

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, SEPTEMBER 24, 2002
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:

The invocation was given by Deputy Mayor Haynie.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Haynie
Council Member Dave Freudenberg
Council Member Bill Hager
Council Member Carol Hanson

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to amend the agenda to add a Proclamation, "Countess Henrietta de Hoernle Day" – September 24, 2002; to add an Award presentation from the American Heart Association to the City of Boca Raton, and to delete Item 9, Ordinance No. 4674, from "Regular Business – Part IV – Introduction of Ordinances." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

PROCLAMATIONS:

Countess Henrietta de Hoernle Day – September 24, 2002
Countess de Hoernle accepted the proclamation in honor of her 90th birthday.

AWARDS/RECOGNITIONS:

City of Boca Raton

Dr. Gelb, representing the American Heart Association, presented an award to the City in recognition of Boca Raton being named the #1 city in the nation, for the second straight year, for having the highest number of people receive CPR training. In addition, he recognized Fire Rescue Services Chief Bruce Silk and Fire Rescue Lieutenants Metcalf and Woodside.

MINUTES:

Minutes of the Special Meeting of September 4, 2002
Minutes of the Regular Workshop Meeting of September 9, 2002
Minutes of the Regular Meeting of September 10, 2002

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

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Telecommunications Advisory Board – one (1) vacancy, due to resignation of Claudette Deien, whose term expired 09/08/02.

Motion was made by Deputy Mayor Haynie, seconded by Council Member Hager, to appoint Kevin Wiley to the board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Kevin Wiley was appointed to the Telecommunications Advisory Board.

2. Responses to Workshop Information Requests: The City Manager reviewed the following:

(Consent Agenda Item 3.e.10. – Submersible Wastewater Pumps) A memo was provided. Mr. Ahnell explained that A. Guthrie and Associates provides the EMU pumps; Ellis K. Phelps and Company provides the Flyght pumps. The City has used these companies for several years and remains satisfied with their equipment and service. Mr. Ahnell then explained that pump stations generally operate with two pumps in order to provide a redundant system. Currently, all 236 of the City's lift stations are operating. Of the approximately 470 pumps in the lift stations, 53 or about 11%, are out of service; however, all lift stations are operating. It was noted that maintenance is an ongoing procedure. Finally, in regard to Lift Station 101, a small spill had occurred several weeks ago. However, repairs have been made and the lift station is operating with two pumps.

(Consent Agenda Item 3.e.11. – Landscape Maintenance Services for Lift Stations) A memo was provided. Mr. Ahnell explained that the telemetry system is checked for interference whenever maintenance is performed. In addition, a computer signal would identify any possible interference, and the City would follow up accordingly. In regard to tree trimming, a separate vendor is contracted.

(Consent Agenda Item 3.g.1. – Geographic Information System) An e-mail response was provided. Mr. Ahnell explained that the GIS would provide the foundation for "building" the Internet bicycle suitability map. Mr. Ahnell provided additional information as requested, relating to the overall Geographic Information System.

(Consent Agenda Item 3.g.7. – Replacement of High Voltage Cables) A detailed memo was provided for Council Members to review at their leisure.

(Consent Agenda Items 3.q. & 3.r. – Resolution Nos. 165-2002 & 166-2002 / Relating to the Boca Raton Housing Authority's CATS programs and the New Pines Foundation Inc.'s neighborhood center) An e-mail response was provided. Mr. Ahnell explained that last year's funding amount for each program was \$32,000; the proposed funding amount for this year is \$36,000 for each program.

(Consent Agenda Item 3.t. – Resolution No. 168-2002 / Work Order No. 8 with David Plummer & Associates relating to NW 13 Street and NW 9 Court) A memo and data related to the crash history of the intersection was provided. Mr. Ahnell advised that 38 accidents have occurred at the above intersection over the last three years.

(Consent Agenda Item 3.u. – Resolution No. 169-2002 / Work Order No. 5 with Keith and Schnars, P.A. relating to the El Rio Trail Canal shared-use trail crossing) A memo was provided. Two studies are being done – one to determine if a signal is warranted at Yamato Road and NW 8th Street and one to see if a bike crossing can be put in at the same time to connect the El Rio canal to the rest of the bikeway system.

(Consent Agenda Item 3.y. – Resolution No. 173-2002 / Relating to pay grade schedules for non-bargaining unit employees for FY 2002-2003) A memo was provided. The total cost of the proposed pay grade schedule to the City's employees is \$147,000 for next year, and those dollars are provided in the budget.

(Regular Agenda Items 5 & 5.a. – Ordinance No. 4667 & Resolution No. 150-2002 / Relating to the Boca Raton Water and Sewer Fee Schedule) A memo with an attachment was provided. Mr. Ahnell explained that Utility Services Director Mike Woika would provide information in his presentation.

(Regular Agenda Item 8 – Resolution No. 151-2002 / Relating to the Municipal Facilities and Services User Fee Schedule) A memo was provided. Mr. Ahnell explained that Financial Services Director Mervyn Timberlake would provide information in his presentation.

(OTHER – Information relating to Next Level Communications/Qwest Communications) An e-mail response was provided. Mr. Ahnell advised that the City does not have any contracts with the abovementioned companies.

3. Consent Agenda:

Regarding Item 3.t., Resolution No. 168-2002, Scot Menke shared his observations and raised several issues he felt should be taken into consideration when studying signalization at this intersection. He then asked to be kept informed on this issue, as events occur.

Mayor Abrams referred to a handout relating to a minor revision to Consent Agenda Item 3.k. (Resolution No. 154-2002) to reflect that the public hearing date would be November 13, 2002, not November 12th.

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

- a. Sealed Bids – FY 01/02
 - 1) Compact Slip Printers
Requested by Police Services
Pomeroy Computer Resources \$46,890.00

- b. Sealed Bids – FY 02/03
 - 1) Traffic Signs & Marking Items
Requested by Municipal Services
Custom Products, Corp.; Municipal Supply & Sign Co.;
Rocal Inc.; Universal Signs & Accessories;
Vulcan Signs and 3M Company \$53,000.00
 - 2) Lawnmower/Groundskeeping Parts and Supplies
Requested by Recreation Services, Municipal Services,
Utility Services
Able South; Boca Raton Small Engines;
Florida Coast Equipment; Kilpatrick Turf;
Precision Small Engines and Tesco South d/b/a Hector Turf \$96,550.00

- c. Competitive Sealed Proposals – FY 01/02
 - 1) Large Turf Equipment (New & Replacement)
Requested by Recreation Services
Hector Turf and Kilpatrick Turf \$106,130.00

- d. Competitive Sealed Proposal – FY 02/03
 - 1) Custodial Maintenance Services
Requested by City Wide
Sunshine Cleaning Systems, Inc. \$325,100.00

e. Sealed Renewals – FY02/03

1)	Printer Cartridges, Ribbons and Media Supplies Requested by City Wide Martin Associates, Inc.	\$61,000.00
2)	Industrial Supplies, Miscellaneous Hardware, Paint, Lumber and Small Hand Tools Requested by City Wide Deerfield Builders Supply; Home Depot Company; Industrial Supplies; Maintenance Warehouse; Sewell Hardware; Sherwin William Paint Company and W.W. Grainger	\$250,000.00
3)	Janitorial Supplies Requested by City Wide Crown Sanitary Supply	\$80,250.00
4)	Office Supplies Requested by City Wide Corporate Express	\$175,000.00
5)	Emergency Medical Supplies Requested by Fire Rescue Services American LaFrance Medic Master; Moore Medical Corp; PMX Medical; Southeastern Emergency Equipment; Suncoast Surgical Supply, Inc. and Tri-anim Health Services	\$37,000.00
6)	Hydraulic Repairs and Mobile Services Requested by Municipal Services Industrial Hose and Hydraulics, Inc.	\$50,000.00
7)	Sod, Pick-up Only Requested by Municipal Services, Recreation Services, Utility Services Conco Horticulture and Mac's Garden of Eden	\$35,966.00
8)	Lighting Repair and Maintenance for Ballfields and Tennis Courts Requested by Recreation Services Lectra Living Inc.	\$85,500.00
9)	Landscape Maintenance Service for Police and Fire Stations Requested by Recreation Services Complete Property Services	\$44,546.00
10)	Submersible Wastewater Pumps Requested by Utility Services A. Guthrie & Associates and Ellis K. Phelps & Company	\$250,000.00
11)	Landscape Maintenance Services for Lift Stations Requested by Utility Services Custom Care, Inc.	\$31,905.00

f.	<u>Competitive Sealed Proposal Renewals – FY 02/03</u>	
1)	Excess Insurance Requested by Financial Services Arthur J. Gallagher & Co./ North River Insurance Company	\$144,200.00
2)	Vehicle Air Conditioning Repairs Requested by Fire Rescue Services Municipal Services Auto Air Boca Inc. as the Primary award and Kramer Auto Electric and AC as the secondary award.	\$45,000.00
g.	<u>Intergovernmental Agreements – FY 01/02</u>	
1)	Geographic Information System Public Internet/ Intranet Web Site Development Requested by City Manager C & C Solutions, Inc.	\$40,000.00
2)	Geographic Information System Infrastructure Data Conversion Needs Assessment & Implementation Plan Requested by City Manager Woolpert,LLP	\$60,000.00
3)	Video Monitoring Cameras Requested by Municipal Services Mastec ITS of Florida, Inc.	\$59,564.00
4)	Fiber Optic Cable Requested by Municipal Services Accu-Tech Corporation	\$30,520.00
5)	Vehicle (Replacement) Requested by Municipal Services Altec Industries, Inc. and King Truck Center	\$103,050.00
6)	Furniture for Renewal Office Space (New) Requested by Police Services Office Elements Inc.	\$51,483.00
7)	Replacement of High Voltage Cables Requested by Utility Services C.R. Dunn, Inc.	\$34,435.00
h.	<u>Intergovernmental Agreements – FY 02/03</u>	
1)	Personal Computer and Printer Replacement Program Requested by City Manager Compaq of Houston Texas; I.B.M. of Atlanta Georgia; Pomeroy Computer Resources, Inc. (HP Items); Presidio of Lanham Maryland(Nortel/Bay Network items); GovStreet of Clearwater Florida (Enterasys items); CompUSA of Deerfield Beach Florida (Panasonic items) and Comark Government & Education Sales of Lake Wales Florida (Toshiba items)	\$500,000.00

2)	Network Infrastructure Upgrades Requested by City Manager Compaq of Houston Texas; I.B.M. of Atlanta Georgia; Pomeroy Computer Resources, Inc. (HP Items); Presidio of Lanham Maryland(Nortel/Bay Network items); GovStreet of Clearwater Florida (Enterasys items); CompUSA of Deerfield Beach Florida (Panasonic items) and Comark Government & Education Sales of Lake Wales Florida (Toshiba items)	\$130,000.00
3)	Tire Services Requested by Municipal Services Pride Enterprises	\$94,000.00
4)	Tires & Tubes Requested by Municipal Services, Fire-Rescue Services Goodyear Tire & Rubber , d/b/a Boca Tire Inc.	\$107,000.00
5)	Undercover Leased Vehicles Requested by Police Services Mears Motor Leasing	\$68,500.00
6)	Library Books and Audio Visual Material Requested by Recreation Services/Library Baker & Taylor; Baker & Taylor Entertainment; Follett Corporation; Ebsco Subscription Services; Gale Group; Newsbank Inc. and Pro Quest Information and Learning	\$296,945.00
7)	Bioxide Chemical Requested by Utility Services U.S. Filter Davis Process	\$328,500.00
8)	Disposal of Wastewater Bio-Solids Requested by Utility Services H&H Liquid Sludge Disposal, Inc.	\$270,854.00
9)	Sodium Hypochlorite Requested by Utility Services Jones Chemical, Inc.	\$180,000.00
i.	<u>Sole Source – FY 01/02</u>	
1)	Children's Science Explorium Exhibits Requested by Recreation Services Exploratorium	\$44,450.00
j.	<u>Sole Source – FY 02/03</u>	
1)	Infinium Payroll/Personnel Software Maintenance and Support Requested by City Manager Infinium Software	\$31,736.00
2)	HTE Software Maintenance Requested by City Manager HTE Inc.	\$78,871.00

3)	Original Equipment Manufacturer (OEM) Parts and Service for GS Recycling Truck Bodies and Crane Carrier Trucks Requested by Municipal Services Container Systems & Equipment	\$40,000.00
4)	Original Equipment Manufacturer (OEM) for Petersen Parts & Services Requested by Municipal Services Petersen Industries Machinery	\$35,000.00
5)	Original Equipment Manufacturer (OEM) Parts and Service for Sterling Trucks (formerly, Ford) Requested by Municipal Services Atlantic Truck Center	\$85,000.00
6)	Fuel for Police Boats Requested by Municipal Services Cove Marina and Delray Harbor Club Marina	\$30,000.00
7)	Refuse Packer, Original Equipment Manufacturer (OEM) Parts and Factory Authorized Repairs for Mack Trucks Requested by Municipal Services/Fleet Nextran Truck Center	\$120,000.00
8)	Original Equipment Manufacturer (OEM) for Leach Garbage Trucks and Labrie Recycling Trucks Requested by Municipal Services/Fleet Clarke Waste Systems	\$90,000.00
9)	Epixtech Inc. Software & Hardware Maintenance Requested by Recreation Services Epixtech, Inc.	\$45,100.00
10)	Water Meters & Parts Requested by Utility Services Badger Meter, Inc.	\$275,000.00

k. Resolution No. 154-2002 (As revised)

A resolution of the City of Boca Raton relating to the levy of special assessments against all lands within the Royal Palm Yacht and Country Club Subdivision, as more particularly described herein, which lands are specifically benefited by the construction, reconstruction and repair of storm sewers; accepting and publishing a preliminary assessment roll; providing for a public hearing, at which the City Council shall act as an equalizing board; providing for the giving of notice to all affected property owners; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 160-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Addendum to a Lease Agreement with Lewis Rental Properties for the purpose of renting space for the Police Athletic League; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 161-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms pursuant to the City's Gang Resistance Education and Training (G.R.E.A.T.) Program; authorizing the acceptance of 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

n. Resolution No. 162-2002

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Transportation Highway Safety Fund Program pursuant to the City's Child Occupant Safety Program; authorizing the acceptance of 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

o. Resolution No. 163-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Joint Funding Agreement with the Geological Survey, United States Department of Interior, for the purpose of conducting an investigation of water resources; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 164-2002

A resolution of the City of Boca Raton waiving the Payment in Lieu of Taxes for the Boca Raton Housing Authority for fiscal year ending September 30, 2003; providing for severability; providing for repealer; providing an effective date

q. Resolution No. 165-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Boca Raton Housing Authority ("Authority") for the purpose of assisting with operating costs of the Authority's "CATS" after school and summer camp programs; providing for severability; providing for repealer; providing an effective date

r. Resolution No. 166-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the New Pines Foundation, Inc., a Florida nonprofit corporation for the purpose of assisting with operating costs of the New Pines Neighborhood Center; providing for severability; providing for repealer; providing an effective date

s. Resolution No. 167-2002

A resolution of the City of Boca Raton to extend the terms of appointment for the membership of the Downtown Visions Committee; providing for severability; providing for repealer; providing an effective date

t. Resolution No. 168-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 8 with David Plummer & Associates, Inc. for the purpose of providing traffic engineering and design services to prepare design plans for the turn lane improvements at the intersection of Military Trail and Potomac Road and a new traffic signal at the intersection of NW 13 Street and NW 9 Court; providing for severability; providing for repealer; providing an effective date

u. Resolution No. 169-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 5 with Keith and Schnars, P.A., for the purpose of providing professional engineering services for the El Rio Trail Canal shared use trail crossing at Yamato Road and CSX Railroad; providing for severability; providing for repealer; providing an effective date

v. Resolution No. 170-2002

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 02-5 with Post, Buckley, Schuh & Jernigan, Inc. for the purpose of providing technical assistance, submittal reviews, and construction services for electrical improvements for South Beach Park/Pavilion; providing for severability; providing for repealer; providing an effective date

w. Resolution No. 171-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Alcalde & Fay, Ltd., for the purpose of providing federal government affairs consulting services; providing for severability; providing for repealer; providing an effective date

x. Resolution No. 172-2002

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Addendum to a Lease Agreement with Lewis Rental Properties for the purpose of renting office space; providing for severability; providing for repealer; providing an effective date

y. Resolution No. 173-2002

A resolution of the City of Boca Raton updating the pay grade schedules for non-bargaining unit employees for Fiscal Year 2002 – 2003; providing for severability; providing for repealer; providing an effective date

z. Receive and File Board Minutes – September 24, 2002

- 1) Community Appearance Board
August 13, 2002
August 20, 2002
- 2) Education Advisory Board
May 23, 2002
July 22, 2002
- 3) General Employees' Pension Board
August 7, 2002

- 4) Parks and Recreation Board
August 6, 2002
- 5) Pearl City Blue Ribbon Committee
July 25, 2002
- 6) Planning and Zoning Board
June 20, 2002
July 18, 2002
- 7) Telecommunications Advisory Board
August 12, 2002

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

4. Resolution No. 152-2002

A resolution of the City of Boca Raton granting conditional use approval for Fairfield Gardens Hotel/Motel on a parcel of land located at 1330 North Military Trail, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (UC-97-01R4/CA)

a. Resolution No. 153-2002

A resolution of the City of Boca Raton granting the petition of Jeffrey A. Evans, AICP, to amend portions of Resolution No. 149-2000 which granted an extension of the planned commercial development master plan approval for Fairfield Gardens Hotel/Motel, subject to conditions, to permit an additional eighteen months for the filing of a building permit application; providing for severability; providing for repealer; providing an effective date (UC-97-01R4/PCDA)

The City Attorney explained the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who planned to speak on the petition.

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation. She explained that the petitioner was requesting a new conditional use approval and an 18-month extension of the master plan approval for Fairfield Gardens Extended Stay/Limited Service Hotel, located at 1330 N. Military Trail. Information relating to zoning, acreage, and the precise location of the property was outlined. It was noted that universal conditional approval for this project was originally granted in April 1998; a timeline of events from April 1998 through July 2000 was provided. Ms. Simon explained that the applicant was required to apply for a new conditional use approval because the one 18-month extension allowed by City Code was granted in July 2000. No new modifications are proposed. In addition, the petitioner is requesting an 18-month extension. Access, parking, and property restrictions, of which there were three, were detailed. The Planning and Zoning Board reviewed the application on June 6, 2002, and recommended approval. Staff also found the application to be in compliance with applicable codes, and the Comprehensive Plan, and recommended approval. Ms. Simon then responded to questions raised at yesterday's workshop.

In response to conservation questions that arose at the workshop meeting, Ms. Simon stated that an amendment to the City's Comprehensive Plan, with a focus on preservation of the native vegetation, was determined to be allowable but not feasible, as there is no mechanism connected with the land use that would ensure proper management of the area, as this is not City property. Instead of this approach, staff recommended a revised condition could be included in the resolution, which would state that the management plan for the area is required within 60 days of the approval of the petition, instead of prior to issuance of a building permit. Ms. Simon provided additional information as requested. The public hearing was then opened.

Jeff Evans, the petitioner, stated that he had only been made aware of the revised condition today and had not had the opportunity to confer with his client. He expressed that the revised condition was significant and urged Council to maintain the language as it was originally written.

Craig Schreiber, a neighboring resident in Fairfield Gardens, expressed that prior landscaping commitments had not been kept and asked Council to do something to remedy the situation.

JoAnn Landon asked Council to adopt the revised condition to ensure that the area in question is protected.

Development Services Director Jorge Camejo and Jennifer Simon provided additional information regarding the revised condition, as requested by Council.

In closing, Mr. Evans again commented on the revised condition, asking Council to not amend and approve as is. He also confirmed that his client is aware of which areas with which Mr. Schrieber was concerned.

Seeing no one else come forward, the public hearing was closed.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to adopt Resolution No. 152-2002.

Motion was made by Council Member Hanson, seconded by Council Member Freudenberg, to amend Resolution No. 152-2002, to include the revised condition, using language generally consistent with the following: "A detailed management plan shall be submitted to the environmental officer for review and approval within 60 days of adoption of this resolution. After approval, the management plan shall be implemented by the petitioner within 60 days, and the petitioner shall, thereafter, continue to effectuate the management plan, consistent with the plan's provisions. In addition, in the event the petitioner is unable to comply with the foregoing requirements to timely develop and implement the management plan, the petitioner may seek an extension from the City Manager, without requirement for additional notice and public hearing." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to amend Resolution No. 152-2002, to include language generally consistent with the following: "The petitioner shall effectuate appropriate trimming and maintenance of all trees and landscaping along the common boundary line between the subject property and the Fairfield community." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

The vote on the main motion to adopt Resolution No. 152-2002, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Motion was made by Council Member Freudenberg, seconded by Council Member Hanson, to adopt Resolution No. 153-2002.

Motion was made by Mayor Abrams, seconded by Deputy Mayor Haynie, to amend Resolution No. 153-2002, in the same manner as Resolution No. 152-2002. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

The vote on the main motion to adopt Resolution No. 153-2002, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4667

An ordinance of the City of Boca Raton relating to water, sewer, and reclaimed water fees, rates and charges, and impact fees for new water and sewer services; amending Sections 17-45, 17-83, 17-84, 17-161, and 17-206, Code of Ordinances, to delete the fees, rates and charges set forth in said sections and to provide that said fees, rates and charges be set forth in the Boca Raton Water and Sewer Fee Schedule and to eliminate the automatic annual increases to the water and sewer impact fees; repealing Section 17-10, Code of Ordinances, to remove the requirement to provide bacteriological and chemical laboratory services; creating Section 17-58, Code of Ordinances, to provide the establishment of a fee for the relocation of a water service line when requested by a customer; creating a new Subsection 17-6(6), Code of Ordinances, to provide for fees for obtaining and renewing fire hydrant meter permits; providing for codification; providing for severability; providing for repealer; providing an effective date

a. Resolution No. 150-2002

A resolution of the City of Boca Raton adopting the Boca Raton Water and Sewer Fee Schedule; establishing water and sewer fees, rates and charges; providing that the water and sewer fees, rate and charges provided for in Sections 17-45, 17-84, and 17-206, Code of Ordinances, and set forth in such schedule shall be automatically increased annually by the Consumer Price Index; providing for severability; providing for repealer; providing an effective date

Utility Services Director Mike Woika gave the presentation. He explained that adoption of the proposed ordinance and resolution would: create of the Boca Raton Water and Sewer Fee Schedule; remove dollar amounts from the Code of Ordinances and placement of same in a separate schedule; and remove certain rates and fees from the Municipal Services Rates and Fees Schedule for placement in the new water and sewer fee schedule. Mr. Woika added that several customer service fees would be increased; the automatic increase on water and sewer impact fees would be removed; fire hydrant meter deposit installation fees would be increased. He added that all Council was then referred to a memo, with attachments, prepared in response to questions raised at yesterday's workshop. Mr. Woika highlighted several items and then answered questions from Council; attention focused on the annual CPI adjustment and IRIS (reclaimed irrigation water) rates. The public hearing was then opened.

Scot Menke referred to a memo from Mr. Woika, dated April 18, 2002 that addresses IRIS revenues and expenditures. He supports a full cost-recovery IRIS rate.

Carl Jacobs referenced the proposed Boca Raton Water and Sewer Fee Schedule and reviewed each item that he believed should be increased and by how much. He then provided comments on IRIS.

JoAnn Landon requested clarification regarding the removal of the requirement to provide chemical and bacteriological laboratory services. She also expressed that IRIS water made as safe as possible.

Responding to Mr. Menke, Mr. Woika clarified that IRIS is not an enterprise fund. Responding to Ms. Landon, Mr. Woika explained that provisions exist in the Code, which allow the City to act as an independent laboratory and compete with other entities in the field; it has nothing to do with internal testing. The requirement was instituted many years ago as a way to raise money for the City, using its laboratory services. Mr. Woika stated that these provisions have never been used – there is inadequate staff to do so and the City does not wish to compete with other labs. He then responded to additional questions.

Seeing no one else come forward, the public hearing was then closed.

Much discussion focused on impact fees and IRIS. Mr. Woika and the City Manager provided additional information as requested. Staff was directed to research IRIS rates across the state and provide Council with a comparison/analysis.

Motion was made by Council Member Hager, seconded by Council Member Freudenberg, to adopt Ordinance No. 4667. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Resolution No. 150-2002. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

6. Ordinance No. 4672

An ordinance of the City of Boca Raton amending Section 23-116, Code of Ordinances, to provide for an increase in the Land Dedication Fee; providing for an automatic annual adjustment in the Land Dedication Fee; providing for severability; providing for repealer; providing for codification; providing an effective date

Recreation Services Deputy Director Buddy Parks gave the presentation. He explained that passage of the above ordinance would accomplish two goals: 1) it would increase the Land Dedication Fee from \$1,050 to \$1,943, and 2) it would provide for an automatic annual adjustment of the fee. Mr. Parks stated that the last adjustment was in 1992. The motivation for the increase was due to input from the Parks and Recreation Board, which conducts many reviews of proposed City projects. It was noted that the fair market value for land was consistently and substantially higher than the current Land Dedication Fee. The City's Property Specialist/Appraiser, Lynn Bodor, was enlisted for assistance and conducted an extensive analysis of the issue, which resulted in strong support for the fee increase. Staff utilized the annual property values from the Palm Beach County tax rolls for the City, as the basis for calculating the currently proposed increase.

No one wished to speak at the public hearing.

Motion was made by Council Member Hager, seconded by Council Member Freudenberg, to adopt Ordinance No. 4672. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

7. Ordinance No. 4673

An ordinance of the City of Boca Raton providing for the vacation and abandonment of Special Purpose Utility Easements, located at 131 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-02)

Development Services Property Specialist/Appraiser Lynn Bodor gave the PowerPoint presentation. She explained that the applicant was seeking abandonment of portions of special purpose utility easements, located at 131 South Federal Highway, which would interfere with the approved site plan for Palacio Court Tower. Ms. Bodor provided detailed background information on the petition and stated that the approved plan would place the southwest corner of the new 8-story building, and various site improvements, over those easements. Affected utility companies were contacted. Of those, several asked that conditions be imposed, whereby the petitioner would be required, at his expense, to relocate or encase selected utilities and grant easements over same. Relocation and/or encasement work would be completed before a building permit would be issued. Code Enforcement was also contacted; no liens or code issues were discovered. In conclusion, staff recommended approval, subject to the utility relocation conditions as outlined in the ordinance.

No one wished to speak at the public hearing.

Motion was made by Council Member Hager, seconded by Council Member Freudenberg, to adopt Ordinance No. 4673. Motion carried 4 - 1; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Council Member Hanson voted no.

8. Resolution No. 151-2002

A resolution of the City of Boca Raton adopting an amended and restated Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing an effective date

Financial Services Director Mervyn Timberlake gave the PowerPoint presentation. He outlined user fee revisions, effective October 1, 2002, for each department. These departments included Development Services, Municipal Services, Police Services, Fire/Rescue Services, Recreation Services, and Financial Services. Most revisions were comprised of increases; percentages and/or dollar figures were detailed. In response to questions raised at yesterday's workshop, Mr. Timberlake indicated that an item in the fee schedule for the Boca Raton Tennis Center was changed to reflect "Ninety Minutes" in place of "Daily." He then clarified the costs for annual beach parking permits for City residents, the Greater Boca Raton Beach & Park District, and Palm Beach County. Following that, Council was referred to a memo from Municipal Services, dated September 23, 2002, which was prepared in response to queries from yesterday's workshop, relating to sidewalk repairs.

Mr. Timberlake, Recreation Services Director Mickey Gomez, and the City Manager provided additional information as requested. Attention focused on false alarm fees for Police Services and Fire/Rescue Services and the fees for annual beach parking permits. The public hearing was then opened.

Scot Menke expressed that, as a City resident and taxpayer, he is paying twice for services associated with beaches and parks, since he pays the City and the Greater Boca Raton Beach and Parks District. He contended that residents of the District pay only once toward the total costs and, therefore, should not be given a decrease in the beach parking fees from \$40 to \$28, which is the same rate for City residents. In response, Mayor Abrams reiterated the City Manager's prior explanation that the District gratuitously pays for a number of costs, which benefits the City, and results in an "evening of the balance sheet."

Sally Stewart also was opposed to a decrease for District residents.

Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Council Member Hager, seconded by Council Member Freudenberg, to adopt Resolution No. 151-2002, as revised.

Motion was made by Mayor Abrams, seconded by Council Member Hager, to amend Resolution No. 151-2002, to delete Item (13), on Page 3 of Exhibit A – User Fee Schedule (application and appeal fees for Community Appearance Board cases). Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to amend Resolution No. 151-2002, Exhibit A – User Fee Schedule, Page 31, Section H.(2)(b), to increase the annual permits for Greater Boca Raton Beach and Park District residents (Unlimited) from \$28.00 to \$35.00. Motion carried 3-2; Mayor Abrams, Deputy Mayor Haynie, and Council Member Freudenberg voted yes. Council Members Hager and Hanson voted no.

An issue of clarity was determined to exist in regard to the above amendment. Therefore, a second and final vote on the amendment relating to the cost increase for annual permits for Greater Boca Raton Beach and Park District residents (Unlimited) was taken. Motion carried 4-1; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hanson voted yes. Council Member Hager voted no.

The vote on the main motion to adopt Resolution No. 151-2002, as revised and amended, carried 4-1; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voted yes. Council Member Hanson voted no.

REGULAR BUSINESS – PART IV - INTRODUCTION OF ORDINANCES:

10. Resolution No. 4675

An ordinance of the City of Boca Raton amending the City's Comprehensive Plan by changing the Capital Improvement Element to include projects which are necessary for the City to continue to meet its adopted level-of-service standards; providing for inclusion in the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Freudenberg.

REGULAR BUSINESS - PART V - PUBLIC REQUESTS:

Scot Menke, Carl Jacobs, and JoAnn Landon expressed concern related to the disposal of the water used to hose off HazMat uniforms used by the FBI during their investigation of the AMI building and made several queries including disposal policy, disposal costs incurred by the City, testing of the water, and release of information about same. They also expressed their frustration that information has not been forthcoming. Mr. Ahnell stated that the water was sanitized and tested before it was released into the sewer. He further stated that suppression of some information by the FBI is due to potential security issues. Mayor Abrams added that City officials have experienced the same frustration, but provided assurances that there is no casual disregard for the safety of citizens by the various agencies. Mr. Jacobs commented that the water and sewer connections to the AMI building should be disconnected and the sewer pumped out. He then provided additional comments related to backflow devices on fire hydrants.

REGULAR BUSINESS - PART VI- RESOLUTIONS AND OTHER BUSINESS:

There were no other items for consideration.

APPEAL OF BOARD DECISIONS:

11. Zoning Board of Adjustment Decision – Case No. BA-02-05

Mayor Abrams explained that a postponement of this appeal had been requested. As it was a noticed public hearing, the public hearing was opened; no one wished to speak.

The City Attorney stated, for the record, that the City received a letter from the applicant, requesting a postponement.

Motion was made by Council Member Freudenberg, seconded by Council Member Hanson, to continue Case No. BA-02-05 to the next regularly scheduled Council meeting on October 8, 2002. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had nothing to report.

CITY ATTORNEY REPORTS:

Ms. Frieser provided Council with an update on the Palm Beach County Commission meeting, which took place earlier today, in regard to the County's Traffic Performance Standards. The Commission decided to proceed with the language promoted by the Palm Beach County League of Cities on behalf of all municipalities, which would include master plan approval by both the County and the cities as it relates to traffic concurrency.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Hager requested an update on the litigation involving Emil Danciu, who lost his bid for a Council seat in the March 2002 election. The City Attorney explained that she has contacted the County, since the bulk of the claims are against the Supervisor of Elections and not the City, to request that officials move the case forward. The County is tracking a similar case in California; they are awaiting the summary judgment, which they feel will be very helpful to the case here. Once the summary judgment is issued, the County has indicated that it will move forward. Mr. Hager then confirmed with Ms. Frieser that no third-party expenses have yet been incurred by the City.

Council Member Hager indicated that the employees of Tyco, and the company, itself, should not be tarnished by the alleged activities of some Tyco executives.

Council Member Hanson commented positively on the NE 2nd Street traffic-calming project and asked Mr. Ahnell for the cost involved and whether the same type of project would be used in other areas. Mr. Ahnell advised that the City is no longer constructing "small miniature circles," since it is difficult for emergency vehicles to negotiate.

Deputy Mayor Haynie referred to an e-mail she received from a resident, voicing concern that the School Board had no plans to re-build the football stadium at Boca Raton Community High School. Mr. Ahnell explained that the plans, which were approved by the City, included a stadium; he is to follow up.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 9:15 p.m. on September 24, 2002.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk