

MINUTES OF THE REGULAR WORKSHOP MEETING  
CITY COUNCIL  
BOCA RATON, FLORIDA  
TUESDAY, MAY 27, 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. PRESENTATION OF STAFF AWARD:**

Purchasing Division - Florida Association of Public Purchasing Officers  
2003 Award for Excellence in Public Procurement

Financial Services Director Mervyn Timberlake presented the 2003 Award for Excellence in Public Procurement to Mayor Abrams, saying that this was the third year in a row that the City's Purchasing Division had received this award, which entails meeting very difficult criteria. Purchasing Manager Carol Thomas and her staff were recognized for their efforts in securing the award.

Utility Services Department - Florida Water Environment Association  
Dr. David W. York Water Reuse Award

Utility Services Director Mike Woika presented the Dr. David W. York Water Reuse Award to Mayor Abrams and explained that the Utility Services Department received this award for having the best reclaimed water system in the State of Florida, for a city of Boca Raton's size. Mr. Woika then recognized his staff for their efforts in attaining the award.

**2. BOARD INTERVIEWS:**

There were no positions advertised.

**3. 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.)

George Salguero spoke to the issue of the newly proposed Florida Power & Light (FPL) transmission line route. He alluded to the City's prior dealings with FPL, regarding the original proposed route, and expressed displeasure related to alleged mishandling of this situation by the City. He also stated that a recent meeting between FPL and the City was not open to residents and opined that the Sunshine Law was not being observed. Mr. Salguero concluded his comments by stating that he was not happy with the way the FPL issue was being handled. Mayor Abrams clarified that the Sunshine Law was not applicable in the case referred to by Mr. Salguero.

Margie Sarcie, a resident of Paradise Palms, spoke in opposition to the proposed FPL route and submitted a petition in regard to same to Council.

Larry Stone voiced concern regarding the safety of the proposed FPL lines, explaining that the route would be installed near Paradise Palms. He stated that the distance between the line and the first home on Military Trail would be approximately 135 feet; the "safe zone" requires a distance of 300 feet. Mr. Stone concluded his comments by suggesting the lines could be buried; he then asked for Council's assistance in encouraging FPL to mitigate the situation.

Roger Ueltzen stated that he had presented, to FPL, 1,200 signatures in opposition to the proposed route. He then asked Council to send a City representative to a meeting, scheduled for tomorrow, between FPL and a community action committee entitled, "F.A.I.R." (Fighting Against Illogical Routes) whose members are against the proposed transmission lines.

Alison Landes, founder of a group entitled, "Take Charge! Cure Parkinson's Inc.," asked Council to assist the group in raising awareness of Parkinson's Disease. She requested a resolution regarding same from Council, which might be brought before the Department of Health & Human Services Committee in June at the United States Conference of Mayors in Colorado. Ms. Landis then provided extensive information on the disease, itself.

Brenda Starkey referred to the lots on Spanish River Boulevard, west of NW Second Avenue, which the City bought for the expansion Spanish River Boulevard. Referencing the possible donation of the lots to Habitat for Humanity, she questioned why, if they were deemed habitable, the lots were purchased and the existing homes destroyed. She asked for additional information regarding other Habitat sites in the City and what sites were donated.

#### **4. REVIEW OF REGULAR AGENDA ITEMS:**

##### **a. Questions relating to the agenda.**

(Consent Agenda Item 3.e. – Resolution No. 92-2003 / Work Order No. 8 with Coastal Planning and Engineering Inc. regarding the North Beach Renourishment Project) Deputy Mayor Whelchel requested the renourishment history. Mr. Ahnell explained that beach renourishment had taken place in 1998 and 1988. Therefore, this would be the third time the beach would be renourished. He noted that this resolution related to design work only; sand would not actually be placed on the beach for another three years. Ms. Whelchel then questioned what happened to the beach prior to 1988. Mr. Ahnell explained that, due to natural causes, the beach had eroded over the decades; by 1988, the beach was severely eroded, which is why renourishment took place at that time. Mr. Ahnell concluded by stating that the beach appears to need renourishment approximately every 7 to 10 years.

(Consent Agenda Item 3.f. – Resolution No. 94-2003 / Declaration of Canal Easement over certain lands located at Lake Wyman Park) Deputy Mayor Whelchel asked for clarification on this item. Mr. Ahnell explained that the easement is located in the western portion of the canal, which is in the northern portion of the Golden Harbour subdivision. The resolution would provide for a dedicated canal easement to help citizens comply with the recently passed ordinance related to docks. He added it does not address the recent issues brought forward by Dr. Ericsson. Council Member Haynie requested information on maintenance of the easement. Mr. Ahnell explained that although the City has no obligation to do so, it would continue, as has been done in the past, to help the neighborhood maintain the canal.

(Consent Agenda Item 3.b.1. – Large Turf Equipment {Replacement}) Council Member Hager questioned if an analysis had been done to determine the cost effectiveness of using City employees, as opposed to contracting out services. Mr. Ahnell clarified that this item was for purchase of equipment and added that the City had concluded it was more efficient and economical to use City employees.

