

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JUNE 24, 2003
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 6:02 p.m.

INVOCATION:

Council Member Hager gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

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

Also attending the meeting were:

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

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

PROCLAMATIONS/PRESENTATIONS:

National Recreation and Parks Month – July 2003

Recreation Services Director Mickey Gomez accepted the proclamation from Mayor Abrams and commented on existing parks and programs available to residents within the City and the upcoming Fourth of July celebration.

MINUTES:

Minutes of the Regular Workshop Meeting of June 9, 2003
Minutes of the Regular Meeting of June 10, 2003

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

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Historic Preservation Board – three (3) vacancies due to term expirations of Cynthia Brown (Boca Raton Historical Society), Michael Wirtz (at-large member), and Lois D. Martin (at-large member), whose terms expire 07/01/03.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to reappoint Cynthia Brown, Michael Wirtz, and Lois D. Martin. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

Cynthia Brown was reappointed as the representative from the Boca Raton Historical Society; Michael Wirtz and Lois D. Martin were also reappointed to the Board as at-large members.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.e – Resolution No. 106-2003) A memorandum was provided. The City Manager explained that the two easements included in the deed would be used for construction of the sanitary sewers related to the Spanish Village Commercial Area Improvements Project, Phase I. The two sewer extensions through the easements would serve the grantor’s property fronting Glades Road, and this property would be included in the sewer assessment.

(Consent Agenda Item 3.i. – Resolution No. 114-2003) A memorandum with attachment was provided. Mr. Ahnell explained that the firm of Pierce, Goodwin, Alexander & Linville (PGAL) has extensive experience in the design of training, municipal and law enforcement facilities, and noted that this firm did the original design of the 6500 Building (originally owned by Sony). Other projects noted were the City of Garland Police and Courts Complex, the Lauderhill Public Safety Complex, the ABS Training Center, and the Houston Emergency Operations Center. Council was also advised that both the firm and its subcontractors were interviewed during the selection process.

3. Consent Agenda:

Motion was made by Council Member Hager, seconded by Council Member Freudenberg, to approve the Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

a. Sealed Bids

- 1) Generator Services for Emergency and Stand-by Units
Requested by Utility Services
Pantropic Power Products \$32,775
- 2) Modifications to Video Monitoring & Alarm System
Requested by Police Services
Florida State Fire & Security, Inc. \$169,860

b. Competitive Sealed Proposals

- 1) Printing and Distribution of Utility Bills - Renewal
Requested by City Manager
Better Business Forms \$90,000

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| 2) | Police Uniforms - Renewal
Requested by Police Services
Special Products Group | \$73,521 |
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| c. | <u>Renewal</u> | |
| 1) | Hauling and Disposal of Spent Lime - Renewal
Requested by Utility Services
Soil Tech Distributors, Inc. | \$150,000 |
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| d. | <u>Intergovernmental Agreements</u> | |
| 1) | Storage Area Network and High Speed Tape Back-up System
Requested by City Manager
Champion Computer | \$153,158 |
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| e. | <u>Resolution No. 106-2003</u> | |
| | A resolution of the City of Boca Raton approving and accepting an Easement Deed from James H. Batmasian, Successor Trustee of the Boca Raton Business Park Trust Dated May 22,2003, over certain lands located at 155 NW 11 Street; providing for severability; providing for repealer; providing an effective date | |
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| f. | <u>Resolution No. 107-2003</u> | |
| | A resolution of the City of Boca Raton approving and accepting an Easement Deed from Lynn University, Inc., over certain lands located at 3601 N. Military Trail; providing for severability; providing for repealer; providing an effective date | |
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| g. | <u>Resolution No. 108-2003</u> | |
| | A resolution of the City of Boca Raton granting tentative plat approval to the proposed Royal Palm Yacht and Country Club Replat subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date | |
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| h. | <u>Resolution No. 112-2003</u> | |
| | A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from U.S. Department of Justice, Office of Community Oriented Policing Services, for an Enhancement of Community Policing Program Grant; 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 | |
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| i. | <u>Resolution No. 114-2003</u> | |
| | A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Pierce, Goodwin, Alexander & Linville Architects, Inc. for the purpose of providing continuing professional architectural consultant services to the City for the Boca Raton Police-Fire Training Facilities; providing for severability; providing for repealer; providing an effective date | |

j. Resolution No. 115-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with Pierce, Goodwin, Alexander, & Linville Architects, Inc. for the purpose of providing professional architectural services for additions and renovations of the existing 116,800 square foot facility located at 6500 Congress Avenue; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 116-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 2 with Pierce, Goodwin, Alexander, & Linville Architects, Inc. for the purpose of providing professional architectural services for the South Training Site Facility, which encompasses approximately 15 acres, situated between North Military Trail and the Seaboard Railway (Amtrak) and south of Northwest 40th Street and north of the north-end of Northwest Banyan Trail; providing for severability; providing for repealer; providing an effective date

