

MINUTES OF THE REGULAR WORKSHOP MEETING  
CITY COUNCIL  
BOCA RATON, FLORIDA  
MONDAY, APRIL 21, 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 Whelchel  
Council Member Dave Freudenberg (arrived at 1:09 p.m.)  
Council Member Bill Hager (arrived at 1:10 p.m.)  
Council Member Susan Haynie

Also attending the meeting were:

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

**PROCLAMATION:** National Landscape Architecture Week – April 19 - 27, 2003

The proclamation was accepted by Jeff Borick, the City's Landscape Architect.

**1. BOARD INTERVIEWS:**

- a. Environmental Advisory Board – two (2) vacancies due to term expirations of Daniel E. Taylor and Donald Stone, whose terms expire 4/30/03.

Donald Stone expressed interest in reappointment. Mayor Abrams noted that, although unable to attend the workshop today, Daniel Taylor was interested in retaining his position on the board.

- b. Zoning Board of Adjustment – two (2) vacancies due to resignations of Steve Utrecht, whose term expires 4/10/05 and Scott Hanson, whose term expires 4/10/04.

Alfred Gladstone and Jason Mankoff interviewed for the positions.

**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.)

Mayor Abrams commented on the status of the proposed FPL transmission line issue. He noted that the City's liaison, the City Manager, remains in close contact with FPL and will continue to influence their decision. He added that misconceptions appear to exist regarding the City Council's authority over final approval of the route and then clarified that State laws regulate the siting of power lines and these laws tend to favor the utility. The further noted that the only leverage the City has its height restriction ordinance.

Ron Lakey, President of Boca Bath & Tennis, Inc., explained that a community meeting was held with FPL on April 14, 2003. As a result, he felt FPL understood the position of the residents. Mr. Lakey also commented briefly on the annual meeting of his homeowners' association where the dominant issue was FPL. He expressed appreciation to both Council Member Freudenberg and the City Manager for a prompt response to his public records request in regard to FPL. On the subject of a proposed taxing district, Mr. Lakey stated that it did not appear practicable, due to FPL's time constraints. He then concluded his remarks by stating that the utility company appeared to be making a "good faith" effort to take residents' concerns into account and look at

alternate solutions and they are confident that FPL would continue working with the City to address the issues at hand.

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

a. Questions relating to the agenda.

(Consent Agenda Item 3.c.1. – Fire Hydrant Audit) Council Member Haynie questioned whether the \$115,000 cost would be incurred by the City every year in order to test every hydrant. The City Manager answered affirmatively. She then questioned whether this figure included visual inspection and testing. Mr. Ahnell replied affirmatively and explained that the City would do change-outs and repairs to the hydrants, as necessary. Ms. Haynie then asked whether hydrants in the reserve area were included. Again, Mr. Ahnell answered affirmatively. On this topic, Mr. Ahnell explained that the City charges the hydrants in the reserve area; consequently, the entire water and sewer network area is in-city/out-of-city. Ms. Haynie questioned whether the City bills private entities for their privately-owned hydrants. Mr. Ahnell stated that private owners of hydrants must have them tested and submit the results to the City.

(Consent Agenda Item 3.f. – Work Order No. 2 with LBFH, Inc. for a Preliminary Design related to the widening of NW 12<sup>th</sup> Avenue) Council Member Haynie questioned whether public meetings would be conducted to keep residents apprised of developments. Mr. Ahnell answered affirmatively and provided details. Ms. Haynie mentioned that the road runs past Boca Middle School and suggested the School Board be contacted in the event that turn lanes or other road improvements were needed, which could be incorporated into this project. Mr. Ahnell explained that staff had already been in contact with the School Board.

b. Resolution No. 66-2003 (Regular Agenda Item No. 4), which would amend Resolution No. 174-94 (as amended by Resolution Nos. 212-98 and 153-99) and grant modification of the conditional use approval for Pine Crest School on a parcel of land located at 2700 St. Andrews Boulevard

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation on behalf of Senior Planner Jennifer Simon, who was out on maternity leave. He provided the precise location of the property in question, which is generally surrounded by the Timbercreek single-family subdivision. Acreage and zoning were also reviewed. He then explained that this petition included a request for new buildings and modifications to existing buildings. The new buildings consist of a 20,000-square-foot new middle school and a new driveway to serve the school and a duplex; the duplex consists of what was a proposed nature center in the former master plan. Additional new construction includes a 4,000-square-foot storage facility, two basketball courts, and a 250-square-foot guardhouse. Modifications to existing structures include a 500-square-foot reception area and a dining area, which would comprise approximately 2,000 square feet. The Code's parking requirement mandates 250 spaces; 252 are provided. The Planning and Zoning Board reviewed this application and recommended approval with one condition, related to landscaping, which was added to the resolution. Enrollment at Pine Crest School is at 1,000 students and remains at 1,000 students; there were no concurrency issues associated with this project. Staff recommended approval subject to the conditions in the resolution.

Mr. Annunziato referred Council to documents found in the agenda book, related to the use of the duplex, and explained that maintenance and security issues were addressed. It was noted that Pine Crest responded to the concerns voiced by Timbercreek residents, located on the east side of the school's property, by planting additional tree cover. Some trees were planted too deeply; that issue will be resolved in due course. Reference was then made to a letter, dated March 20, 2003, to Kevin Loughney, the President of the Timbercreek Homeowners Association from the President of Pine Crest School, which outlined commitments made to the Association. Mr. Annunziato suggested that these items could be incorporated into the resolution as conditions. Council directed Mr. Annunziato to work with the City Attorney to determine what items could appropriately be included in the resolution and what items should be compiled as separate agreements. Mr. Annunziato then answered questions from Council.

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

a. Canal Width Policy

The City Manager provided background information. He explained that the issue of determining canal width for unstructured canals was remanded back to the Marine Advisory Board by the City Council on January 14, 2003 for evaluation as a citywide policy. Planning and Zoning Director Carmen Annunziato gave the report. He reiterated Mr. Ahnell's comments and stated the Board is recommending that Council maintain "mean high tide" as the requirement for measuring canal widths regarding the placement of dolphins and boat lifts. Mr. Annunziato gave details on the Marine Structures Code regarding the placement of dolphins and boat lifts in relation to canal width and navigability and noted that canal width is the primary factor in the installation of these boating related facilities. He noted that proposed amendments to the Marine Structures Code would be brought before Council in June or July. Mr. Annunziato then explained that staff was asked to review situations where one or both of the canal banks were unimproved and to evaluate the impact of same on navigability. Staff then evaluated whether the Code should be amended to address this issue or should there just be an implementation policy. Staff proposed the following policy: "Should a canal be bounded on one side by a seawall and on the other side by an unimproved canal bank, the width of the canal shall be measured from the seawall to the property line of the unimproved canal bank or mean high water, whichever is closer to the navigable channel. In instances where there are two unimproved canal banks, the canal width shall be measured from the property lines of the unimproved canal banks or mean high water, whichever is closer to the navigable channel." In addition, the policy suggests that an applicant provide a site transect survey, showing the location of the proposed dolphin or boat lift installation and other details, as outlined by Mr. Annunziato.

Mr. Annunziato stated that, as far as Golden Harbour was concerned, staff did not find a need to amend the Marine Structures Code. During this review, it was discovered that the northern half of the NE 14<sup>th</sup> Street Canal had never been dedicated for canal use. Ownership of same is vested between the City and F.I.N.D. (Florida Inland Navigation District). In order to formalize the canal width at 80 feet, staff proposed that the City dedicate 40 feet of property to the public for canal purposes; F.I.N.D. had also been requested to dedicate a similar easement. In conclusion, staff recommended the above policy to determine canal width in unimproved waterways; staff also recommended that Council dedicate/accept canal easements for the north 40 feet of the NE 14<sup>th</sup> Street Canal. Mr. Annunziato concluded his presentation and answered questions from Council.

John Van Blois voiced that he would be negatively impacted and provided reasons in support of same and advised that he is seeking a potential remedy.

Marc Ericsson provided history regarding his efforts to install a boat lift that would extend 17 ½ feet into the canal (14<sup>th</sup> Street Canal) and obstacles he has encountered.

Steve Reiss stated that progress was being made on the canal in question but stated that issues still exist regarding the Lake Wyman Canal and expounded on same.

Mayor Abrams suggested the City Manager review all comments made at this meeting. He specifically asked that Mr. Ahnell bring back additional information to Council as to whether caps are included in the measurements when rebuilding seawalls. Mr. Ahnell explained that he would provide this information tomorrow night. He then provided an update relating to the trimming of trees overhanging the 14<sup>th</sup> Street Canal, which has already taken place, and dredging of the canal, which is being coordinated with the residents of Golden Harbour.

b. Area II Sanitary Sewer

Using a PowerPoint presentation, Utility Services Director Mike Woika gave an update on this project, saying that this was the second project to replace septic tanks with sanitary sewer extensions; the first project was Spanish Village. He stated that this endeavor involved a coordinated effort between the Municipal and Utility Services Departments for installation of sanitary sewers, stormwater lines, rehabilitation of water lines, and road reconstruction. The 64-acre project area, which is a totally commercial area, was highlighted. Three streets would be affected – NW 1st Ave, NW 1st Court, and NW 16th Street. Existing conditions and estimated costs were outlined. Costs were expected to total \$3.1 million; a breakdown of those dollars was provided and the funding sources were detailed.