(Consent Agenda Item 3.a.1. – Site Preparation, Fire Rescue Station #8) Council Member Haynie questioned how staff would know that this price was competitive, since the City only received one bid. Mr. Ahnell explained that staff frequently talks with other entities in the field and did have a benchmark as to the expected cost for this item.

(Consent Agenda Item 3.h. – Resolution No. 96-2003 / A telecommunications system rights-of-way agreement with Brasil Telecom of America, Inc.) Council Member Freudenberg questioned whether

Brasil Telecom could assume the Atlantica contract or whether the City had the ability to renegotiate. The City Manager advised it could be assumed. The City Attorney provided further clarification.

- b. Resolution No. 90-2003 (Regular Agenda Item No. 4), which would grant conditional use approval for a substance abuse treatment facility at 7601 North Federal Highway.

Development Services Planner Daryl Johnson gave the presentation. He provided zoning information and explained that this center has operated in the same location for 13 years. It is fully licensed by the Florida Department of Children and Families, is accredited by the Joint Commission of Accreditation of Health Organizations, and has received all required occupational licenses from the City. Mr. Johnson then outlined the hours of operation and detailed the distances to the nearest substance abuse treatment facilities, which provide similar services. It was noted that a conditional use approval was being requested in order to comply with Ordinance No. 4649; no changes were proposed to the building or the site plan. In conclusion, Development Services recommended approval. Mr. Johnson then answered questions from Council regarding the number of patients on site at any given time, the square footage of the operating space, where the patients reside and whether a break area was provided. In response, it was noted that the facility is approximately 4,000 sq. ft., the patients reside at a residential facility at 100 Hidden Valley Boulevard, and a break area is furnished. The statistic on the number of patients will be provided at the public hearing.

- c. Ordinance Nos. 4706 and 4707 and Resolution No. 83-2003 (Regular Agenda Nos. 5, 6, & 7), which would approve an amendment to the Future Land Use Map, provide for rezoning, and grant tentative subdivision plat approval relating to the proposed Tropic Gardens Luxury Townhomes Project at 7901 North Federal Highway.

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation. The location of the subject property, frontages, acreage, and proximity to surrounding buildings were outlined. Current zoning information was provided. The petitioner proposed to rezone the property from R-B-1 and B-4 to R-3 to allow for development of a 41-unit townhome community on approximately 5 acres of land. It was noted that, while 50 units would be allowable under the R-3 zoning category, only 41 units were being proposed. Mr. Zurita then spoke to a 50' right-of-way expansion for the widening of Dixie Highway. He explained that a .36-acre parcel would be deeded over to the City for the widening. However, the proposed development excluded this expansion from the site plan. Mr. Zurita concluded his presentation by stating that the Planning & Zoning Board recommended approval, as did Development Services staff, with the conditions listed in the ordinances and the resolution.

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

There were no items for consideration.

**6. CITY MANAGER REPORTS:**

The City Manager had nothing to report at this time.

**7. CITY ATTORNEY REPORTS:**

The City Attorney had nothing to report at this time.

**8. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:**

Deputy Mayor Whelchel commented on a recent e-mail she received regarding the concerts at Mizner Park; some neighbors were being disturbed by the noise. Ms. Whelchel questioned how the City was addressing these concerns. Mr. Ahnell stated the promoter was looking at sound attenuation. He advised he would contact them and report back.

Deputy Mayor Whelchel inquired if the City was sending a representative to the May 28, 2003 Florida Power & Light meeting. She noted that a new route, proposed by the citizen's group was to be presented. Mayor

Abrams suggested that the City Manager might wish to send a staff member to monitor the meeting, but not participate.

Council Member Hager questioned whether Mizner Park had designated an ending time for concerts. The City Manager replied affirmatively and stated that he would follow up.

Mayor Abrams broached the topic of the manatee study and those residents in opposition to "no wake zones." He asked for the status of same. Council Member Haynie explained that she had met with Joanne Morrison, Chairman of the Federation of Homeowners, who offered to sponsor a workshop on July 1, 2003 to discuss manatee issues and the "no wake zone," in an attempt to review both sides. Deputy Mayor Whelchel questioned what might be accomplished at the conclusion of this workshop. Discussion continued. Council questioned whether the Marine Advisory Board (MAB) had acted on this issue. Municipal Services Director Bob DiChristopher explained that the MAB reviewed the issue and recommended going forward with the study and to move the "no wake zone" to Daymarker 57, immediately north of the Lake Wyman area - not to the northern City limits. Mr. DiChristopher went on to say that, unless a study is done, there would be no way to determine whether manatees are imperiled or what needs to be done. He then emphasized that a study was just the beginning of the process; before any changes could take place, a public hearing before the Florida Fish and Wildlife Commission would be required. Mayor Abrams suggested that the Federation of Homeowners be contacted for further details regarding the July 1 meeting.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:00 p.m. on Tuesday, May 27, 2003.

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Vanessa Hines, Assistant City Clerk