(Consent Agenda Item 3.i. – Resolution No. 94-2002 / State grant for the downtown library) Council Member Hanson questioned whether the agreement would need to be changed, should the downtown library be moved from its current site to a new location. Mr. Ahnell explained that as long as the downtown library was located in the same general area as its current site, it would qualify. The City Manager provided additional information relating to the proposed western library, as requested. Ms. Hanson concluded her comments by questioning the need for a catering kitchen at the library.

(Consent Agenda Item 3.j. – Resolution No. 95-2002 / Urging approval of the FAU Campus Development Agreement {CDA} by the Florida Board of Education) Council Member Hanson voiced concern that the two public hearings on the CDA have not yet taken place, and this resolution urges approval of same. Ms. Hanson outlined her concerns in detail, questioning the intensity of the proposed FAU 10-year

Capital Improvement Projects schedule, the speed at which these projects are expected to take place, and the proposed dollars that the City is to receive to help alleviate the expected impacts. Mr. Ahnell explained that the Board of Education (BOE) recently requested that the City first approve the CDA, then send it back to them, at which time they will approve it - this is a new procedure. The problem with having the public hearings first and then sending the CDA to the Board of Education is that, should the BOE make changes to the document, public hearings would need to take place yet again. This resolution is asking that the BOE review the CDA and empower the Chancellor to sign off on it, once the City has conducted the two public hearings and all parties are in agreement. Mr. Ahnell then clarified that the improvements reflected on the color map provided are proposed improvements beyond the 10-year scope and not included in this agreement. The City Attorney clarified that there was nothing in this resolution, which would make the agreement binding on the City. The resolution would simply provide some assurance that, once the public hearings have been conducted, the agreement is acceptable to the Board of Education. The City Manager responded to questions from Ms. Hanson and Mr. Hager related to funding, and the disbursal of same, for proposed projects.

- b. Resolution No. 90-2002 (*Regular Agenda Item No. 4*), which would grant conditional use approval for the Royal Palm Yacht & Country Club Clubhouse and grant a technical deviation for off-street parking.

Planning and Zoning Director Carmen Annunziato stated that this petition called for the demolition and reconstruction of the Royal Palm Yacht & Country Club clubhouse; the existing building is located at the intersection of Royal Palm Way and Sabal Palm Drive. Mr. Annunziato then explained that the presentation today would be limited to an introduction of the subject and questions from Council, for which answers would be provided during the quasi-judicial public hearing tomorrow night. Mr. Annunziato provided responses to factual inquiries.

- c. Ordinance No. 4638 (*Regular Agenda Item No. 5*), which relates to Transportation Demand Management (TDM).

Since additional information was received on this item last week, the City Manager explained that Council would be asked to open this issue tomorrow night and continue it. Consequently, no presentation would be given today. Deputy Mayor Haynie clarified that the stakeholders had presented a revised TDM ordinance for evaluation by staff. Mr. Ahnell explained that the public would be given the opportunity to speak tomorrow night. However, staff was going to recommend that Council take no action at this time.

- d. Ordinance No. 4653 (*Regular Agenda Item No. 6*), which would amend the City Code, relating to "Animal Noises."

Inspection and Compliance Supervisor Ken Massalone gave the presentation, explaining that this ordinance would amend Code Section 10-60, related to "animal noise." Currently, two affidavits signed by two unrelated individuals living in the vicinity of the alleged violation are required before an investigation may take place. This ordinance would provide an alternate means of bringing forward a complaint by allowing one affidavit and video evidence. Mr. Massalone then answered questions from Council.

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 case of Warner vs. The City of Boca Raton a/k/a the cemetery case. Ms. Frieser attended the oral argument before the Florida Supreme Court approximately one week ago and reported that Bruce Rogow, the City's outside counsel representing the City in this case, provided an excellent

argument; she expressed full confidence in Mr. Rogow's abilities. Ms. Frieser then explained that it could be several months before the Florida Supreme Court rules on the certified question that will then go back to the 11th Judicial Circuit Court.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Hager stated that the federal government's lack of cooperation in the cleanup of anthrax from the AMI building is endangering the health and welfare of the City. He expressed particular concern that should a fire or hurricane occur, the City could face major problems with possible dissemination of the contamination. Mr. Hager felt pressure should be put on the federal government and suggested that a personal delegation go to Washington, D.C. to effect a resolution. Council Member Hanson concurred with Mr. Hager. She also suggested that, once the building is free of anthrax, the federal government might wish to use it as a southern office for homeland security.

Council Member Hanson mentioned that a restaurant in her area was experiencing parking problems, and the owner was considering a concurrent parking agreement with the business owner across the street. Ms. Hanson questioned whether the City would have to be involved in the transaction. The City Attorney explained that, as long as both property owners are in compliance regarding their respective required parking and are not using parking needed for another facility, they are free to enter into private parking agreements.

Council Member Hanson questioned whether the Department of Transportation (DOT) is required to restore rights-of-way where DOT construction has taken place. Mr. Ahnell is to follow up.

Council Member Hanson asked whether corporate headquarters are allowed in multi-family residential zones.

Council Member Hanson distributed a list of the 41 petitions that are being circulated seeking the required number of signatures in order to be placed on the November 2002 ballot. She added that seven constitutional questions are definite. Ms. Hanson expressed particular concern regarding the casino gambling petition, noting some residents are concerned because several casino-related businesses have appeared in the City. She confirmed with staff that the deadline for getting a petition on the November ballot is the first week in September. She asked staff to confirm where municipal questions will fall in the ballot order. Mr. Ahnell is to follow up.

Council Member Hanson referenced the newspaper photograph of Deputy Mayor Haynie's visit to the former Amber Restaurant site. Ms. Hanson then questioned how many projects located north of Yamato Road are currently before the Community Appearance Board.

Council Member Hanson stated that the Cultural Consortium has been invited to meet with Lynn University to determine their needs in regard to the proposed hotel/theater, which would be located on the current site of the International Museum of Cartoon Art. Ms. Hanson explained that the Consortium would like to move into Levitz Plaza and, possibly, open a cabaret. She then inquired about whether or not the trips vested by Levitz remain vested.

Council Member Hanson commented on the King David development, which has apparently gone out of business. She relayed residents' concerns about what type in business could go in there now. Mr. Ahnell is to provide zoning information on the site.

Deputy Mayor Haynie referred to an investigation, requested by Senator Nelson, into the contamination of the former military base, which extended from Palmetto Park Road to Yamato Road, and asked that the City stay informed on this issue. Mr. Ahnell stated that the City would follow up.

Deputy Mayor Haynie explained the reasons for the absences of Mayor Abrams and Council Member Freudenberg. They are both expected to be in attendance at tomorrow night's Council meeting.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:15 p.m. on Monday, June 10, 2002.

Vanessa Hines, Assistant City Clerk