Mr. Woika spoke to the issue of the proposed assessment, stating that only those properties currently not on the sanitary sewer system would be assessed. Assessments would be levied on property owners within the project area, using the Spanish Village project assessment as a model, i.e. the Uniform Method of Collection (assessments collected via the County tax roll and distributed back to the City). Costs to property owners include the assessment, itself; a wastewater system impact fee; the plumber/contractor cost; and the initiation of a wastewater fee on utility bills. Mr. Woika explained that the assessment costs were calculated based on a pro-rata share, based on acreage, as this is all commercial property. The estimated assessment for a commercial property is projected at \$20,000 per acre. Staff recommended that the assessment be paid over five years at an annual interest rate of 3%; the annual fee for commercial property owners would be \$4,000 to \$5,000 per acre. Staff's recommendation regarding the impact fee suggests a single payment at end of construction or an agreement to pay the cost over time. Commercial property owners could take five years to complete payment at 0% interest; cost would be based on the water meter size.

Mr. Woika outlined the Project Schedule, beginning with December 2002 when the City met with affected property owners, to January 2005 when the project is expected to be complete. Currently, the project is in the preliminary design phase. One meeting with property owners had already taken place; another meeting would take place before moving forward with the design. It was noted that the consultant and members of the Municipal Services staff were present to answer questions. Mr. Woika concluded his presentation and answered questions from Council regarding, contingencies between now and completion of the project (approvals), reconciling costs against offsetting revenues, environmental reasons for getting rid of septic tanks, and parking issues with businesses.

Rodney Cunningham supported the project and complimented staff on their efforts to work with property owners.

Jackie Lewinger voiced concern over the possibility of moving the road. She supported the project but suggested that the roads should be left as they are.

Brant Cohen also felt that the roads should not be changed, stating that any change in parking would adversely affect business.

Norm Olsen spoke to the aesthetics of the project and voiced concern regarding safety on NW 16<sup>th</sup> Street, as vehicles are parked inappropriately on the swale and on the shoulder. He stated it is very dangerous since there is no visibility and asked that staff review NW 16<sup>th</sup> Street in terms of safety.

Doug Wheeler supported the project but asked that the road alignment remain the same.

Rome Santos expressed concern over how his parking would be impacted and expressed safety concerns.

c. 1) Comprehensive Annual Financial Report (CAFR)

Financial Services Director Mervyn Timberlake provided opening remarks, congratulating Financial Services Deputy Director Celeste Lucia and her staff, who prepared the financial statements and were able to distribute them to Council by March 31, 2003. Mr. Timberlake explained that it was an honor to have these statements available in such a timely manner; many municipalities were unable to meet this same deadline. He then introduced Ms. Lucia, who gave the PowerPoint presentation.

She explained this year's CAFR was prepared using the new government-reporting model as required by the Government Accounting Standards Board, Statement No. 34 (GASB 34). Two new statements have been added to the report - the Government-wide Statement of Net Assets and the Government-Wide Statement of Activities. Ms. Lucia explained that, previously, the focus was on the different funds and their compliance with the requirements of those funds. Currently, under the new reporting model, the City is being looked at as a whole. Additional changes include a long-term focus for governmental activities; revenues and expenditures stated

by program instead of by fund (program revenues are not expected to cover the cost of governmental activities); addition of a Management Discussion and Analysis (MD&A) section; and inclusion of the City's infrastructure.

Ms. Lucia then reviewed the CAFR and provided extensive detail related to restricted and unrestricted net assets, Statement of Activities, business-type activities, fund statements, expanded budgetary reporting, a comparison of the original, amended, and actual balances of General Fund expenditures, and the anticipated General Fund balance. Ms. Lucia then concluded her presentation.

## 2) Management Letter

Ken Deon, an auditor with KPMG, extended compliments to the Financial Services staff for meeting the March 31, 2003 deadline for compliance with GASB 34. He then explained KPMG's obligations to the City. Overall, their responsibility is to express an opinion of the City's financial statements; details were provided. Mr. Deon then introduced his colleague, Brett Friedman, who would report on the management letter.

Mr. Friedman stated that, overall, internal controls were in good shape. However, KPMG did detect two issues, which warranted additional attention: 1) excessive access privileges regarding the Information Technology (IT) system, and 2) centralized grants management program procedures. Additional details were provided; Mr. Friedman then concluded his presentation. Mr. Ahnell, Mr. Deon, and Mr. Friedman answered questions from Council as requested. Attention focused on grants.

