

MINUTES OF THE REGULAR WORKSHOP MEETING  
CITY COUNCIL  
BOCA RATON, FLORIDA  
MONDAY, MARCH 20, 2006  
1:30 PM

The Workshop Meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven Abrams at 1:30 p.m.

ATTENDING THE MEETING WERE:

Mayor Steven L. Abrams  
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

**AWARD:** Palm Beach Safety Council – Risk Management  
(Hurricane Preparation)

Risk Manager Pam Gardner presented the safety award to Mayor Abrams, which was awarded in recognition of the City's hurricane preparation efforts. She then asked each of the safety officers present, representing the City's Safety Council & Accident Review Board, to introduce themselves. In closing comments, Mayor Abrams advised that Governor Jeb Bush visited the City's Emergency Operations Center and stated that Boca Raton was a model of hurricane preparation for other municipalities.

**1. BOARD INTERVIEWS:**

- a. Board of Trustees for Police & Firefighters' Retirement System – two (2) vacancies due to term expirations of Richard Robinson and John D. Girard, whose terms expire 03/29/06.

John Girard and Richard Robinson expressed interest in retaining their positions on the Board.

- b. Board of Trustees for General Employees' Pension Plan – one (1) vacancy due to term expiration of Carole R. Marko, whose term expires 03/29/06.

No one came forward to interview.

- c. Citizens' Pedestrian and Bikeway Advisory Board – two (2) vacancies; one term expires 01/12/07 and one term expires 01/12/09.

No one came forward to interview.

- d. Planning and Zoning Board – three (3) vacancies due to term expirations of Frank J. Gulisano, Robert B. Hagerty, and Steve Utrecht, whose terms expire 03/31/06.

Nicole Flier and Arnold Sevell interviewed for positions on the Board; Steve Utrecht and Frank Gulisano expressed interest in retaining their positions on the Board.

- e. Zoning Board of Adjustment – two (2) vacancies due to term expirations of Jeffrey S. Barker and Ryan Shoup, whose terms expire 04/10/06.

Jeffrey Barker expressed interest in retaining his position on the Board.

## 2. PUBLIC REQUESTS:

No one came forward to speak.

## 3. REVIEW OF REGULAR AGENDA ITEMS:

### a. Questions relating to the agenda.

(Consent Agenda Item No. 3.b.1. / Property Insurance-Renewal) Council Member Haynie commented on the large cost and asked for details related to same. Mr. Ahnell explained that this figure, which increased 70% - or \$600,000 - over last year, would provide the same coverage as in the prior year and covered buildings only. He stated that staff felt this was the appropriate level of insurance, given potential hurricane reimbursements from the State and Federal governments and the City's self-insurance funds. He added that this also provided for reinsurance and staggering of insurance companies as well. Responding to Ms. Haynie, Mr. Ahnell advised that the new library is not included in this figure at this time.

(Consent Agenda Item No. 3.e.1. / Causeway Lumber Demolition) Council Member Haynie questioned whether asbestos abatement was included in the demolition. Mr. Ahnell stated that it had already been abated. Ms. Haynie then asked about the term of the demolition. Mr. Ahnell explained that it should be completed this week.

(Consent Agenda Item No. 3.h. / Resolution No. 36-2006 / Opposition to State legislation that would negatively impact the City's cable television regulatory authority) Council Member Baronoff questioned the likelihood of this legislation passing and its impact on the City. Mr. Ahnell explained that both Verizon Wireless and BellSouth were looking to get into the cable business. Consequently, they sought and obtained support for bills that would eliminate all local regulation and taxing authority on cable providers. He added that the City currently receives \$650,000 per year in franchise revenues for use of the City's rights-of-way, which would be lost if the legislation passes. Responding to additional questions from Mr. Baronoff, Mr. Ahnell stated that the telephone and telecommunications lobbyists in the State are very powerful; however, it may be very difficult for the Legislature to pass these bills considering that, statewide, probably billions of dollars would be lost by local counties and municipalities, which are used to fund operations. Presently, there is a mobilized effort among counties and municipalities to oppose these bills and have them voted down. Mr. Baronoff suggested that the City create a press release, opposing this legislation, and send same to the Palm Beach County commissioners, other cities, and the media.

Mayor Abrams left the meeting at approximately 2:00 p.m.

(Consent Agenda Item No. 3.b.1. / Property Insurance-Renewal) Council Member Hager questioned whether the City used the broker with the broadest reach and the best access to the most markets to obtain the best price. Risk Manager Pam Gardner explained that an RFP process was used and six different firms were reviewed; details were provided. She advised that, as of today, the City was still negotiating, since the insurance companies will sometimes change their bids if they feel that the City is a good insurance risk.

(Consent Agenda Item No. 3.h. / Resolution No. 36-2006 / Opposition to State legislation that would negatively impact the City's cable television regulatory authority) Council Member Hager urged opposition to this legislation, citing pleas from the public to regulate the cable company that takes over from Adelphia, whose performance has been abysmal.

(Consent Agenda Item No. 3.f. / Emergency-Hurricane Wilma (Phase V)) Deputy Mayor Whelchel questioned whether the City would be reimbursed for each item or receive a partial reimbursement. Mr. Ahnell explained that each item is eligible for some type of reimbursement, depending on FEMA guidelines. Ms. Whelchel then referred to fence repairs and questioned whether there is a difference between what FEMA reimburses to government agencies and what they reimburse to individuals. Mr. Ahnell advised that he could not speak directly to the differences; however, both the rules and the documentation are different for a governmental agency versus an individual.

Discussion turned again to opposition to the proposed cable legislation. Deputy Mayor Whelchel asked for input as to generating a response in order to outmaneuver the lobbyists. Council Member Hager suggested that citizens get in touch with their legislators through appropriate media coverage; he also advocated a press release as mentioned earlier by Council Member Baronoff. Council Member Haynie advised that she attended the League of Cities Legislative Conference where a workshop was held in regard to this issue. She explained that this legislation would affect cities from a revenue standpoint; however, it would enable citizens to obtain cable television over broadband from other providers. Consequently, the citizens would benefit if the legislation goes forward since Adelphia wouldn't be the only choice for cable; unfortunately, the municipalities would lose the franchise fees. Mr. Ahnell added that the State would have a complaint division to take care of any problems; residents would contact the State instead of their local government.

Responding to Council, Deputy City Manager George Brown provided information regarding channel lineup. He stated that all cable providers can make unilateral changes, other than "must carry" stations, which are determined by geographic location. The proposed legislation would have no effect on channel lineup; those decisions could continue. Mr. Brown then referred to the resolution to be considered tomorrow night, saying that other broadband providers could enter the market right now without any obstacles, but they don't want to come to the City for a franchise or be subject to the City's regulations regarding service. One proposed bill would keep the revenue structure in place; however, the City would have no local regulatory authority whatsoever; only Federal standards would be applicable and enforced by the State. In addition, one of the bills would eliminate the requirement for, and support for, local public education and governmental programming. Consequently, Channel 20 and BRET would be impacted significantly; the City's ability to disseminate information, particularly in an emergency, would be greatly reduced. Mr. Brown was asked to provide Council with a list of pros and cons and an outline of a strategy that the City could use to oppose this legislation. He then concluded his comments by pointing out that existing franchised cable companies also oppose certain aspects of this legislation.

- b. Ordinance No. 4929 (Regular Agenda Item No. 4), which would amend the Code of Ordinances to provide consistency with the Florida Building Code and the Florida Statutes; and to provide for proceedings before the Builders' Board of Adjustment and Appeals related to fraud and willful building code violations and to provide for penalties for such fraud and violations.

Chief Code Administrator Michael Berkman gave the PowerPoint presentation. In 2004, the Florida Building Code was updated and, as a result, certain sections of the City Code required revisions to provide for consistency. In addition, this ordinance enumerates specific safety measures required of a contractor in regard to construction site maintenance responsibilities; it provides for disciplinary action should a contractor fail to secure a site during a hurricane emergency. If adopted, this ordinance also designates the Builders' Board of Adjustment and Appeals to hear violation cases brought forward by the building official or Chief Code Administrator. A detailed overview of the proposed code amendments followed. Mr. Berkman then concluded his presentation and answered questions from Council. Responding to Council, he explained that, should the ordinance pass, a contractor who did not secure roof tiles prior to a hurricane could lose the ability to pull permits in the City. Information related to this ordinance, if adopted, would be provided via flyers and placed on the City's website; Mr. Baronoff suggested creating posters for placement in the lobby. Council Member Haynie referred to language in the ordinance and suggested separating the term, "construction material" from "solid waste." Responding to Council Member Hager, Mr. Berkman confirmed with Council that these changes would make the City's building code stronger.

- c. Ordinance No. 4933 and Resolution No. 25-2006 (Regular Agenda Item No. 8 and 8.a.), which would amend the Code of Ordinances to create a new Article VII of Chapter 23 relating to "Impact Fees," and amend the Boca Raton Municipal Facilities and Services User Fee Schedule related to Parks and Recreation impact fees, respectively.

Planning and Zoning Director Camen Annunziato gave the PowerPoint presentation. He explained that, if approved, the above ordinance would establish a new method for assessing Parks and Recreation fees; the resolution would amend the User Fee Schedule to reflect same. Mr. Annunziato stated that, prior to instituting an impact fee, a detailed analysis must be prepared based on established criteria, and a legally-defensible ordinance must be created based on established case law. To that end, Dr. James

Nicholas and Ms. Nancy Stroud, experts in the development of impact fees, were retained to prepare the impact fee study and the legal analysis, respectively. Details were provided regarding the methodology used in preparing the impact fee study, the land and facilities analysis, methods of imposing impact fees, and fees based on residential occupancy and park cost per unit. Mr. Annunziato advised that all future impact fees would fall under the sections created by Ordinance No. 4933; Resolution 25-2006 places the cost in the fee schedule, which would be payable at the time the building permit is obtained. The new fees would be based on a sliding scale and imposed on the square footage of residential, hotel, and motel uses; details were provided. Mr. Annunziato also advised that credits would be an option and reviewed eligibility requirements. He concluded his presentation by stating that this legislation was reviewed by the Parks and Recreation Board, the Financial Advisory Board, and the Planning & Zoning Board; they all recommended approval, as does staff. Mr. Ahnell added that the current land dedication fee – a flat \$2700 per unit – would be replaced in favor of the proposed fee schedule. He explained that a different methodology must be used because the courts have determined that a flat fee for land dedication is not workable; a different methodology must be utilized. Mr. Annunziato provided additional information to Council as requested.

The City Attorney explained that there are accepted methodologies that are consistent with different build patterns for commercial areas and residential areas. Staff felt that what the experts recommended was the most appropriate methodology for this area. Ms. Frieser added that the methodologies are not specific to an individual and how many people are living in the house but based on the impact to the affected area. For example, one person may live in a 4-bedroom house; later on, a new family of five moves into that same house. The average, over time, is how these methodologies work, which have also been judicially upheld. Mr. Annunziato and Mr. Ahnell then answered additional questions related to public reaction, credits, and conversions of apartments to condos or hotels to condos. Deputy Mayor Whelchel asked for resumes on Dr. Nicholas and Ms. Stroud. Mr. Annunziato confirmed with Council that the Beach and Park District parks are not included in this legislation. Mr. Ahnell advised that money collected from this fee would be dedicated toward maintenance and building of new recreational facilities.

#### **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 Haynie referred to the Eden Condominiums and asked for the status of same. Mr. Ahnell explained that the owner was converting a rental complex to condominiums and had pre-sold most of them; they were expected to deliver a year ago. Then either the main company, or a subsidiary, fell into financial difficulty and construction stopped. Their building permits have lapsed and a number of private lawsuits have been filed. The City will require that the site be cleaned up and penalize the owner, if necessary. He added that the owner's attorneys have made verbal commitments in past months, but nothing has yet been done to clean up the site, renew the permits, or otherwise rectify the problems.

Council Member Baronoff referred to the MPO meeting last week and a discussion regarding quiet zones and trains; Council Member Haynie stated that the Regional Transportation Authority (RTA) advised they would pay for deficiencies at the quadrants. Mr. Baronoff then mentioned the Annual Transportation Enhancement Program, also on the MPO agenda, advising that there's a \$500,000 opportunity for the City to take advantage of some landscaping and scenic beautification; he suggested Doug Hess might wish to follow up.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:55 p.m. on Monday, March 20, 2006.

---

Vanessa Hines, Assistant City Clerk