

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, MARCH 24, 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 1:00 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 (absent – excused)

Also attending the meeting were:

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

1. PRESENTATION:

Recognition of awards from the Safety Council of Palm Beach County to:

Recreation Services – Innovative Safety Program
Fire/Rescue Services – Special Recognition Award for Safety Preparedness

Risk Manager Pam Gardner outlined the achievements of Recreation Services and Fire/Rescue Services, which resulted in receipt of the above rewards from the Safety Council of Palm Beach County and presented two plaques to Mayor Abrams in recognition of same.

Introduction of Members of Accident Review Board and Safety Committee

Ms. Gardner introduced Safety Officers Teresa Dwyer and Lisa Wilson Davis and members of the Accident Review Board and Safety Committee, who were in attendance, and recognized the contributions of all members.

2. BOARD INTERVIEWS:

- a. Community Appearance Board – one (1) vacancy, to complete the term of J. Patrick Lynch (Architect), whose term expires 09/20/04.

No one came forward to interview.

- b. General Employees' Pension Board – one (1) vacancy due to term expiration of Susan Baumel, whose term expires 03/29/03.

Carole R. Marko and David E. Norris interviewed for the position.

- c. Police & Firefighters' Pension Board – two (2) vacancies due to term expirations of Steven R. Tubbs and Mervyn C. Timberlake, whose terms expire 03/29/03.

Steven R. Tubbs and Mervyn Timberlake expressed interest in retaining their positions.

- d. Planning & Zoning Board – four (4) vacancies; three vacancies due to term expirations of Frank J. Gulisano, Robert B. Hagerty, and Lawrence M. Sehres, whose terms expire 03/31/03; and one vacancy due to resignation of Joanne Morrison, whose term expires 03/31/05.

Robert B. Hagerty, Lawrence Sehres, Frank Gulisano, Joanne Morrison, Alfred Gladstone, Steven Wallace and Jorge Garcia interviewed for the positions. Mayor Abrams mentioned that he was in possession of a letter from Steven Utrecht, who could not interview today, but did express interest in one of the positions.

- e. Zoning Board of Adjustment – two (2) vacancies due to term expirations of Charles B. Schwaderer, II and Ryan Shoup, whose terms expire 04/10/03.

Jeffrey S. Barker, Jason S. Mankoff and Ryan Shoup interviewed for the positions.

- 3. **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.)

No one came forward to speak.

- 4. **REVIEW OF REGULAR AGENDA ITEMS:**

- a. Questions relating to the agenda.

(Consent Agenda Item 3.b.1. – Fire Rescue Station #7) Deputy Mayor Haynie stated that the low bidder, Republic Construction and Development Corporation, scored the best according to the material provided. She then asked if there were any other local projects that this company had worked on since she was not familiar with the firm. Mr. Ahnell is to provide additional information.

(Consent Agenda Item 3.k. – Resolution No. 51-2003 / Work Order No. 12 with Hazen & Sawyer for a sewer system evaluation survey and sewer rehabilitation) Deputy Mayor Haynie questioned whether the City was having a problem with storm water intrusion into the sanitary sewer system and, if so, whether that problem initiated this request. Mr. Ahnell explained that this was a proactive measure on the City's part, since the system is aging. This study would determine the degree of intrusion.

(Consent Agenda Item 3.m. – Resolution No. 53-2003 / Grant for Florida Inland Navigation District (F.I.N.D.) Waterways Assistance Program for purchase of a fire-rescue boat) Deputy Mayor Haynie referenced the agreement the City has with Marbella for dockage, asking whether or not that dock has been utilized for police boats. Mr. Ahnell explained that police boats were docked there previously; however, those boats sustained damage due to vandalism. He added that precautions are in place to protect the fire-rescue boats, also noting that these boats are different from the police boats. He also noted that there is a separate request on this agenda for a F.I.N.D. grant for a police dock at Spanish River Park.

(Consent Agenda Item 3.o. – Resolution No. 55-2003 / Grant application for a "Byrne" Federal Drug Control and System Improvement Grant) Deputy Mayor Haynie questioned whether Child Protective Services would now be assumed by the City. Mr. Ahnell stated that the City has assisted with their services since November; "follow-up" on cases is yet to be discussed. He then explained that it would be advantageous for the City to get funding in place, in the event that the City must take on these added responsibilities. He went on to say that as roles are defined, personnel needs and the cost involved would also become more clear. Ms. Haynie then questioned whether the additional grant money could be used to follow up on cases originating with the City. Mr. Ahnell responded in the affirmative and again stated that, as needs are assessed, the costs involved would be defined more accurately.

