

MINUTES OF THE REGULAR WORKSHOP MEETING  
CITY COUNCIL  
BOCA RATON, FLORIDA  
MONDAY, FEBRUARY 24, 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 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

Due to the number of people in attendance, who were interested in hearing FPL's presentation regarding the Corridor Maintenance Program and Tree Pruning Policies, Council opted to bring this item forward immediately after the Board Interviews.

**1. BOARD INTERVIEWS:**

- a. Boca Raton Advisory Board for the Physically and Mentally Challenged – (1) vacancy due to resignation of Grace Pertile, whose term expires 04/23/03.

No one came forward to interview.

- b. Historic Preservation Board – (1) vacancy due to resignation of Jacqueline Waldeck, whose term expires 07/01/03.

Michael Wirtz interviewed for the position.

- c. Library Board – (1) vacancy due to resignation of Anthony Dutton, whose term expires 08/10/04.

Robert Huckshorn expressed interest in the position.

- d. Marine Advisory Board – (2) vacancies due to term expirations of Thomas Thayer and Douglas Archibald, whose terms expire 03/20/03.

Thomas Thayer and Douglas Archibald voiced interest in remaining on the Board.

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

- a. Corridor Maintenance Program/Tree Pruning Policies - Florida Power & Light (FPL)

Assistant City Manager George Brown explained that FPL was appearing before Council today to respond to citizens' complaints related to overpruning of trees throughout the City. He then introduced FPL representatives, Tony Neubold, Bill Slaymaker, and Robert LoZanno.

Mr. Neubold introduced Mr. Slaymaker, the manager of FPL's vegetation management program. Mr. Slaymaker began his presentation by emphasizing that FPL is now notifying residents and City staff when scheduled maintenance of trees is to take place. He distributed an informational packet to Council, including a hard copy of a PowerPoint presentation, which was subsequently reviewed. An extensive

explanation as to why and how trees are trimmed was provided; compliance with Federal, State, and municipal codes was also reviewed, and focus was given to “problem trees,” such as ficus’ and palms. Mr. Slaymaker concluded his presentation by suggesting that educating the public, showing power lines on landscaping-plan approvals, and instituting legislation to curb or limit placement of trees under power lines, would assist in avoiding the problems currently being experienced by property owners. He then answered questions from Council.

Melba Silver, a City resident, distributed photos of her trees after FPL had them cut by Asplundh, stating that the trees were ruined and would take another 20 years to come back.

Jo-Ann Landon, an arborist and a member of the City’s Beautification Committee, spoke in opposition to the tree-pruning techniques.

The City Manager clarified that while FPL has provided information to the City regarding what areas Asplundh will be working in, the areas indicated are very large and do not contain specific locations. Therefore, it is difficult for the City to know exactly where the tree-cutting is to take place at any given time. He also stated that the real problem today is not with new plantings but with the City’s mature trees, many of which were planted 10 to 15 years ago; staff is already addressing the issue of planting new foliage and requiring that same be located away from power lines. Mr. Ahnell then provided additional information to Council, as requested.

Mayor Abrams referenced the transmission line issue and the ongoing route selection process, asking for an update. Mr. Newbold explained that FPL was still engaged in researching an alternate route. However, the original route was still preferred. Responding to Mayor Abrams, Mr. Newbold stated that once a decision is made, Council Member Freudenberg, as the City’s liaison in this matter, would be notified, as would all affected neighborhoods.

Peter Stubenvoll, a resident of Woodfield Hunt Club, referred to three news articles, which presented conflicting positions by FPL on the transmission line matter, and expressed concern over whether FPL was being forthright. He then thanked Council members for their efforts on behalf of the citizens opposed to the original transmission line route.

Seeing no one else come forward to speak on FPL issues, Council moved to the next item on the agenda.

**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.)

Susan Feldman referenced a group home, located at 399 NE 25 Terrace and operated by the Archdiocese of Palm Beach County, and stated that more people are staying there beyond what is allowed by law. She expressed that when the home, which is across the street from her residence, originally opened in 1996, everything went well for approximately 18 months. However, since then, traffic has been an ongoing problem; she explained that Code Enforcement and Development Services have files on this property. She then stated that the traffic entering and leaving the residence changes on a daily, and sometimes hourly, basis, with an average of 6 to 40 cars in evidence at any given time. Ms. Feldman distributed pictures taken in the last three weeks to support her statements. Ms. Feldman said she spoke with the people in charge of the home about the traffic to no avail. She expressed concern that the caregivers appear to be changing frequently, there’s no consistency at the home, and shuttles are being used to transport people in and out of the residence. In conclusion, Ms. Feldman asked for assistance from Council. Mayor Abrams advised that the City Manager would follow up on this matter. Ms. Feldman then provided additional information to Council as requested.

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

a. Questions relating to the agenda.

(Consent Agenda Item 3.f. – Resolution No. 35-2003) Deputy Mayor Haynie mentioned that this street name had been changed before and requested a history of same. The City Manager is to follow up.

(Consent Agenda Item 3.h. – Resolution No. 37-2003) Deputy Mayor Haynie noted that only one individual responded to the Request for Proposal (RFP) and questioned whether the City Manager was comfortable with one response or whether the position should be re-advertised. Mr. Ahnell explained that he was comfortable with the choice since Dr. Stern has been with the City since 1989. He also mentioned that the services required of the City physician are very specialized, which may account for the lack of response from other physicians.

(Consent Agenda Item 7 – Resolution No. 38-2003) Mayor Abrams requested a back-up letter from the law firm regarding settlement of this case.

- b. Ordinance No. 4690 (*Regular Agenda Item 4*), which would amend the Code of Ordinances relating to fences, walls and hedges.

Inspection and Compliance Supervisor Ken Massalone gave the presentation. He explained that staff reviewed Code Sections 28-1356(d),(e), and (f), and found that enforcement of same would result in removal of hedges and other landscaping, which did not actually present a vehicular sight hazard but were technically in conflict with these particular code sections. Additional research concluded that Code Section 28-1356(k) more adequately addressed hazardous vehicular sight obstructions and provided for more effective remedies, which would be instituted on a case-by-case basis at the behest of the City Manager. In conclusion, staff recommended eliminating Code Sections 28-1356(d),(e), and (f). Mr. Massalone then answered questions from Council. Based on Council's comments, it was decided that the ordinance would be revised to provide more clarity. Page 6, Section 3(h), Line 18, was amended to add, "...sidewalks, bikepaths, driveways..."; Page 7, Section 3(j), Line 5, was amended to retain the word, "...except those which are...". These changes would be incorporated into the ordinance, which would be brought before Council for consideration tomorrow night.

## **5. CITY MANAGER REPORTS:**

The City Manager had nothing to report at this time.

## **6. CITY ATTORNEY REPORTS:**

The City Attorney reported on the case of Carl Jacobs et al v. Department of Environmental Protection and the City of Boca Raton. She explained that this was the administrative challenge to the City's wastewater permit and stated that the matter had been resolved in favor of the City; the permit should be issued at any time.

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

Council Member Freudenberg questioned whether any public streets in the City were named after commercial establishments. The City Manager is to follow up.

Council Member Freudenberg reported on advertising for a residential development west of the City, off of Lyons Road, which informed people incorrectly that they could "live in the middle of the City of Boca Raton." He suggested that the City might wish to contact the appropriate party to explain that this development is not within the City limits.

Council Member Freudenberg explained that he had spoken with Development Services Director Jorge Camejo and the City Attorney in an effort to have an ordinance drafted regarding protection of Floor Area Ratios (FARs). Essentially, this legislation would allow for the demolishing of a building but would retain the existing FAR for a period of five years. Deputy Mayor Haynie expressed that the City might not want to "grandfather" some existing uses and suggested looking at "eyesore" buildings on a case-by-case basis instead of providing blanket language. As a result of these suggestions, Mr. Freudenberg is to work with the City Attorney to incorporate same in the ordinance.

Council Member Freudenberg referred to the recent nightclub fire in Rhode Island where pyrotechnics were used as part of the show and 97 people died as a result. He questioned whether it was possible to draft an ordinance prohibiting indoor pyrotechnics altogether. He then requested a report from the City Manager as to what the City can do to ensure that buildings are properly inspected. He also suggested that, should pyrotechnics be allowed and permitted, every safeguard imaginable should be instituted. Mayor Abrams asked that the number of permits recently requested for pyrotechnics be included in the City Manager's report.

Council Member Freudenberg suggested using \$100,000 from the Law Enforcement Trust Fund (LETF) to purchase Automatic External Defibrillators (AEDs) and install them in more areas of the City, such as churches and schools, on a "leaseback" or "gift" basis. These institutions would sign a contract with the City, stating that they would provide people to be trained on how to use the AEDs. Mr. Freudenberg stated that he had asked the City Manager to prepare a plan for implementation.

Deputy Mayor Haynie reported that she attended the Royal Oak Hills Homeowners' Association annual meeting and stated that residents were concerned over boundary changes related to Addison Mizner Elementary School. She asked the City Manager to follow up and report back as to the School Board's plans. Mr. Ahnell explained that the City had not been contacted by the School Board in this regard. He then provided some background information, stating that there has been a tremendous influx of children into the area and, since Addison Mizner is an A-rated school, parents want their children to attend there. Mr. Ahnell then touched on the School Board's concurrency program, the lack of space in existing schools, and the need to expand schools and/or construct new ones to keep up with demand, and, in Addison Mizner's case, the ongoing problem of traffic congestion in that neighborhood. Mayor Abrams mentioned that it appears the City may be asked to contribute to funding the construction of more schools. In conclusion, the City Manager will follow up and report back to Council.

Deputy Mayor Haynie commented on the new Palm Beach County bus shelters in west Boca and requested the status of the City's bus shelter program. Mr. Ahnell is to follow up.

Council Member Hanson referred to a recent Student Advisory Committee meeting and explained that a discussion came up regarding "economic diversity." She asked that Mr. Ahnell obtain the definition of same when he speaks with the School Board.

Council Member Hanson asked that Code Enforcement check the signs at the 5<sup>th</sup> Avenue shopping center to determine whether they are in compliance with the City Code.

Council Member Hanson questioned whether the City was working on a beautification project at the intersection of Yamato Road and Dixie Highway. She voiced concern that the intersection was completely blocked and vehicles were getting caught sitting on the railroad tracks. Mr. Ahnell explained that this was a Florida Department of Transportation (FDOT) road improvement project, which should be completed in early summer; he then provided an overview of the expected enhancements but stated that the City does not have jurisdiction over the FDOT. In addition, the FDOT is paying approximately \$9 million for the road. Council Member Hager again voiced concern over the length of time involved in completing road construction.

Council Member Hanson requested an update on the MTBE situation and asked whether the City's water had ever been tested for it. She also questioned where Congress was in regard to this issue and suggested that Skip Bafalis, the City's Federal lobbyist, should be contacted for an update.

Council Member Hanson voiced displeasure with the amount of noise generated by the air traffic flying over Boca Teeca. Mr. Ahnell explained that most of the planes take off from the north and fly along I-95. If the pattern along I-95 is not available, the planes wind up flying over Boca Teeca and up the coast. Council Member Freudenberg provided additional information related to why these flight pattern conflicts, resulting in increased air traffic and noise, currently exist. He then expounded on efforts by the Airport Authority to work with the Federal Aviation Administration (FAA) in search of an alternate route.

Council Member Hanson referenced the heavy traffic at Federal Highway and 20<sup>th</sup> Street, made more difficult by the number of people heading north to Glades Road. She questioned whether an additional lane would be added to Federal Highway between Glades Road and 20<sup>th</sup> Street. Mr. Ahnell referred to a prior meeting where Council reviewed eight options brought forward by the Florida Department of Transportation (FDOT) to improve traffic flow in that area. Ms. Hanson was absent from that meeting; however, Council did approve one of the options, which

included adding lanes to certain sections of Federal Highway. Mr. Ahnell provided additional details related to the chosen option and noted that, unfortunately, it may be a few years before improvements are initiated by the FDOT. Mayor Abrams and Mr. Ahnell noted that, in the interim, a “stopgap” solution to improve traffic in that area was being reviewed.

Council Member Hanson commented on a news article relating to noise walls along I-95, saying that installation of same in residential neighborhoods, previously not eligible for noise walls, would be re-addressed but only from Delray northward. She questioned why Boca Raton was not included. Mr. Ahnell and Deputy Mayor Haynie explained that the FDOT was installing noise walls only in neighborhoods where new construction was taking place.

Council Member Hanson mentioned that BellSouth was doing a poor job this year of delivering phone directories as many of them are being thrown in the swales with no plastic covering. Mr. Ahnell is to follow up.

Council Member Hanson referred to One North Ocean Boulevard and questioned whether the permit was renewed. Mr. Ahnell is to follow up.

Council Member Hanson reported that the new company providing valet parking at Mizner Park continues to park cars in areas where they should not. She also noted that when she brought this to the attention of one of the valet's, he was very rude.

Council Member Hager mentioned the recent story regarding the number of people who died in Chicago and commented that evacuation problems could also have been related to locked stairwells. He also noted that he has observed some privately-owned buildings in the City that have one of the two double entry/exit doors locked, which could present a hazard in a fire situation. Mr. Hager then referenced the Rhode Island nightclub fire and stated that he was opposed to any use of fire in buildings and would support an ordinance banning pyrotechnics.

Mayor Abrams referred to comments made by concerned citizens who thought that a condo was being built at the South Beach pavilion construction site. In order to allay those concerns, Mayor Abrams stated that a project sign should be posted, stating that this is a joint project with the Beach & Parks District and including the completion date for the pavilion. Speaking to the issue of a beach access path near that same construction site, Mayor Abrams explained that some people were having trouble using it, due to the construction. He asked Mr. Ahnell to ensure that the pathway is clear and unobstructed. The City Manager explained that staff was currently working on a project sign with a completion date; he is also to follow up on the pathway to ensure that it is clear and properly marked.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:20 p.m. on Monday, February 24, 2003.

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Vanessa Hines, Assistant City Clerk