l. Receive and File Board Minutes – June 24, 2003

- 1) Community Appearance Board
May 20, 2003
- 2) Downtown Visions Committee
March 13, 2003
- 3) General Employees' Pension Board
April 10, 2003
- 4) Library Advisory Board
May 14, 2003
- 5) Parks and Recreation
May 6, 2003
- 6) Physically and Mentally Challenged Board
May 1, 2003
- 7) Planning and Zoning Board
May 8, 2003
- 8) Police and Firefighters' Pension Board
March 19, 2003
April 16, 2003

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

4. Resolution No. 105-2003

A resolution of the City of Boca Raton granting a variance pursuant to the City of Boca Raton Coastal Construction Control Setback Ordinance for the Blue Water Townhouses to construct a dune crosswalk at 2601 North Ocean Boulevard; providing for severability; providing for repealer; providing an effective date (SC-03-07)

The City Manager explained that the applicant had requested a postponement of this item until September. Since granting this request was at Council's discretion, the City Manager asked for direction.

Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to postpone consideration of Resolution No. 105-2003, subject to the applicant paying the appropriate fees, until September. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

5. Resolution No. 111-2003

A resolution of the City of Boca Raton granting approval of a site plan with a building in excess of 30 feet in height pursuant to Section 28-780, Code of Ordinances, on a parcel of land located at 1701 and 1799 South Federal Highway, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (SPA-02-28)

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petition. There were no ex-parte disclosures.

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation, providing information related to the precise location and current zoning of the property. He cited Code Section 28-780 as the reason why this petition had to come before Council. The proposed height of the new building was 48 feet and compatible with adjacent structures. Details relating to acreage, contiguous properties, and building heights of adjacent structures were reviewed. Mr. Zurita noted that surrounding zoning designations allow maximum building heights of 50 feet upon consideration and approval by the Planning and Zoning Board only. The Planning and Zoning Board reviewed this petition on February 20, 2003 and unanimously recommended approval with the conditions recommended by staff.

The proposed building would consist of three stories and 12,500 square feet. Site improvements would include marked crosswalks and 5-foot concrete sidewalk connections from adjacent public sidewalks to the building entrances. Required parking, ingress and egress were also reviewed; additional access would be provided along SE 17th Street. The proposed project would replace two buildings located at 1701 (Crest Johnson) and 1799 (Ruth David) South Federal Highway. In conclusion, staff recommended approval with the conditions stated in the resolution. Mr. Zurita then answered questions from Council.

Paul Slattery, the architect for the project, provided additional information on the proposed building, relating to aesthetics and architectural details.

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

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 111-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 4714

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a deed conveying certain lands to the State of Florida Department of Transportation for roadway improvements for Dixie Highway, which lands are located generally adjacent to the Hillsboro Canal, as more specifically described herein; providing for severability; providing for repealer; providing an effective date

Development Services Property Specialist/Appraiser Lynn Bodor gave the PowerPoint presentation. Location, current zoning, and acreage were outlined. The directors of Municipal Services, Utility Services, and Recreation Services were contacted; they all supported the proposal. Ms. Bodor then reviewed the criteria, as detailed in the City Code, relating to compensation for the sale of City-owned land. It was noted that the purchase price might be less than fair market value if the purchaser is the United States of America, the State, the County, or any agency of the foregoing. Since the Florida

Department of Transportation (FDOT) is a State agency, they are eligible to receive the property for less than fair market value. In consideration of the enhancement to the road system, which would benefit the City, and in consideration of lands previously given to the City by FDOT, staff recommended approval of this petition to declare the subject property as surplus and donate same to FDOT. The Planning and Zoning Board also recommended approval on June 5, 2003. Ms. Bodor then concluded her presentation. The public hearing was opened. Seeing no one come forward, the public hearing was then closed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4714. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

7. Ordinance No. 4715

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 8.85 acres, more or less, located at 1330 North Military Trail, as more specifically described herein, from C (Commercial) to RM (Residential Medium); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-03-01)

The ordinance was introduced by Deputy Mayor Whelchel.

8. Ordinance No. 4716

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 8.85 acres, more or less, located at 1330 North Military Trail, as described more particularly herein, from RB1/PCD (Motel Business District/Planned Commercial Development) to PUD/R-3 (Planned Unit Development/Multifamily Residential District); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-03-01)

The ordinance was introduced by Council Member Haynie.

