

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, JANUARY 23, 2006
1:30 PM

The Workshop Meeting of the City Council of the City of Boca Raton, Florida was called to order by Deputy Mayor Susan Whelchel at 1:35 p.m.

ATTENDING THE MEETING WERE:

Mayor Steven L. Abrams (arrived at 1:45 p.m.)
Deputy Mayor Susan Whelchel
Council Member Bill Hager
Council Member Susan Haynie
Council Member Peter R. Baronoff

Also attending the meeting were:

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

INVITED GUEST: Palm Beach County School Board Representative Mark Hansen

Representative Hansen gave a brief outline of the events that transpired over the last two years in regard to the proposed purchase, by the Palm Beach County (PBC) School District, of the 6-acre parcel of land located south of Boca Raton High School, in order to construct a ball field. He closed his comments by advising that his support in completing this purchase has been unwavering for two years.

Chief of Facilities for the Palm Beach County School District Joe Sanchez then gave a comprehensive PowerPoint presentation, which delineated how much money has been spent on City of Boca Raton schools over the years and how much money has been spent on each student. He then outlined recent and current School District capital projects in the Boca Raton area; details were provided.

Attention focused on the purchase by DeFalco Realty of Country Club Village, the 6-acre land parcel south of Boca Raton High School. Mr. Sanchez provided a detailed timeline, related to this purchase, up to the present day. He also reviewed two alternatives to the acquisition of the apartment complex for Boca High. He then explained that the School District was awaiting a new appraisal for the complex, which was expected in early February. Mr. Sanchez also advised that he would attend the School Advisory Committee (SAC) meeting on February 13, 2006. After considering different options, the School District was expected to make a final decision by approximately the end of March. Mr. Sanchez concluded his presentation and answered questions from Council.

Responding to Council, Mr. Sanchez explained that the School District, not the oversight committee, makes the final decision as to expenditures of money received from the half-cent sales tax. Mr. Sanchez confirmed with Council that the funding for Boca High is there for them in some way. Council's consensus was that building the ball field at Boca High is the first choice, if the money is there to do so. Mr. Sanchez indicated that there is more than \$4.2 million available to purchase the subject property; if it was the decision of the School Board to spend more than that for the property, they could probably come up with the money.

Discussion then turned to how much money was expected from the half-cent sales tax. Mr. Sanchez explained that if the \$560 million were obtained by December 31, 2010, then the half-cent sales tax would cease. If \$560 million is achieved by, for example, January 3, 2010, then the School District will receive additional monies for the remainder of that year, and the oversight committee must weigh in on the extra funds and how they would be used. If the \$560 million was not achieved by December 31, 2010, then the School District must prioritize and make a decision as to what can and can't be done. Further discussion touched on whether inflation was figured into the cost estimates for the School District projects. It was discovered that conservative percentages for inflation were calculated into the cost estimates, which fell short of actual inflationary costs. However, Mr. Sanchez advised that the School Board had the flexibility to use some of the property tax money to supplement some of the "sales tax" projects. Responding to Council, Mr. Sanchez advised that from January 2005 through

October 2005, \$90 million was received from the half-cent sales tax, which was slightly above what was anticipated at this point in time.

Council questioned whether, once the appraisal for the Country Club Village apartment complex was received, the School District would make Boca Raton High School an immediate priority and move forward. Mr. Sanchez advised that should the oversight committee determine that it made sense to move forward with the project at the higher price, and the School District agreed, then the project would move forward immediately with no other delays. Responding to Council, Mr. Sanchez explained that no additional money had yet been allocated to build anything on the property; the only funding commitment would be toward the purchase of the property. Once the School District knows exactly what is to be built on the property, it can be included in their five-year capital improvements planning process. He added that prioritizing of the capital improvement projects is at the discretion of the School District.

Mayor Abrams advised that members of the public interested in commenting and/or asking questions related to the School District's presentation could do so under Public Requests.

1. BOARD INTERVIEWS:

- a. Builders' Board of Adjustment & Appeals – one (1) vacancy for an electrical contractor, term to expire 02/15/09.

No one came forward to interview.

- b. Citizens' Pedestrian and Bikeway Advisory Board – two (2) vacancies, one for a term to expire 01/12/09, and one (1) to complete a term that will expire 1/12/07.

No one came forward to interview.

- c. Community Relations Board – one (1) vacancy for a former student position, term to expire 07/25/07.

No one came forward to interview.

2. PUBLIC REQUESTS:

Palm Beach County School District Discussion (cont'd.)

Fred Schwartz, Debbie Smith, Joe Hish, Don Rogers, Lisa Lasson, Marvin Goldberg, Scot Menke, and John Stetz offered questions and commentary related to the School District's failure to keep its longstanding promise to purchase the land parcel south of Boca High for a ball field; citizens were also displeased that the School District had eliminated ball fields without any apparent plans to replace them, which created massive overcrowding problems for the remaining fields. Questions related to eminent domain, whether the new owner (who was the broker) acted in an illegal/unethical manner, whether Title 9s are considered when determining the property cost, whether the School District actually made an offer for the land, and clarification of the numbers presented by Mr. Sanchez, were tendered by the public.

Representative Hansen stated that his position is that the School District needs to deliver on its promise, and they are looking into bringing this issue before the Department of Business and Professional Regulation of the Florida Real Estate Commission. He advised that the School District did not have funds prior to the half-cent sales tax referendum to purchase the property in question; however, they communicated to the realtor that they wished to purchase same. Mr. Hansen stated that the realtor said nothing about her broker being interested in the property.

Palm Beach County School District's Chief Operations Officer Joe Moore spoke to the funding issues that were raised. He reported that the School Board, working closely with the Palm Beach County business community, made a strong commitment that the sales tax would be held at \$560 million. The oversight committee, appointed by different groups in the County, would have a substantial say over any excess funding and how it's used. He added that the School Board was careful not to have a "sales tax" project list and a "district funded" project list in their five-year plan adoption; the sales tax was viewed as a component of the funding in the five-year plan. Mr. Moore provided extensive information related to the School District's modernization program, the funding for same, the flexibility afforded by the half-cent sales tax, which is helping to offset additional construction costs, and

the two distinct funding mechanisms operated by the School Board. He touched on the State formula for determining how much funding is provided through local taxes and how much is provided by the State, advising that Palm Beach County currently pays 65% of costs for students; the State picks up the rest. But in less wealthier areas, the percentages are reversed and the State picks up the larger share. Additional details were provided.

Responding to the Mayor, Mr. Moore explained that, so far, collections of the half-cent sales tax are on track at 106% of forecast and, in all likelihood, will exceed \$560 million. Responding to another query, Mr. Moore stated that, if the Boca Raton High School project was fully funded prior to 2005, it would have been a “non-sales tax” project; only new projects that came in during 2005 and 2006 were sales-tax funded because the School District had exhausted its ability to issue more debt. Mayor Abrams referred to the alternative list prepared by the SAC, which mentioned the construction of additional classrooms, and questioned whether this shouldn’t already be included as an expenditure and obligation on the part of the School District in the rebuilding of a new Boca Raton High School. Mr. Moore advised that the School Board has taken the lead on the issue of class-size reduction, which is viewed as a State requirement but only a modest amount of State funding has been provided for that effort. He stated that if the project were moved up, the funding would be available now; absent that funding, the project may not get built for a year or two.

In terms of eminent domain, Mr. Moore advised that the two issues in the forefront are willingness to sell and value. He stated that an offer was on the table from the current owner; the appraisal would determine whether there was a significant dispute over value.

Responding to other questions from Council, Mr. Sanchez explained that Boca Raton Middle School is less than ¾ of a mile away; therefore, there is no Title 9 issue because a ball field is being made available in close proximity to the high school. He added that there are fields at other high schools that can be used and have been used and acknowledged that challenges exist. Mr. Sanchez then spoke to the enhancements proposed for Boca Raton High School; details were provided.

Representative Hansen reported that, at this time, the School Board was waiting for the appraisal, which was expected in the next couple of weeks; he would be happy to come back and apprise Council of what’s taking place. Mr. Hansen added, as an aside, that the \$11.5 million figure, which has been described as the cost today for the 6-acre parcel, was provided as a verbal cost; the School Board has not seen anything in writing. He also advised that the School Board was prohibited from going directly to the previous owner by the Department of Business and Professional Regulation of the Florida Real Estate Commission; the School Board had to work through the realtors. He then thanked Council and those present for their time and attention.

Scripps Research Institute

Johns Stetz voiced opposition to Scripps Research Institute, opining that it would create a drain on resources, particularly water.

Richard Kruse referred to the lost ball field at Boca High, stating that two tee-ball fields were also lost, as were two fields at J.C. Mitchell for a total of five fields.

3. REVIEW OF REGULAR AGENDA ITEMS:

- a. Questions relating to the agenda.

(Consent Agenda Item No. 3.b.3. – Security Guard Service at Fire Station #5) Council Member Haynie referred to the garage door that needs to be repaired and asked for a timeline to get this resolved. The City Manager explained that the doors were ordered but not yet installed. He advised that there were sufficient funds to cover the span of time during which a guard is needed.

(Consent Agenda Item Nos. 3.b.1 and 3.b.2. – Disaster Debris Monitoring Services and City Wide Disaster Recovery Services, respectively) Council Member Baronoff confirmed with Mr. Ahnell that the City was advancing all of the funds. Ultimately, the City will receive 75% reimbursement from FEMA; 25% will not be reimbursed.

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 Baronoff referred to the debris removal costs incurred due to the hurricane and suggested that, at the end of six months, Council receive a balance sheet regarding the impacts on cash flow and reserves to determine future effects.

Council Member Haynie advised that there is a vacancy in the "League of Cities" category on the oversight committee charged with overseeing the half-cent sales tax revenues and expenditures; the Board of Directors of the League will make that appointment in the next month. She then asked for an update on the status of the quiet zone for the CSX Railroad. Mr. Ahnell explained that the City waited approximately 6 to 8 years for the Federal Railroad Administration (FRA) to come up with rules and regulations regarding quiet zones, which they finally did last year. In order to meet those requirements, noise attenuation studies had to be provided. The City tried to have the County participate in the studies and conduct same countywide; they didn't pursue it. Consequently, the City hired a consultant and is pursuing the issue. Mr. Ahnell was to follow up and find out when the study would be completed. He advised that, at some point in time, the County would need to agree that the County roads in the City must be reviewed as well.

Ms. Haynie referred to correspondence received related to Pine Circle and certain code enforcement issues; she advised that she is working with the neighbors and had sent an email to the City Manager to ask that staff do a chronology of the code enforcement issues, as there appeared to be a lot of misinformation and concern on the part of the neighbors. The City Manager acknowledged the email, saying that staff is working on the report.

Council Member Hager advised that he would be giving an update to the Boca Raton Community Hospital with regard to the Scripps Research Institute.

Deputy Mayor Whelchel questioned whether time had been scheduled to workshop policy changes regarding hurricane-related issues. The City Manager explained that staff is setting up a representative group of homeowners to review issues such as gas stations and generators; however, time has not yet been set aside for Council to discuss policy changes. Council Member Hager suggested that this item be tentatively scheduled for discussion at the first April meeting. Mr. Ahnell advised that the City has continued to address hurricane issues and City operations. Regarding generators, the City is waiting to see what the Legislature does first. Mayor Abrams suggested that the City might wish to determine what gas stations would voluntarily obtain generators.

Mayor Abrams referred to an application from the Boca Raton Resort & Club (BRRC), stating that many people understood that the item would be considered tomorrow night. He asked for the status of same. Planning and Zoning Director Carmen Annunziato reported that the City had not heard from BRRC since the last meeting, when they requested a continuation but to no date certain. He advised that the Planning and Zoning Board reviewed the application; a postponement, for consideration by Council, was requested but no date certain was provided.

The City Attorney explained that, at the request of BRRC, this item was not noticed nor was it placed on the Council agenda for consideration. Responding to Council, Ms. Frieser provided information regarding the application process. Mayor Abrams asked that staff contact the head of the Coalition for the Preservation of Camino Real and let him know that the BRRC petition is not on the Council agenda for tomorrow night.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:16 p.m. on Monday, January 23, 2006.

Vanessa Hines, Assistant City Clerk