(Agenda Item 4 – Ordinance No. 4693 / Refinancing of 1993 bond issue) Council Member Hager questioned whether the refinancing was being suggested in order to obtain a better rate. Mr. Ahnell responded affirmatively and stated that a presentation would be forthcoming today.

(March 2003 Municipal Election) Council Member Hager asked for observations on the recent election. Mr. Ahnell stated that the election went very well. In response to additional questions, he mentioned that the City Clerk provides information to the Supervisor of Elections regarding any issues that may come to the forefront during an election.

(Amendments to the Agenda) Mayor Abrams confirmed with the City Manager that an additional bid for police barriers would be added to the agenda tomorrow night. He also confirmed with Council that a request by Verizon Wireless to postpone their appeal would not be a problem.

- b. Ordinance No. 4693 (*Regular Agenda Item 4*), which would authorize the negotiation of a loan in an aggregate amount not to exceed \$3,000,000 from the First Florida Governmental Financing Commission; approve the refinancing of a prior loan made by the Commission to the City; and approve the execution and delivery of a loan agreement with the First Florida Governmental Financing Commission.

Financial Services Director Mervyn Timberlake gave the Powerpoint presentation. He explained that a 1993 bond issue would be refinanced with the First Florida Governmental Commission. This is the second time these particular bonds would be refunded. The bonds were originally issued in 1990. In 1993, the City undertook an advance refunding; this year, since the bonds are callable on July 1, 2003, the City is allowed to perform a current refinancing. The bonds were issued for \$5,300,000 for downtown transportation projects. Prior and current interest rates were then reviewed. Mr. Timberlake explained that refinancing of the bonds would result in savings of over \$255,000 over the life of the bonds; the Transportation Fund would pay the debt service on the bonds. Projected Debt Service Savings were outlined and additional information was provided. Mr. Timberlake noted that this ordinance also includes a very detailed loan agreement. Upon conclusion of the presentation, it was noted that the City of Boca Raton has reaffirmed its Triple-A rating from Moody's, Fitch, and Standard & Poor's, this time in conjunction with the fire-bond issue. According to Moody's, only 56 cities across the country have achieved a Triple-A rating with their company. The number is even lower when counting those municipalities nationwide, which have a Triple-A rating from all three entities. Mr. Timberlake then answered questions from Council.

- c. Ordinance No. 4695 (*Regular Agenda Item 5*), which would amend the Code of Ordinances to create a new conditional use to be known as a conditional intermodal node use (a use promoting the movement of people by modes of travel other than the automobile), and certain subordinate conditional uses contained in a conditional intermodal node, in the light industrial research park (LIRP) zoning district.

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation, explaining that tomorrow night would be the first of two required public hearings. This ordinance would create a new Code section entitled, "Conditional Intermodal Node," in the LIRP zoning district; the purpose of this ordinance is to promote other modes of transportation besides the automobile. Ms. Simon stated that the ordinance, as proposed by Tri-Rail, was introduced by Council on February 25, 2003. Staff was then directed to review the ordinance; that review resulted in modifications limiting the scope of ancillary facilities to only those necessary to support the primary transit nature of the intermodal node facility. Consequently, staff was recommending a modified version of the ordinance, which would provide special standards for development that are more restrictive than those provided for in the introduced ordinance. Ms. Simon noted that the ordinance is being processed in conjunction with an application for a conditional intermodal node master plan and site plan for a new Boca Raton Tri-Rail Station to be located within the Boca Technology Center Development of Regional Impact.

On March 20, the Planning and Zoning Board (P&Z Board) reviewed the introduced ordinance and the modified staff version of the ordinance. The P&Z Board voted to approve the modified staff version with two changes: (1) modify (5)(b) to read: "In the aggregate, accessory transit oriented retail/personal service uses within a node shall not exceed 10,000 square feet..." instead of 20,000 square feet, and (2) delete (5)(h), which allows parking for accessory transit oriented retail/personal services uses to be provided at a rate of 15% of the number of required parking spaces, per Code.

Staff amended the modified version to incorporate the first change; however, Ms. Simon stated that staff was also proposing an additional standard, which would be covered at the end of the presentation.

Regarding the second change, staff did not support same since, in staff's opinion, the accessory transit oriented retail uses would be convenience-type retail, utilized at a greater percentage by commuter rail users rather than those who arrive by personal automobile. Staff did find the reduction in required parking is substantiated. Ms. Simon then compared the introduced ordinance, as proposed by Tri-Rail, with staff's modified version. Staff's proposed additional standard was also reviewed, which would allow for up to an additional 10,000 square feet of accessory retail/personal service uses in a node, provided an equivalent number of transit roadway trips are removed from the roadway network based on actual commuter rail ridership. Ms. Simon concluded her comments by stating that staff recommended approval with modifications made by staff and the Planning and Zoning Board. She then answered questions from Council.

5. FUTURE AGENDA MATTERS/ITEMS OF COUNCIL/PUBLIC CONCERN:

There were no items for consideration.

6. CITY MANAGER REPORTS:

The City Manager had nothing to report at this time.

7. CITY ATTORNEY REPORTS:

The City Attorney referenced the "sober house" litigation and stated that she would ask Council tomorrow night to authorize scheduling an executive session to discuss same. Ms. Frieser then referred to the Burt J. Harris Private Property Rights Protection Act and explained that a strong movement is underway by developers to effectuate additional amendments to this Act; none of these changes would be favorable to the City or any municipality. Currently, the City of Miami Beach, which secured a favorable decision in connection with the Harris Act, is attempting to recruit as many municipalities as possible to pass resolutions opposing two proposed bills. A resolution, proposed by the City of Miami Beach, is being revised; when the resolution is ready, Ms. Frieser is to distribute copies to Council and ask that the agenda be amended to include same.

8. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Freudenberg referenced the recent fire at a Rhode Island nightclub and suggested that the City look at the issue of fire inspections again. Mayor Abrams suggested that the City Manager could prepare options for Council's review. Mr. Ahnell explained that the City had a proposed program a year and a half ago, and positions were approved, pending approval of fees. However, he would need to update the cost impact on the budget, if funded at least partially from the General Fund, and then obtain feedback from Council. It was noted that fee approval had not been finalized.

Council Member Freudenberg voiced a desire to resolve the issue of the escrow funds for the animal shelter. Mayor Abrams suggested that the issue be brought before Council, with backup material, at the second April meeting.

Council Member Freudenberg and Mayor Abrams extended kudos to the City Clerk staff for the handling of the municipal election.

Deputy Mayor Haynie referred to the intersection at Camino Real & NW Second Avenue, stating that the landscaping is beautiful. However, the new street signs are not accurate, most likely due to the unusual curvature of the road. She suggested that an arrow was needed on the sign, pointing south for Second Avenue, in addition to an arrow pointing to the north for Camino Real. Mayor Abrams stated that he also received a complaint about signage on Second Avenue and Yamato Road, where the DOT is currently working. A sign there indicates that the next light is Boca Raton Boulevard, and it's actually NW Second Avenue; residents would like to have the sign corrected before construction is completed. Lastly, Deputy Mayor Haynie mentioned that the timing of the signal at Camino Real and Second Avenue, on east approach, needed an adjustment.

Deputy Mayor Haynie referred to the Green Market, which is set up in the downtown area on Saturdays, and suggested that another location should be used, due to ongoing construction and issues with parking at Royal Palm Plaza.

Deputy Mayor Haynie extended thanks to those staff members involved in coordinating the City picnic.

Mayor Abrams explained that he had been in contact with Senator Nelson regarding the secret bioweapons testing, which took place in Boca Raton in the 1950s and 1960s. Senator Nelson advised that he had a meeting with the Department of Defense, and no hazard to community exists as a result of that testing.

Mayor Abrams reported that the Civil Air Patrol has successfully tested thermal imaging at the Boca Raton Airport. This technique would allow reconnaissance planes to locate a downed plane or boat; information would then be sent to the ground.

Mayor Abrams stated that he attended the mayors' briefing at the Palm Beach County Emergency Operations Center (EOC). Discussion centered on level red alert and the coordination between schools, hospitals, and police and fire departments. He explained that it was very reassuring to note that Boca Raton was consistently referred to as being further ahead of the curve. For example, while public schools in the County have emergency measures available to them, private and parochial schools do not. Mayor Abrams made a note of same, but since Chief Scott had already purchased books on emergency measures for those schools, no further action was necessary. Mayor Abrams concluded his comments by stating that residents can be assured that they live in a very safe City and County.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:20 p.m. on Monday, March 24, 2003.

Vanessa Hines, Assistant City Clerk