## 4) Long-Range Financial Plan

Financial Services Director Mervyn Timberlake explained that the report on the long-range financial plan would be provided before the report on the Investment Policy. He then gave the PowerPoint presentation on the financial plan, beginning with assumptions related to 1) the new fire stations, recreational parks, and libraries, and 2) Mizner Park debt service. It was noted that other operating costs for capital improvements were not funded in this plan. Mr. Timberlake then outlined General Fund revenue increases, General Fund expenditure history, medical insurance claim history, and pension costs. Revenue growth assumptions, projected expenditures, designations for the Planned Fund Balance, and resources forward were also detailed. A chart showing the plan to 2006 (General Fund) was reviewed, as was a chart showing the availability of dollars in the plan to 2006. Much discussion took place regarding the projected shortfall of \$7.2 million by 2007. Mr. Timberlake then compared 2002 property taxes between Boca Raton, West Palm Beach, Delray Beach, Boynton Beach, and Coral Springs; Boca Raton had the lowest rate and provided the most services. Recommendations were reviewed and details were provided in regard to the Water and Sewer Fund, Water/Sewer Revenue, the Transportation Fund, the Beautification Fund, Stormwater Utility Fund, Golf Course Fund, and the Cemetery/Mausoleum Fund. Mr. Timberlake explained that this last fund had continued to give the City some problems and then outlined recommendations for improving performance of same. He then concluded his presentation and answered questions from Council. Mr. Ahnell provided additional information to Council, as requested.

## 3) Investment Policy

Treasury Manager Carol Himes gave the report on the status of the City's investment portfolio as of the end of Fiscal Year 2002. The value of the portfolio decreased from \$198 million in FY 2001 to \$180 million at the end of FY 2002, due primarily to expenditure of the debt service funds to build the reverse osmosis plant and the completion of several capital improvement projects. Ms. Himes then outlined distributions by investment type and maturity; interest rate trends were also identified and reasons were provided as to why economic growth continued to be rather slow, which included events related to the war in Iraq. Ms. Himes concluded her report and answered questions from Council.

**5. CITY MANAGER REPORTS:**

a. Western Library Update

Mr. Ahnell referred to a PowerPoint presentation and provided an update related to the location of the western library on the Boca Tech site. He explained that the architects would begin designing the library, pending approval of the work order by Council tomorrow night. The library was anticipated to be open by Spring 2005. It was noted that the location was slightly different from what was discussed in the master plan. Mr. Ahnell stated that dollars are not yet available for infrastructure to run water and sewer lines, and construct new roads and lake systems to surround the library. Therefore, this site was deemed more appropriate, as it would provide excellent access and the opportunity to reconfigure the lake. A 100-foot easement would surround the lake in order to put in walkways and other features that residents might enjoy the lakeside view. The lake would be reconfigured so that full access to the library would be available from all sides. Mr. Ahnell concluded his presentation and answered questions from Council regarding access points to the library, road widening, a potential bridgeway, bike lanes, sidewalks, and joint use fields. Mr. Ahnell noted that the sites would be close to one another, thus facilitating easy access.

**6. CITY ATTORNEY REPORTS:**

The City Attorney had nothing to report at this time.

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

Council Member Haynie referenced a public hearing to be conducted by the County tomorrow afternoon, on the topic of Palm Beach County Fire-Rescue Services. She questioned whether staff would be in attendance and asked the City Manager his opinion of the County's proposal. Mr. Ahnell explained that, potentially, the City would be tremendously impacted by this proposal. He had already spoken with the Commissioners and the League of Cities to voice his concerns regarding this "two-pronged" issue. The first issue relates to a proposal for establishing a County-wide minimum Level-Of-Service (LOS) for the County's Fire-Rescue Services department; the second issue relates to a central dispatch system for same. The City Manager expressed that staff would be attending the meeting, as would the Cities of Delray Beach and Boynton Beach.

Deputy Mayor Whelchel complimented the Centre for the Arts for doing an excellent job with their concerts. She then asked that Council give direction to the City Manager regarding a funding request by Boca Elementary for refreshments for the Opening Day Re-dedication. Mayor Abrams is to donate some campaign funds to Boca EI and encouraged other candidates to do likewise.

Ms. Whelchel broached the topic of Addison Mizner Elementary and school concurrency. She explained that the school had received a statement that the School District was researching modulars. Ms. Whelchel asked that direction be given to Mr. Ahnell to prepare a letter in support of same; the City Manager is to present a letter to Council tomorrow.

Ms. Whelchel commented on the ongoing dispute over the proposed FPL transmission line. She suggested that pamphlets might be produced to delineate what the City can and cannot do in this regard. Ms. Whelchel suggested that Council support the Clint Moore Road route, which was FPL's second choice of the original routes evaluated. Mayor Abrams stated that Council had already indicated they could support that route and could certainly reconfirm that position. Much discussion followed. Mayor Abrams stated that the City Manager would take today's comments into account in his continuing discussions with FPL.

Mayor Abrams voiced pleasure that the AMI building had been purchased and a contract was in place to clean it up within the next seven to nine months. He viewed this development as a promising private sector solution.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:50 p.m. on Monday, April 21, 2003.

Vanessa Hines, Assistant City Clerk