

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
TUESDAY, FEBRUARY 22, 2005
1:30 PM

The regular workshop meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Abrams at 1:30 p.m.

ATTENDING THE MEETING WERE:

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

Also attending the meeting were:

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

PROCLAMATION: Red Cross Month – March 2005

Mayor Abrams presented Ruth Feigel, a representative of the American Red Cross, with the proclamation.

PRESENTATION: Marine Advisory Board

Marine Advisory Board (MAB) member Gene Folden gave a 30-minute PowerPoint presentation on the goals, objectives, and recommendations of the Board.

1. BOARD INTERVIEWS:

- a. Marine Advisory Board – (2) two vacancies, due to term expirations of Will Mercier (Recreational Boater) and Gene Folden (Single Family-adjacent Inland Waterway), whose terms expire 03/20/05.

Will Mercier, Michael Rothman, and Gene Folden expressed interest in the positions.

- b. Special Master - (1) one vacancy, due to the resignation of Richard Gescheidt, whose term expires 03/21/06.

Michael Gelfand and Patricia Judge interviewed for the position.

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 endorsed the recommendations made by the Marine Advisory Board and made additional suggestions regarding parking for boaters and breakwater installation. He also voiced opposition to proposals mentioned in the newspapers, which would give the City's fire-rescue department to the County and privatize sanitary services currently provided by the City.

Will Mercier also spoke against having the City's fire-rescue, police, and sanitary services taken care of by outside entities.

Craig Salinger and Will Fenner provided commentary regarding the Boca Raton Inlet and the need for more dredging and maintenance of same. The City Manager explained that the inlet was dredged two years ago; however, between the storms and beach renourishment efforts, it has filled in again. Mr. Ahnell stated that permits must be obtained in order to do the work. The City has applied for the appropriate permits; however, they

are very difficult to get since several different agencies must review them. Currently, the Army Corps of Engineers is way behind in processing its paperwork.

Jack Johnson and Alan Coke reported on a volunteer force, which cleans debris out of the canals near their homes. They supported the MAB's recommendation for a skimmer (a marine vessel) to take care of this issue.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

(Consent Agenda Item 3.a.1. – Dog Park, Phase II) Council Member Freudenberg questioned when the dog park would be completed. Mr. Ahnell advised that this bid item was not connected with the opening of the park; it related to paving of the parking lot and installation of restroom facilities. The City Manager then provided an update on the dog park and commented that the park is expected to be open in approximately two weeks.

(Consent Agenda Item 3.b.2. – Mizner Park Property Maintenance) Council Member Freudenberg mentioned the cost and questioned how this bid compared with previous renewals and whether other responses for bids were obtained. The City Manager is to provide this information tomorrow night.

(Consent Agenda Item 3.k. – Resolution No. 32-2005 / Agreement with City National Bank and UVA Construction Co., Inc., for placement of 16 mahogany trees in City right-of-way) Council Member Freudenberg voiced concern over the bonding required to protect the City. Mr. Ahnell advised that he understood City National Bank to be solely responsible for tree-related damage; however, he would confirm same tomorrow.

(Consent Agenda Item 3.l. – Resolution No. 33-2005 / Subgrant agreement with the Broward County Sheriff's Office for a robot to be used by the Police Department's Bomb Squad) Council Member Freudenberg asked for more information on this item. The City Manager explained that the Broward County Sheriff's Office (BSO) had received federal funding, which is eligible for use by other agencies or jurisdictions to obtain equipment. He stated that the robot constituted an eligible use of the funds, and the BSO was willing to purchase this item for the City's police department at no cost to the City.

(Regular Agenda Item 4 – Resolution No. 21-2005 / Tentative plat approval for the proposed MFAR Plaza subdivision plat) Council Member Freudenberg voiced concern over what he considered a current lack of parking, even without this proposed plaza. Mr. Ahnell advised that the site plan would be reviewed and information would be provided tomorrow related to parking.

(Consent Agenda Item 3.m. – Resolution No. 34-2005 / Approving and accepting jurisdictional control and maintenance responsibilities from Palm Beach County for certain roadways within the annexation area) Council Member Haynie questioned whether infrastructure, signage, and landscaping comprised the City's scope of maintenance. Mr. Ahnell stated that the City would maintain median landscaping but not landscaping in the rights-of-way and added that the landscaping costs were anticipated in the budget. Ms. Haynie then questioned whether some landscaped areas were maintained by homeowner associations or the County and whether they would now be relieved of that maintenance responsibility. In response, Mr. Ahnell outlined specific areas that would be maintained by the City.

(Consent Agenda Item 3.p. – Resolution No. 37-2005 / First amendment to the agreement with the Marbella Condominium Association, Inc., and The Beresford, Inc. related to boat dockage for City usage) Council Member Haynie asked why the Fire-Rescue boat would not be docked with the Police Services boats at Spanish River Park. The City Manager explained that it is a matter of accessibility; the firefighters trained to use the boat are at Fire Station #3, which is close to this dock.

(Consent Agenda Item 3.m. – Resolution No. 34-2005 / Approving and accepting jurisdictional control and maintenance responsibilities from Palm Beach County for certain roadways within the annexation area) Council Member Freudenberg questioned whether the City had taken over operation of the traffic signal on Jog Road at the entrance to Boca West. The City Manager is to follow up.

(Consent Agenda Item 3.l. – Resolution No. 33-2005 / Subgrant agreement with the Broward County Sheriff's Office for a robot to be used by the Police Department's Bomb Squad) Deputy Mayor Hager questioned whether the City had a need for this item. Mr. Ahnell explained that he was not aware of a previous instance when it was needed; however, there may be a need in the future.

(Consent Agenda Item 3.o. – Resolution No. 36-2005 / Cooperative Research Agreement with the University of Central Florida for participation in the Florida Information Network for Data Exchange and Retrieval program) Deputy Mayor Hager asked what data the City would be obtaining from this program. The City Manager explained that, by all police departments using the same database, instant access to crime statistics and other available information is achievable.

(Consent Agenda Item 3.m. - Resolution No. 34-2005 / Approving and accepting jurisdictional control and maintenance responsibilities from Palm Beach County for certain roadways within the annexation area) Council Member Whelchel asked how the maintenance transition from homeowner associations and/or the County would be facilitated. Mr. Ahnell stated that when the City takes over maintenance responsibilities, those companies contracted by the City to perform maintenance duties would handle same.

(Consent Agenda Item 3.p. – Resolution No. 37-2005 / First amendment to the agreement with the Marbella Condominium Association, Inc., and The Beresford, Inc. related to boat dockage for City usage) Council Member Whelchel questioned whether there was an exchange of fees involved. Mr. Ahnell stated that no fee was involved and confirmed that this space was for the Fire-Rescue boat only; additional details were provided.

- b. Equalizing Resolution No. 03-E (Regular Agenda Item No. 6), which provides that the Boca Raton City Council would sit as a Board of Equalization; adjusting, equalizing, adopting and confirming the special assessment roll for the construction of a wastewater collection system and other improvements in an area generally known as Area II.

Utility Services Director Chris Helfrich gave the PowerPoint presentation. He explained that this area, known as Area II, consisted of a pocket of unsewered areas. Location, acreage, and zoning were reviewed; the assessed area is comprised of 11.6 acres. The project would involve installation of a sanitary sewer collection system, rehabilitation of the water lines, installation of stormwater lines, and roadway improvements. Costs and funding sources were outlined; the total cost would be \$2.4 million and, of that, \$194,000 would be assessed. Rules governing the assessment were also identified. Mr. Helfrich advised that the assessment was based on a per acre use and would be assessed over a five-year period at 3% interest, which would translate into an annual fee of approximately \$3,590 per acre, per year, for a commercial property. Impact fees, based on the water meter size, would be approximately \$4,100; plumber's connection fees and costs would be approximately \$1,500 to \$2,500; and a wastewater fee of approximately \$50 would be reflected on each bi-monthly utility bill. The project was scheduled for completion in May 2006; meetings would be held with affected businesses to discuss traffic issues during construction. Mr. Helfrich advised that staff would come before the Board again for the final equalization and concluded his presentation. Council confirmed with Mr. Helfrich that Utility Services has already been meeting with area businesses, which are in agreement with this project.

- c. Ordinance No. 4850 (Regular Agenda Item No. 12), relating to the review of development plans by City staff and providing for the inclusion of a fee for such services in the Boca Raton Municipal Facilities and Services User Fee Schedule.

Planning and Zoning Director Carmen Annunziato gave a brief presentation, stating that these Code amendments would update and revise several sections of the City Code regarding review of development plans and to formalize fees charged for these services in the Boca Raton Municipal Facilities and Services User Fee Schedule. These measures are necessary to correct deficiencies resulting from changes in staff responsibilities; they would also update and consolidate references to outside review agencies and codify user fee charges. It was noted that no new charges or fees were proposed. Mr.

Annunziato then reviewed the proposed changes to each of the affected Code sections before concluding his presentation.

- d. Ordinance No. 4851 (Regular Agenda Item No. 13), relating to a Lease Agreement with Tri-County Humane Society, Inc., for the City-owned property at 21287 Boca Rio Road and adjacent property.

Deputy City Manager George Brown gave the PowerPoint presentation and explained that the Tri-County Humane Society (TCHS) was requesting a long-term lease from the City, which would constitute a sale of City-owned property. He then outlined the location and the acreage of the subject site, which is next to a bird sanctuary that the City leases from the County. A brief history in regard to the existing Turnkey Operations and Maintenance Agreement between the City and TCHS, which would expire in June 2006, was reviewed. Mr. Brown advised that TCHS requested a long-term lease from the City to reassure financial contributors of the long-term viability of the organization and to provide for facility improvements and expansion of services.

The animal shelter was deeded to the City by the Boca Raton Humane Society in 1987; a deed restriction therein states that the facility is to be used as a humane animal care center only. TCHS would continue to provide services under the lease requirements. The terms and conditions of the lease were then reviewed in detail, as were the obligations of the Tri-County Humane Society.

Mr. Brown stated that the long-term lease constitutes sale of City-owned property and then delineated that section of the City Code related to the conveyance of such property to a non-profit organization, which provides a service to the community, saying that, in this case, fair market value need not be considered as part of the transaction. Focus was then given to the bird sanctuary parcel; details were provided.

City staff was contacted and had no objection to the ordinance. The Planning and Zoning Board also reviewed this petition and recommended approval. Should the ordinance be adopted, the next steps would be to obtain the assignment for the bird sanctuary lease, have the City Manager sign the Memorandum of Effective Date of Lease, and the lease would then become effective. Mr. Brown concluded his presentation and 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 had nothing to report at this time.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Whelchel urged all registered electors of the City to take advantage of early voting and cast their ballots at City Hall between the hours of 8:30 a.m. and 5:30 p.m. from today until Monday, March 7, 2005.

Council Member Haynie reported on the "quiet zone" issue, as it relates to the railroad, which both she and Council Member Freudenberg brought forward at the most recent meeting of the Metropolitan Planning Organization (MPO), saying that the MPO voted to function as a coordinating body for the municipalities to compile the data and submit same for the entire County to the appropriate entity.

Council Member Freudenberg also reported on the MPO meeting last week, stating that the Turnpike Authority would fund a \$1 million for a Planning, Design and Engineering study related to construction of new intersections at Palmetto Park Road, Yamato Road, and Clint Moore Road. He then spoke to proposed changes in the way

the turnpike will operate in the future, saying that a 6% increase in traffic per year is expected, and outlined construction taking place on the turnpike now.

Mayor Abrams advised that he was not quoted correctly in a newspaper article, which indicated that he advocated turnpike interchanges. He clarified that both he and Council would await the results of the study before taking any position in regard to same. Mayor Abrams suggested that the newspaper might have been confused with his, and the Council's, advocacy of the I-95 interchange directly into the FAU campus.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:13 p.m. on Tuesday, February 22, 2005.

Vanessa Hines, Assistant City Clerk