

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JUNE 10, 2003
6:00 PM

The regular meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven L. Abrams at 6:00 p.m.

INVOCATION:

Council Member Haynie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. 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

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

PROCLAMATIONS/PRESENTATIONS:

There were no proclamations or presentations.

AWARDS/RECOGNITIONS:

There were no awards or recognitions.

MINUTES:

Minutes of the Regular Workshop Meeting of May 27, 2003
Minutes of the Regular Meeting of May 28, 2003

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to approve the minutes as presented. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Code Enforcement Board – one (1) vacancy, due to the resignation of Alfred Gladstone (contractor), whose term expires 09/25/04.

Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to appoint Donald Freedland to the Code Enforcement Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

- b. Education Advisory Board – four (4) vacancies: one (1) due to the resignation of Linda St. John-Hunter, whose term expires 07/28/03; and three (3) due to student “ex officio” vacancies.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Whelchel, to appoint Cleveland Peoples to the Education Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.a.2. – Uniform Rental Service) The City Manager explained that this procurement item is for uniforms for the City’s field workers; Police Department uniforms will be on the next agenda for approval.

(Consent Agenda Item 3.c.1.) – Vacuum Filter Parts) A memorandum was provided. Mr. Ahnell explained that the filters being replaced are 20 years old and described them as efficiency-type filters that allow for maximum water recovery during the water treatment process.

(Consent Agenda Item 3.e. - Resolution No. 98-2003) A memorandum was provided. The City Manager stated that this expenditure is to change out the housing for the filters, not the type of filters. This modification is the first step in the process to add additional filters to further improve water quality.

(Consent Agenda Item 3.g. – Resolution No. 100-2003) Mr. Ahnell stated that, per the project manager for the Department of Environmental Protection, correspondence has been sent to Senator Atwater stating that they would not revise the City’s contract for the Central Beach Project until the project bids are received; bids should be received by the end of August.

(Consent Agenda Item 3.h. – Resolution No. 101-2003) Mr. Ahnell advised that the grant being sought for overtime reimbursement, related to Homeland Security, does not cover retroactive expenses.

3. Consent Agenda:

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to approve the Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

a. Competitive Sealed Proposals

- 1) Independence Day Fireworks - Renewal
Requested by Recreation Services
Zambelli Fireworks International \$27,000

- 2) Uniform Rental Service - Renewal
Requested by Recreation Services, Municipal Services,
Utility Services, Financial Services, & Fire-Rescue Services
Warren Uniform Company \$161,263
- b. Sealed Bids
 - 1) Tree Trimming/Pruning Services and
Tree Removal/Stump Grinding Services - Renewal
Requested by Recreation Services & Municipal Services
Arbor Tree & Land, Inc. \$314,644
 - 2) Weatherproofing - Renewal
Requested by Recreation Services
Hartzell Inc. \$100,045
- c. Sole Source
 - 1) Vacuum Filter Parts
Requested by Utility Services
Dorr-Oliver Eimco USA, Inc. \$27,234
- d. Emergency
 - 1) GSA Contract GS35F-0536L
Communications Center Voice Call
Logging System - Replacement
Requested by Police Services
Voice Print International, Inc. \$54,701

e. Resolution No. 98-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 4 with Eckler Engineering, Inc. for the purpose of providing professional engineering services for the rehabilitation of the existing DynaSand filters and modifications to the compressed air system for the reclaimed water filtration system; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 99-2003

A resolution of the City of Boca Raton canceling the first workshop and regular meetings in August 2003; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 100-2003

A resolution of the City of Boca Raton requesting approval from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for an erosion control project known as the Central Beach Renourishment Project and the establishment of an erosion control line between the Department of Environmental Protection reference monument R-212 south to the Boca Raton Inlet; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 101-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice for a Community Oriented Policing Services (COPS) Homeland Security Overtime Program (HSOP); authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

i. Receive and File Board Orders

Special Master and Code Enforcement

- 1) SM (G) Case No. 02-00003263
- 2) CEB Case No. 02-00003968
- 3) SM (G) Case No. 03-273
- 4) SM (G) Case No. 03-00000519
- 5) SM (C) Case No. 03-00000529
- 6) SM (C) Case No. 03-563
- 7) SM (C) Case No. 03-611
- 8) SM (C) Case No. 03-00000824
- 9) SM (C) Case No. 03-00000891

j. Receive and File Board Minutes – June 10, 2003

- 1) Citizen's pedestrian and Bikeway Advisory Board
April 14, 2003
- 2) Community Appearance Board
April 29, 2003
May 6, 2003
May 13, 2003
- 3) Education Advisory Board
April 28, 2003
- 4) Historic Preservation Board
April 15, 2003
- 5) Library Advisory Board
April 16, 2003
- 6) Marine Advisory Board
March 26, 2003
March 26, 2003 Public Meeting
April 9, 2003
- 7) Planning and Zoning board
April 24, 2003
- 8) Planned Unit Development SubCommittee
February 28, 2003
- 9) Special Master
February 26, 2003
April 9, 2003

REGULAR BUSINESS – PART II – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

There was no business to consider.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

4. Ordinance No. 4709 (Second of two required public hearings.)

An ordinance of the City of Boca Raton creating Sections 23-38 and 23-39, Code of Ordinances; establishing procedures and standards for approval of transportation concurrency exemptions for not-for-profit medical facilities that promote public transportation; providing for severability; providing for repealer; providing for codification; providing an effective date

Transportation Planning Engineer Luanna Deans gave the PowerPoint presentation. Ms. Deans provided background information, stating that Council amended the Comprehensive Plan in January 2000 to allow for transportation concurrency exemptions for not-for-profit medical facilities, provided they promoted public transportation. Policy TRAN 1.3.15, in the Transportation Element of the Comprehensive Plan, was created; the Policy outlines the criteria a not-for-profit medical facility must meet to qualify for a transportation concurrency exemption. Approval of Ordinance No. 4709 would adopt land regulations to implement Policy TRAN 1.3.15 and bring City Code into compliance with the Comprehensive Plan. The ordinance also details the criteria, procedures and standards for evaluating a transportation concurrency exemption. Ms. Deans concluded her presentation by stating that staff and the Planning and Zoning Board recommended approval of the ordinance.

No one wished to speak at the public hearing.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Freudenberg, to adopt Ordinance No. 4709. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

5. Ordinance No. 4710 (Second of two required public hearings.)

An ordinance of the City of Boca Raton relating to the height of buildings and structures (specifically public utility poles) in single-family residential districts; amending Section 28-2, Code of Ordinances, Definition, "Height Of Building"; amending Section 28-342, "Building Height", Code of Ordinances; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager made the presentation. Mr. Ahnell stated that FPL has indicated they are willing to modify the existing proposed route if the City will: 1) provide an exemption to the 50-foot height restriction in single-family districts, 2) facilitate the approval of the Marymount substation, and 3) provide the appropriate easements in order to modify the route. He then referenced the letter from FPL counsel stating same. An overhead was displayed showing the route that FPL had announced in April 2003. He noted that following the announcement of that route, he was given direction by City Council to work with FPL to find the least intrusive route. The modified route that resulted was then reviewed. Mr. Ahnell added that some alterations to the modified route were still being studied. He then responded to questions from Council.

At Council Member Freudenberg's request, Assistant City Manager George Brown elaborated on the standard the City used in its analysis of impact vs. the standard used by FPL; the City's standard was more stringent.

The public hearing was opened.

Margie Sarcia, Lorraine Braille, Lawrence Stone, Mary Watts, Carl Wielzorek, Joan Upshaw, Donna Mincuzzi, William Kramer, and Lisa Boroughs all spoke in opposition to the ordinance due to the proximity of the proposed transmission line to their homes, concerns about exposure to high electromagnetic fields (EMFs), and impacts on their property values. Charles Luciano, President of The Preserve Homeowners Association, commented favorably on the "process," opining that there is no perfect route.

Under discussion it was emphasized that denial of this ordinance would not accomplish the goal of the opposition, as State law is favorable to the utility company. Adoption of this ordinance assures a commitment from FPL to construct along a less intrusive route. Mr. Ahnell and Mr. Brown responded to additional questions.

Motion was made by Council Member Hager, seconded by Mayor Abrams, to adopt Ordinance No. 4710. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

6. Ordinance No. 4711

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of platted right-of-way for Isabel Road Este, located at 1100 S.W. 21st Lane, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-02-03)

Property Specialist/Appraiser Lynn Bodor gave the PowerPoint presentation. Ms. Bodor stated that the proposed area of abandonment would provide additional lot width for the western abutting property owner for construction of a two-car garage. She explained that the original petition involved both abutting property owners and encompassed the entire 60 feet of width of the right-of-way. However, South Florida Water Management requested that the City retain a portion of the roadway for access to the canal, and the eastern abutting property owner withdrew from the petition. The petition was then modified to the 20-foot wide abandonment that is under consideration. The 40 feet of remaining right-of-way accommodates the request of South Florida Water Management, as well as the Municipal Services and Recreation Services Departments to retain right-of-way for their purposes. It was noted that neighbors who opposed the original petition now have no objection to the current request. Correspondence and a petition in support were distributed. Ms. Bodor closed by stating that the Planning and Zoning Board voted 4-3 in favor of the petition, and staff recommended approval based on a monetary contribution of \$68,000 and on a recording of the Unity of Title that would adjoin the abandoned property with the western property. She then responded to questions.

James St. Clair, who stated he was at one time the co-petitioner and is the most directly affected neighbor, confirmed he has no objection to the abandonment.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4711. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

7. Ordinance No. 4712

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.17 acre and located at 201 N.W. Spanish River Boulevard; providing for severability; providing for repealer; providing an effective date (SC-01-12)

Property Specialist/Appraiser Lynn Bodor gave the PowerPoint presentation. She explained that the subject property was purchased by the City in 1997 for the widening of Spanish River Boulevard and to allow for a west bound turn lane on NW Second Avenue. The lot's size and location make it a deterrent to marketable single-family development. The site was appraised in February 2003 by a third-party appraiser at \$18,900. Approval of this petition would adjoin the lot with the abutting property to the west, and the deed accomplishing the transfer would contain restrictive covenants preventing the property from ever being used on its own. She noted that, based on discussion at yesterday's workshop, the ordinance

had been revised to restrict vehicular access to the site. Both staff and the Planning and Zoning Board recommended approval.

Ronald Jane, who stated he lives on NW Boca Raton Boulevard a few houses north of the property, alleged that the City had reneged on a verbal agreement made many years ago, with the neighbors, at the time NW Second Avenue a/k/a NW Boca Raton Boulevard was widened. The agreement purportedly provided for temporary, occasional parking in the buffer area between NW Second Avenue and the service road that was created at the time of the widening. He also questioned whether the City intended to put a pocket park on the vacant property across the street from his residence. Mr. Ahnell advised that the property is scheduled to become a pocket park on a yet-to-be-determined date. The City Manager was directed to investigate the parking agreement to which Mr. Jane referred.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Ordinance No. 4712, as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:

There was no business to consider.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

8. Ordinance No. 4714

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a deed conveying certain lands to the State of Florida Department of Transportation for roadway improvements for Dixie Highway, which lands are located generally adjacent to the Hillsboro Canal, as more specifically described herein; providing for severability; providing for repealer; providing an effective date

Council Member Haynie introduced the ordinance.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Using a PowerPoint presentation, Brian Ross proposed that the City consider building a championship golf course on the City-owned Boca Technology Center property.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

9. Resolution No. 104-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with One North Ocean, L.L.C. to provide for orderly and expedited demolition and construction at the property located at One North Ocean Boulevard; providing for severability; providing for repealer; providing an effective date

The City Manager reviewed what this agreement would accomplish and provided a brief history of events that transpired, to date, related to the property. Under the agreement, an application for a permit for demolition must be filed within five days of the effective date of the agreement; the building must be demolished within 40 days of the issuance of the permit. The agreement contemplates the applicant's pursuit of development approvals necessary to construct a proposed luxury townhouse community project, though not modifying or waiving any procedure of the approval process. The agreement also delineates the property owner's vested development rights should the proposed project not be approved.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 104-2003, as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had no reports.

CITY ATTORNEY REPORTS:

The City Attorney provided a memorandum in response to a question from the Monday workshop meeting.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor Abrams noted the Education Advisory Board's request that the City Council ask the Palm Beach County School Board to reinstate funding for the Delray Full Service Program, an after school drop-out prevention program. It was the consensus of Council that the number of Boca Raton students served by the program should be determined before a letter of support is sent.

The Mayor referred to correspondence from Children's Place at Home Safe in which they related their apprehension that the Department of Children and Families was going to bid on their program; their fear being that the bidding process would impinge on Children's Place's ability to deliver services to the abused, abandoned, and neglected children in the City. Council agreed that a letter of support for the Children's Place bid application should be sent.

Mayor Abrams advised that he has been informed that the U.S. Conference of Mayors adopted the Parkinson's disease resolution that Council approved and forwarded.

ADJOURNMENT:

Motion was made by Council Member Hager, seconded Council Member Haynie, to adjourn the meeting. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 8:08 p.m. on Tuesday, June 10, 2003.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk