

MINUTES OF THE REGULAR WORKSHOP MEETING  
CITY COUNCIL  
BOCA RATON, FLORIDA  
MONDAY, JANUARY 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 1:01 p.m.

ATTENDING THE MEETING WERE:

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

Also attending the meeting were:

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

**1. BOARD INTERVIEWS:**

- a. Boca Raton Advisory Board for the Physically and Mentally Challenged – (2) vacancies due to resignations of Judith Wong, whose term expires 4/23/04, and Grace Pertile, whose term expires 4/23/03.

No one came forward to interview.

- b. Citizens' Pedestrian and Bikeway Advisory Board – (1) vacancy due to resignation of Mark Traveis, whose term expires 1/12/04.

No one came forward to interview.

- c. Education Advisory Board – (1) vacancy due to resignation of Matthew S. Nelles, whose term expires 7/28/05.

No one came forward to interview.

**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.)

Carl Jacobs extended appreciation to the Police Services Department for continuing to do a good job in regard to ticketing traffic offenders. He brought attention to a fire hydrant near the east entrance to Camino Gardens that he said was difficult to see, due to vegetation growth and no blue marker in the pavement. Mr. Jacobs also inquired whether there were still restricted "spray hours" for IRIS water at Mizner Park and reiterated his concerns regarding exposure of same by patrons and employees. Additionally, he stated that the "as-builts" for Mizner Park are still not complete. In conclusion, Mr. Jacobs noted that there is still a sign posted at Palmetto Park Road and 12<sup>th</sup> Avenue for the now-closed International Museum of Cartoon Art.

John Stetz reported on a rusty stairwell near the theater in Mizner Park. He then stated that many people living in Spanish Village did not get notices regarding the most recent meeting between the City and the property owners to discuss sewer installation. Mr. Ahnell explained that, in addition to the published notice, the City also hung notices on the doors of all affected property owners, notifying them of the meeting. It was noted that properties on the west side of NW Second Avenue are not included in this phase, and therefore would not have been noticed.

Linda Tompkins related her personal experiences with the City's Police Services Department and expressed displeasure with same.

**3. REVIEW OF REGULAR AGENDA ITEMS:**

a. Questions relating to the agenda.

(Consent Agenda Items 3.a.1 – 6 / Sealed Bid Renewals for Landscape Maintenance Services) Council Member Freudenberg questioned whether these items were sent out for bid. Mr. Ahnell responded affirmatively.

(Consent Agenda Item 3.c. - Resolution No. 26-2003 / Grant application for Transportation Demand Management {TDM} Data Collection and Analysis) At Deputy Mayor Haynie's request, Mr. Ahnell provided additional information regarding the purpose of the grant. Council Member Hanson then called attention to conflicting amounts in the documents and asked if the grant was for \$78,000 or \$73,000. The City Manager is to follow up.

(Consent Agenda Item 3.d. – Resolution No. 27-2003 / Amended and Restated Agreement with Boca Raton Educational Television, Inc. {BRET}) Council Member Hanson referred to the revenue obtained from cable franchise fees, stating that BRET receives a portion of same from the City, and questioned whether satellite-dish users are required to pay a fee equivalent to a franchise fee.

(Agenda Item 5 - Ordinance No. 4686 / Code Amendment Code to allow municipal buildings and ancillary facilities as a permitted use in non-residential zoning districts; parks and municipal utilities as a permitted use in all zoning districts; and police and fire stations as a conditional use in residential zoning districts) In response to Council Member Hanson's query, Mr. Ahnell explained that staff brought forward the ordinance because, currently, land zoning regulations show that the City is not in compliance with regard to parks, fire stations, water/sewer stations, and police stations; the Code does not provide for the location of some types of municipal facilities in certain zoning districts. He then clarified that the named facilities in the ordinance are City-owned and operated. The City Attorney provided additional information.

(Consent Agenda Item 3.b.2. – Laptop Computers) Mayor Abrams questioned where the dollars were coming from to purchase same and why new laptops are preferable to the ones currently being used by the Police Services Department. Mr. Ahnell is to follow up. Should funding come from the Law Enforcement Trust Fund (LETF), Council Member Hanson asked the City Manager to report on the remaining balance.

b. Ordinance No. 4685 (*Regular Agenda Item 4*), which would authorize execution of a Memorandum of Understanding with Boca Technology Center, LLC.

The City Attorney, assisted by Planning and Zoning Director Carmen Annunziato, gave the PowerPoint presentation related to the Memorandum of Understanding and provided extensive details regarding road improvements at Yamato Road and Spanish River Boulevard and the proposed road re-alignment of what is currently Broken Sound Boulevard. The exhibits, comprised primarily of warranty deeds and easement agreements relating to the affected land parcels, were reviewed individually. Much discussion followed. In addition, Ms. Frieser provided information on new and existing development with regard to trip generations, parking, conversion of mezzanine space, the merge analysis, the employee service/commercial node, and the City letter, which included five provisions of the DRI development order for Boca Technology Center. Ms. Frieser then distributed proposed revisions to the agreement. She reviewed same with Council and provided additional information as requested.

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

There were no items for consideration.

**5. CITY MANAGER REPORTS**

Mr. Ahnell reported on a request he received from Tri-Rail counsel, asking the City for a letter of support in regard to the new proposed station location on a portion of the Blue Lake DRI, south of Yamato Road. A draft letter was provided. While it appeared that Tri-Rail was seeking some financial assistance from the City, the proposed draft letter made no commitment in that regard. Mr. Ahnell provided a brief history of Tri-Rail's proposed locations over the last several years; it was noted that the City favors a site within Boca Technology Center. It was also noted that before a station at that site could become a reality, a Code amendment would be needed since a Tri-Rail station is not currently an allowed use in LIRP zoning.

## **6. CITY ATTORNEY REPORTS:**

Ms. Frieser reported that a verdict favorable to the City had been reached in the "billboard case." i.e. Florida Outdoor Advertising v. City of Boca Raton. While that decision is subject to appeal, no appeal has yet been filed.

## **7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:**

Council Member Hager mentioned the banyan tree, located at Federal Highway and Mizner Boulevard, and the possibility that it might be cut down due to proposed construction.

Council Member Hanson requested an update on the renovations at the former Ambers restaurant. Mr. Ahnell is to follow up.

Council Member Hanson mentioned the Caribbean Keys neighborhood and expressed displeasure regarding the over-pruning of trees in that area, and others, by Asplundt, a company contracted by Florida Power & Light (FPL) to trim foliage away from power lines. She suggested that representatives of both Asplundt and FPL come before Council to explain their pruning procedures.

Council Member Hanson referred to the Farm Store, located at Spanish River Boulevard and Dixie Highway, and questioned whether the City could mark the curbing to make it more visible, stating that it is difficult to see the driveway.

Council Member Hanson requested a report on the meeting between staff and Golden Harbour residents, relating to plans for the NE 5<sup>th</sup> Avenue area, and questioned whether the Florida Department of Transportation was issuing a mandate to widen Federal Highway from Glades Road to 20<sup>th</sup> Street.

Deputy Mayor Haynie mentioned the issue of Deerfield Beach's attempt to get a permit to release effluent into the Hillsboro Canal. While the permit was denied by the Broward County Department of Environmental Protection, Deerfield Beach intends to appeal the decision. Ms. Haynie explained that State Representative Adam Hasner is following up on this matter; however, the City should remain aware of the situation. Discussion occurred regarding the extent to which the City should be involved in this issue at this time.

Council Member Freudenberg distributed a resolution intended to encourage the Airport Authority to seek alternatives to establishing a second fixed base operator and/or a second fuel storage and fueling operation at the Boca Raton Airport. The resolution would also encourage the Airport Authority to oppose the establishment of scheduled airline service at the airport. Council Member Hanson commented on Airport history and the origination of the Airport Authority. Deputy Mayor Haynie sought assurance from the City Attorney that official opposition of the operations noted above, via this resolution, would not expose the City to litigation, as had a prior support resolution.

Citing complaints he has received, Council Member Hager questioned whether road construction might be more appropriately scheduled, i.e. not during the peak tourist season. Mr. Ahnell explained that conflict is unavoidable in some instances, due to the duration of the projects and other factors.

Council Member Hanson commented on the debris along the railroad tracks, north of Yamato Road, and the uncovered railway cars left sitting on the tracks by Florida East Coast (FEC) Railroad.

Mayor Abrams spoke to the issue of the AMI building, saying that a press conference was held this morning in City Hall. At that conference, Senator Bill Nelson announced that the Senate agreed last week for the Federal

government to purchase the AMI building for \$1. Senator Nelson was instrumental in adding that legislation to the Omnibus Appropriations Bill; it still has to be approved by the House. Subsequent cleanup and/or occupation by the Federal government would be the likely outcome. A resolution in support of the legislation will be presented tomorrow night for Council's approval.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:05 p.m. on Monday, January 27, 2003.

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Vanessa Hines, Assistant City Clerk