

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, SEPTEMBER 22, 2003
1:00 PM

The regular workshop meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Abrams at 1:00 p.m.

ATTENDING THE MEETING WERE:

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

Also attending the meeting were:

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

1. BOARD INTERVIEWS:

- a. North Federal Highway Steering Committee – (new committee) - eight (8) vacancies in specific categories, as established in Resolution No. 147-2003.

Diane Heinz interviewed under the category of Commercial Property Owner. Gerald Bradley, James Knight, Tarina Rasmussen, Carrie Lynn, Derek Vander Ploeg, and Debora Oster interviewed under the category of Residential Property Owner; Council determined that Mr. Vander Ploeg is not currently a resident in the prescribed area. Brian Duffey and Rick Howard interviewed under the category of Small Scale Business Owner. Thomas Salzman interviewed under the categories of Large Scale Business Owner and Commercial Property Owner.

- 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.)

John Stetz advised Council that he would be joining another individual in a lawsuit against the City unless the City permanently deleted the Red Reef project from the Central Beach Renourishment Program and turned it into a landmark. Mayor Abrams advised that an update would be forthcoming from the City Manager at a later time.

Brenda Gross expressed opposition to Ordinance 4728 and opined that no communication was forthcoming from the City in regard to this proposed legislation.

Christine Pezzo spoke to the issue of the ficus trees located at the entrance of Royal Oak Hills and voiced support for keeping the trees. Mr. Ahnell explained that a letter would be sent to the Royal Oak Hills Homeowners' Association (ROHA) proposing that the trees could be deeded over to them; the Association would then be responsible for their maintenance in the future.

Carl Jacobs read a letter from a resident, asking that Red Reef Park be spared from beach renourishment.

Rick Harris, an attorney representing the Realtors' Association of the Palm Beaches, voiced opposition to Ordinance No. 4728 and provided extensive details related to same.

Andrew Barbar representing the Realtors' Association of the Palm Beaches as their President-elect, also voiced opposition to Ordinance No. 4728.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

(Consent Agenda Item No. 3.a.3. – Reclaimed Water Production Facilities Existing Upflow Filter Modifications) Deputy Mayor Whelchel questioned whether this was the beginning of a filter process change. Mr. Ahnell explained that the City had to modify how the filters are held in place, which is a first step, before the filters, themselves, could be modified. Ms. Whelchel then questioned how much additional money would be needed. Mr. Ahnell explained that he did not have a figure at this time, as testing of various components had yet to be completed. However, that information would be forthcoming in the future.

(Consent Agenda Item No. 3.a.1. and 3.c.1. – Lighting Upgrade for Roller Hockey Rink at Sugar Sand Park and Sound System for Sugar Sand Park Willow Theatre) Deputy Mayor Whelchel questioned whether these items were being funded by the Beach and Park District. Mr. Ahnell responded affirmatively.

(Consent Agenda Item No. 3.f.2 - Hughes Park Renovations) Deputy Mayor Whelchel confirmed with the City Manager that the Pearl City Blue Ribbon Committee supported the removal of the ball field in order to make improvements to the park.

(Consent Agenda Item No.3.h.3. – Traffic Pre-emption System) Deputy Mayor Whelchel mentioned that 18 intersections were included in the GPS study and questioned when the City would move forward with additional intersections. Mr. Ahnell explained that passage of this item would allow Fire-Rescue Services to override traffic signals when responding to emergencies. He then reviewed several of the affected intersections and stated that installation of the system, at those intersections, should be completed by March or April of 2004. He also advised that the City would be taking over additional intersections near I-95, which are currently controlled by the County.

(Consent Agenda Item No. 3.o – Resolution No. 164-2003 / Agreement with the Boca Raton Housing Authority related to the CATS after school and summer camp programs) Deputy Mayor Whelchel questioned whether receipt of this block grant had anything to do with the non-profit organizations coming before Council for additional funding. Mr. Ahnell responded in the negative and explained that this grant is separate from the City's budgetary process.

(Consent Agenda Item No. 3.u. – Resolution No. 170-2003 / Agreement with Alcalde & Fay, Ltd., for Federal Government Affairs Consulting Services) Deputy Mayor Whelchel questioned how much the City paid for Alcalde & Fay's services last year and what benefits the City received from their services. Mr. Ahnell explained that the City paid Alcalde and Fay \$72,000 last year. As a result of services rendered, the City received \$490,000 for the reverse osmosis water plant and \$200,000 in funding for the central beach project.

b. Resolution No. 156-2003 (*Regular Agenda Item No. 4*) A resolution of the City of Boca Raton making findings of fact and conclusions of law pertaining to Boca Technology Center, a Development of Regional Impact, and constituting this resolution as an amendment to the original Development Order.

Development Services Senior Planner Lisa Colmenares gave the PowerPoint presentation. She provided information regarding the location and surrounding properties; acreage and zoning were outlined as well. She then explained that the requested modifications would include: 1) development of a new Tri-Rail Intermodal Facility, 2) an additional access point to Yamato Road, and 3) the relocation of the existing conservation easement. Ms. Colmenares provided additional information before concluding her presentation and answering questions from Council.

c. Ordinance No. 4728 (*Regular Agenda Item No. 5 - Continued from the September 10, 2003 meeting*), which would amend Section 8-27, Code of Ordinances, to revise the definition of "Professional."

The City Attorney explained that this ordinance was drafted in order to be as consistent as possible with State law. However, after much discussion, staff was now recommending that the status quo be maintained. At the next legislative session of the State, the City would ask that cities be given more flexibility in determining who is charged for occupational licenses. Therefore, at this time, the license fee would continue to be charged against those businesses, as they always have been since 1995; these businesses are listed on the Exhibit A list attached to the ordinance. Individuals who haven't previously been charged, would not be charged at this time; those individuals are outlined on the Exhibit B list, also attached to the ordinance. Mayor Abrams commented that the City has very little flexibility in this matter. The City Attorney provided additional commentary and reiterated that the status quo would be maintained at this time.

- d. Resolution No. 157-2003 (*Regular Agenda Item No. 13*), which would adopt an amended and restated Boca Raton Municipal Facilities and Services User Fee Schedule.
- e. Resolution No. 158-2003 (*Regular Agenda Item No. 14*), which would revise the Boca Raton Water and Sewer Fee Schedule.

Financial Services Director Mervyn Timberlake gave the PowerPoint presentation on both resolutions. He explained why user fees were needed and what categories would be increased before addressing the institution of new fees. He then provided details related to the new fee schedules for each department within the City. Responding to Council, Recreation Services Director Mickey Gomez answered questions regarding Library Services' fees for educational videos and the difference in the charges for residents versus non-residents. Mr. Timberlake concluded his presentation and provided additional information to Council as requested.

Mayor Abrams mentioned that the Beach and Park District requested a more equitable arrangement regarding the cost of beach permits. He noted that there is a \$7 differential between the cost to City residents and the cost to Beach and Park District residents. Council acknowledged that the District had funded a number of projects, which have benefited the City. Therefore, it was agreed that the differential would be eliminated; the same fee would be charged for both City and District residents.

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 had nothing to report at this time.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Deputy Mayor Whelchel referred to the upcoming Florida Atlantic University (FAU) event wherein President Brogan would be inaugurated and suggested offering \$3,500 to fund same; Council was agreeable to this suggestion.

Council Member Hager referred to the upcoming Annual Congress of Cities' meeting, stating that it is a very constructive organization. While Mr. Hager was unable to attend due to a prior commitment, he urged other Council members to attend this December conference and bring back information.

Council Member Haynie commented on the amount of correspondence received in regard to a cryogenic business proposed for location in Boca Raton. She questioned what level of review would be given to this item. Mr. Ahnell explained that Council would consider this request for conditional approval sometime in October. Mayor Abrams also advised that this matter would be reviewed by staff and considered by Council at a public hearing.

Council Member Freudenberg reported on the Metropolitan Planning Organization (MPO), explaining that additional members might be added to that body. He then distributed the criteria and current make-up of the MPO, stating that it was suggested that the City of Boca Raton might wish to relinquish one of its two positions. He then asked that the City Attorney research the law to determine whether the City has veto power should this suggestion gain momentum. Council Member Haynie provided additional information on the MPO, explaining that it is comprised of 19 members; population determines the number of votes awarded to each city. Consequently, the more heavily-populated cities of Boca Raton and West Palm Beach have two votes instead of one. After additional discussion, the City Manager advised that staff would research this issue; however, his recommendation would be that the City maintain its two seats on the MPO.

Mayor Abrams stated that he was scheduled to attend a Beach and Park District meeting today; he would advise those present that the differential in the beach permits would be mitigated in accordance with Council's discussion today.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:30 p.m. on Monday, September 22, 2003.

Vanessa Hines, Assistant City Clerk