9. Ordinance No. 4717

An ordinance of the City of Boca Raton providing for the involuntary annexation of property generally located south of Glades Road, east of Saint Andrews Boulevard, north of Lake Worth Drainage District Canal No. L-46 west of Military Trail and north of Lake Worth Drainage District Canal No. L-47 east of Military Trail and comprising all unincorporated property within such area, as more particularly described herein, to the corporate limits of the City of Boca Raton, Florida, as initiated by the City of Boca Raton; providing for a referendum on the question of annexation for the registered electors within the property proposed for annexation; providing for a revision of the City's boundaries pursuant to the City Charter to include the property annexed; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Freudenberg.

10. Ordinance No. 4718

An ordinance of the City of Boca Raton providing for the involuntary annexation of property generally located south of Town Center Mall, east of Saint Andrews Boulevard, north of West Palmetto Park Road and west of Military Trail and comprising all unincorporated property within such area, as more particularly described herein, to the corporate limits of the City of Boca Raton, Florida, as initiated by the City of Boca Raton; providing for a referendum on the question of annexation for the registered electors within the property proposed for annexation; providing for a revision of the City's boundaries pursuant to the City Charter to include the property annexed; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Haynie.

11. Ordinance No. 4719

An ordinance of the City of Boca Raton providing for the involuntary annexation of property generally located north of Glades Road and east of Powerline Road and comprising all currently unincorporated property in the Santa Barbara residential community, as more particularly described herein, to the corporate limits of the City of Boca Raton, Florida, as initiated by the City of Boca Raton; providing for a referendum on the question of annexation for the registered electors within the property proposed for annexation; providing for a revision of the City's boundaries pursuant to the City Charter to include the property annexed; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Freudenberg.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Neil Haynie encouraged Council take whatever action is necessary to encourage City residents to participate in their government.

Brian Ross advised Council Members that he could make available to them a golf pro and a renowned golf course architect, should a championship golf course be considered at the Blue Lake property.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

12. Resolution No. 117-2003

A resolution of the City of Boca Raton providing for submission of a non-binding straw ballot question to the electors of the City at a special City election relating to possible annexation of areas west of the City, requesting the Supervisor of Elections to hold said special City election on September 9, 2003; providing for severability; providing for repealer; providing an effective date

Assistant City Manager George Brown gave the PowerPoint presentation, explaining that Council had directed staff, at the May goal-setting sessions, to move forward with consideration of annexation of six areas west of the City limits. Those areas include: Town Center Mall and immediately surrounding retail; the office and commercial area between Town Center Mall and Military Trail south of Glades Road, including the Tyco building; Boca Center (formerly known as Crocker Center); Fairfield residential community (that portion outside the City limits); the commercial and residential areas south of Town Center Mall, east of Saint Andrews Boulevard, north of West Palmetto Park Road, and west of Military Trail; and that portion of the Santa Barbara residential community not currently within the City limits.

The cumulative impact of annexation was then addressed. Taking into consideration several factors, the first year's net income to the City would be approximately \$800,000. In subsequent years, again taking into consideration factors such as operating costs and the utility surcharge, the ongoing net income to the City would be approximately \$1.9 million.

Mr. Brown then addressed the impacts of annexation on those areas proposed to be absorbed into the City. Those owning residential property assessed at \$150,000 net taxable value would receive a savings of approximately \$183 annually, which equates to a 14.5% savings in taxes and fees. An average business in the area would receive a savings of approximately \$354 annually or a 5.7% savings. It was noted that annexed areas would experience reduced costs and improved services.

Three ordinances were introduced tonight to provide for the annexation of the areas discussed. Three separate referendum elections would be held in November 2003 for registered voters in the areas proposed to be annexed. Two public hearings are required for all three ordinances. The first hearing is scheduled for July 8, 2003; the second hearing is scheduled for July 22, 2003. Currently, a special City election is being considered via Resolution No. 117-2003. The special City election question to come before the voters of the City was then provided, verbatim. The above resolution would request that the Supervisor of Elections set the special election for September 9, 2003. The election would be held only in the City of Boca Raton and only for City of Boca Raton registered voters. Mr. Brown concluded his presentation and answered questions from Council.

(Recorder's note: Pursuant to discussion at the Monday workshop, Resolution No. 117-2003 was revised to remove the words "non-binding" and "straw ballot" from the title and text.)

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

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 117-2003, as revised.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to amend Resolution No. 117-2003, Page 1, Lines 6 and 14, and Page 2, Line 7, to delete the words, "...west of..," and replace same with the words, "...adjacent to..." Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

The vote on the main motion, as revised and amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

13. Hedge Violation – 698 East Conference Drive

The Assistant City Manager gave a brief timeline of the events, which transpired from June 2000 up to the present. At the May 13, 2003 regular Council meeting, the resident had requested that consideration of this issue be postponed to tonight's meeting. However, it was noted that the property owner was not in attendance. Council confirmed with staff that the resident was notified that this matter would be reviewed tonight. No action was taken; the original decision stands.

14. General Employees' Pension Plan - Biennial Review

The City Manager reported that a review of retirement and disability benefits, provided for both retired and current employees in the General Employees' Pension Plan, was being conducted. This review is required by City Code and must be performed in every odd-numbered year. The review would be completed as part of the preparation of the Fiscal Year 2003-2004 budget, and any change in benefits would be effective October 1, 2003.

15. Transmittal of Annexation Reports to Palm Beach County

The City Manager requested input from Council regarding a draft letter to be sent to the Palm Beach County Board of County Commissioners relating to the annexation issue. Mayor Abrams suggested deleting the last sentence in the draft letter and Council concurred. Mr. Ahnell was directed to forward the proposed letter, with Council's suggested changes, and all pertinent annexation material to the County.

North Federal Highway Redevelopment

Council was in agreement with the City Manager's suggestion that a workshop should be scheduled for presentation of issues related to redevelopment of the North Federal Highway corridor. Guidelines would be developed to better facilitate a cohesive effort among the many interested parties. Mr. Ahnell suggested a date of July 21, 2003 for a workshop presentation and advised that a date for a charrette would be set by the workshop date.

16. Annual Executive Evaluation

Motion was made by Mayor Abrams, seconded by Council Member Haynie, to approve a seven-percent (7%) pay increase for the City Manager. Motion carried 5-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

CITY ATTORNEY REPORTS:

Dangerous Dog Issue

In response to a query by Council Member Haynie at yesterday's workshop meeting regarding dangerous dogs, the City Attorney distributed a memo with attachments, which explained that this issue is regulated by both the Palm Beach County Code of Ordinances and the Florida Statutes. Essentially, when and if a dog is classified as "dangerous," the owner may be subject to civil and criminal penalties, and the dog may be destroyed. It was clarified that the "dangerous" classification extends to dogs considered dangerous to other dogs, as well as humans.

Indoor Smoking Ban

Responding to Council Member Freudenberg's question at yesterday's workshop related to State legislation banning indoor smoking, effective July 1, 2003 and whether the City should implement a complementary ordinance, Ms. Frieser distributed a memo with attachments and provided a brief synopsis of same. In short, the State does not authorize the City to enforce the provisions of this legislation and preempts regulation of smoking, including enforcement, to the State of Florida.

17. Annual Executive Evaluation

Motion was made by Mayor Abrams, seconded by Council Member Haynie, to approve a seven-percent (7%) pay increase for the City Attorney. Motion carried 5-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

MAYOR AND COUNCIL MEMBER REPORTS:

Deputy Mayor Whelchel complimented the City on doing a fine job regarding the summer camp programs. Ms. Whelchel then mentioned that she had been contacted by residents requesting that the City promote more activities on the beaches for people ages 25 – 40. Discussion focused on the possible creation of a task force that would report to the Parks and Recreation Board. The City Attorney is to follow up on this matter with the Parks and Recreation Board and report back to Council.

Council Member Freudenberg stated that he would like to obtain information, before the next Council meeting, relating to the difference between the City's regulations and the County's regulations in regard to airports and airport expansion. Mr. Freudenberg then brought forward the issue of the two small lots on Spanish River Boulevard, saying that he had been in contact with Habitat for Humanity. He asked for Council's input on two proposals: 1) combine the lots and allow Habitat for Humanity to build one home on the property, or 2) sell the lots and tender the proceeds to Habitat for Humanity that they might purchase another lot within the City and build accordingly. After much discussion, it was suggested that Habitat for Humanity should work with the Spanish River Boulevard neighborhood in an attempt to build better relations and understanding of the Habitat program.

Council Member Haynie mentioned that the Coast Guard had completed its test regarding the timed bridge openings; the deadline for submitting commentary related to this test expires on June 30, 2003. Ms. Haynie questioned whether the Council wanted to take a stand on this issue. The City Manager

relayed the findings of the City's Traffic Division, Police Services, and Fire-Rescue Services in regard to the effect of timed bridge openings on land traffic, the marine environment, and emergency response. Much discussion followed. In conclusion, it was decided that the City Manager would prepare a letter to the Coast Guard reflecting the City's observations and suggesting a possible adjustment to the tested bridge opening schedule.

Mayor Abrams noted that a resident had entered the meeting to speak on an item, which had already been addressed by Council. He explained that to re-open items after-the-fact would be unfair and not conducive to the conduct of the meetings. The City Clerk was then asked to explain what the public is told if a query is made as to when a particular item will be considered at a Council meeting. The City Clerk explained that time estimates are never given. The public is advised that the meeting begins at 6:00 p.m. and there is no way to know when an item will come up for discussion.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:50 p.m. on Tuesday, June 24, 2003.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk