

MINUTES OF THE REGULAR WORKSHOP MEETING  
CITY COUNCIL  
BOCA RATON, FLORIDA  
MONDAY, MAY 12, 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 Bill Hager  
Council Member Susan Haynie

Council Member Dave Freudenberg was absent (excused).

Also attending the meeting were:

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

**1. BOARD INTERVIEWS:**

- a. Airport Authority – two (2) vacancies due to term expirations of Bruce Benefield (resident east of I-95) and Stanford Morris (resident west of I-95), whose terms expire 6/01/03.

Council first interviewed applicants for the position requiring home ownership east of I-95. Bruce Benefield expressed interest in retaining his position.

Council then interviewed those applicants for the position requiring residence west of I-95. Stanford Morris, Ed Posner, and Hetty Nerod interviewed for the position.

- b. Boca Raton Advisory Board for the Physically and Mentally Challenged – five (5) vacancies due to term expirations of Mary C. Lavalley, Gladys M. Wilde, Margarita T. Castellon, and Lee F. Glynn, whose terms expired 4/23/03, and the resignation of Grace Pertile, whose term expired 4/23/03.

J. Robert Gordon, Joan Daly, Gary Susser, Jay Van Vechten, and Richard Walgrove expressed interest in serving on the Board.

- c. Education Advisory Board – four (4) vacancies: two (2) due to resignations of Linda St. John-Hunter, whose term expires 7/28/03, and Joseph Abruzzo, whose term expires 7/28/04; and two (2) due to resignation of student “ex officio” member Abraham Obadia and appointment of student “ex officio” member Yuri Konnikov to that of a voting Board member.

Thomas Vinci expressed interest in the position.

**2. PUBLIC REQUESTS:**

John Stetz suggested building the new downtown library on the current Causeway Lumber site. He voiced that this site could also provide additional parking for Mizner Park, since parking in that area is limited, due to the many concerts held at that venue. Mr. Stetz then suggested reviewing the Comprehensive Plan, saying that wind-farm generators are in Boca’s future and should be considered now in order to keep pace with progress. He concluded his statements by again advocating breakwaters as a way to contain beach erosion and opined that funding does not exist for beach renourishment as a result of tax cuts.

Mayor Abrams mentioned that the City is currently investigating the Causeway Lumber site as a possible location for the new downtown library.

#### Citrus Canker

Robert Powers spoke to the issue of citrus canker and voiced opposition to the recent quarantine imposed by the Department of Agriculture (DOA), on half of the City, and explained how this “half and half” situation would adversely affect landscaping companies, lawn service providers and municipal workers. Mr. Powers commented on the Citrus Canker Eradication Commission and its unwillingness to come forward with information related to preventive measures that might have mitigated the quarantine; he opined that, consequently, businesses had unwittingly spread the disease via equipment. Mr. Powers provided additional remarks regarding the actions, or lack thereof, taken by the DOA and concluded his comments by stating that the Citrus Canker Eradication Commission was either negligent or malicious.

#### Manatee Study

Don Winans provided Council with a copy of a manatee study, which he stated was conducted by the Florida Marine Research Institute and completed, he said, in January; Mr. Winans stated that the survey encompassed the entire State of Florida. Therefore, he was against spending money on the City’s proposed manatee study (Resolution No. 89-2003). He also opined that those residents in support of the study were actually in support of noise abatement. Mr. Winans cited a loss in property values if a “no wake zone” would be implemented as a result of the study, since many people living on the water do so in order to enjoy recreational water activities. He also objected to Boca working with the City of Highland Beach on this study and questioned why Council did not follow the Marine Advisory Board’s recommendation to implement a slow speed zone from 32<sup>nd</sup> Street to the 57 Marker.

William Cray also spoke in opposition to the manatee study, stating he did not see the justification for same. Mr. Cray then expressed that studies from other agencies indicated a “no wake zone” was not needed in the area.

Trina Rasmussen voiced opposition to the study but was supportive of the manatees. She stated that 99% of boaters care about the manatees and alert one another when one is in the area. She then urged Council not to move forward with the manatee study.

#### Florida Power & Light

Marie Moran tendered several questions to Council related to the City’s ongoing dispute with FPL over the proposed transmission line route; specific focus was given to the passage of Ordinance No. 4637 (“height” ordinance) and Ordinance No. 4710, which would be introduced tomorrow night.

Responding to Ms. Moran, Mayor Abrams explained that the “height” ordinance had its origin in a project, which included a cell tower (cell cross), and later became implicated in the power line issue. Council originally discussed the ordinance, before it was drafted, when the cell tower was at issue. In regard to Ordinance No. 4710, he stated that it would be introduced tomorrow night and subject to two public hearings before a vote is taken. In response to comments that the height restriction that was imposed by Ordinance No. 4637 was illegal, Mayor Abrams stated that while FPL may have taken that position, it is not the City’s view.

Larry Stone questioned whether a backup plan existed should the CSX Railroad decide not to work with FPL on the proposed transmission line route.

Responding to questions raised by the public, Mayor Abrams explained that the City Manager was previously given direction to meet with FPL in an attempt to persuade the utility to choose a route that would minimize the impacts to the City’s residents. However, it was noted that FPL has ultimate control in determining the route. The City Manager was also asked to reiterate to FPL that the City’s preference would be to have the route run along Clint Moore Road. In addition, the City Manager was charged with updating affected City homeowner associations on this issue. Consequently, Mr. Ahnell met with FPL representatives to encourage them to minimize the impact to residents living along the Military Trail/Palmetto Park Road route, which was the route chosen by FPL, and expressed the City’s interest in the Clint Moore Road route. While the Military Trail/Palmetto Park Road route was “on the table,” FPL came back with a modified route, which was reported in the newspapers yesterday. Mr. Ahnell met with representatives of Paradise Palms, Boca Bath & Tennis and The Preserve on three separate occasions within a 48-hour period to update them on this modified Military/Palmetto route. Regarding Ordinance No. 4710, Mayor Abrams stated that there was no rush to adopt the ordinance; standard

procedure would be followed in that it would be introduced and two public hearings would ensue. No vote would be taken until June 10. He explained that the motivation behind the ordinance was to try to minimize the impacts of any transmission line route, as much as possible, on the City's residents. He elucidated that the City had no "backup plan" since

FPL chooses the route. However, the utility is required to bring any proposed route before Council for review; Council would take appropriate action at that point. On the issue of burying the lines, Mayor Abrams explained that FPL would consider this option only if residents would choose to pay for it, as it is an expensive endeavor and beyond the City's budget. He noted that, if Paradise Palms chose to pay for the under grounding of the lines, the City would do what it could to facilitate that effort.

Mr. Ahnell provided details related to his meetings with the representatives from the aforementioned homeowners associations, saying that maps outlining the proposed route were distributed. FPL was requested to speak at these meetings in order that both the City and the residents would hear the same information at the same time and to ensure there was no miscommunication. Mr. Ahnell stated that Council was concerned over the previous lack of communication with homeowner associations; therefore, he wanted to meet with each of those groups in advance of any announcement by FPL related to the transmission line route. It was noted that the City insisted that FPL meet with these groups and provide advance information. The stated goal, again, was to minimize the impacts on the community and to affect as few homes as possible, with the understanding that FPL had chosen the Military Trail route.

Mayor Abrams stated that one accomplishment achieved, which may or may not be appreciated by West Boca residents, was that when the Military Trail/Palmetto Park Road route was modified, it did not put an additional burden on those West Boca residents living along Palmetto Park Road.

Bruce Kelly, who resides in west Boca, stated that this issue was tearing apart Boca's eastern and western communities. He explained that he was ready to present an entirely new route to FPL, which would include some existing lines and would only pass by residents living along a 1½-mile section of the route. Mr. Kelly urged Council to encourage FPL to review his proposed route; he also appealed to Council not to put the pole height ordinance (Ordinance No. 4710) to a vote yet. Mayor Abrams reiterated that the ordinance would not be voted on until June 10; Mr. Kelly's proposal could be reviewed by FPL before then, prior to the Council's vote.

Roger Ueltzen, a west Boca resident, expressed opposition to FPL and the latest proposed power line route.

Ron Lakey thanked Council, Mr. Ahnell, and Mr. Brown for their efforts in attempting to resolve this matter. In general, he was pleased with some, but not all, of the modifications agreed upon and provided commentary in support of same. Mr. Lakey concluded his remarks by again voicing appreciation to City staff and FPL for working with residents in order to mitigate the impacts of the proposed transmission line route.

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

#### **a. Questions relating to the agenda.**

(Consent Agenda Item 3.d. – Resolution No. 84-2003 / Work Order No. 2 with Mathews Consulting, Inc. relating to installation of a reclaimed water main on Airport Road) Council Member Haynie mentioned that at one time a sleeve had been placed under I-95. She suggested that staff determine whether it is still there before spending more dollars for the jack and bore. Mr. Ahnell stated that the sleeve is still there; however, it is not usable in this case.

(Consent Agenda Item 3.g. – Resolution No. 88-2003 / Grant from Palm Tran for the purchase of bus shelters) Council Member Haynie questioned what criteria was used in choosing the nine locations. She also mentioned that the location at Camino Real, between Publix and Addison's, would be an excellent site for a bus shelter, as there are always many people in the vicinity; she noted that the nine locations did not include Camino Real. Mr. Ahnell is to follow up.

(Consent Agenda Item 3.h. – Resolution No. 89-2003 / Agreement with Ecological Associates, Inc., for the purpose of a manatee study) Council Member Haynie asked for clarification regarding the Florida

Marine Research Institute, asking whether the paperwork provided by Mr. Winens was an actual study. She also questioned the limits of the alleged study and asked whether any grants might be available to pursue for reimbursement of the study.

- b. Resolution No. 82-2003 (Regular Agenda Item No. 4), which would grant conditional use approval for a substance abuse treatment facility on a parcel of land located at 7000 North Federal Highway

Development Services Senior Planner Chris Kerr gave the presentation, explaining that this substance abuse treatment facility is already in existence and has been licensed since 1994 by both the City and the State. The center provides treatment and rehabilitation services; however, no patients live on the premises. Mr. Kerr stated that this petition was before Council specifically as a result of Ordinance No. 4649 and noted that no changes are proposed in this application to the existing building, site, or use. Information regarding zoning, location, access, and surrounding buildings were reviewed. The center is located on the second floor of the Boca Harbor Pointe building; the site plan for the property was approved in 1984 and remains in compliance with all property development regulations. Mr. Kerr reiterated that no changes were proposed or required to the site and concluded his presentation.

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

- a. Annexation Report Update

Assistant City Manager George Brown provided background information on the subject of annexation, stating that, after reviewing the results of the annexation study originally conducted by PMG Associates in regard to the Town Center Mall area, Council requested another study to include additional areas surrounding Town Center Mall. Those areas comprised the Town Place residential area south of the mall, a portion of the Santa Barbara subdivision not currently in the City, and the Fox Landing subdivision. PMG Associates completed their analysis on the second study and presented the results to Council in December 2002. At that meeting, Council tendered an additional 28 questions, which Mr. Brown responded to in this presentation. He explained that 14 summary responses would be provided, since many of the questions were interrelated, and proceeded to outline same in detail. At the conclusion of his presentation, Mr. Brown answered questions from Council.

Mayor Abrams confirmed with Mr. Brown that, overall, the amount of income to the City would outweigh any expenditures related to providing City services to the proposed study areas. Responding to Mayor Abrams, Mr. Brown reported on a lengthy and productive meeting with Town Center mall officials, which took place approximately two weeks ago. He explained that they were interested in learning about what the City can offer in comparison to the services they currently receive. They also appreciated that there would probably be a net reduction in their tenant costs. It was noted that nine parcels on the property are owned by six different entities, and there were indications that these owners would be interested in adding 300,000 square feet to the mall in the future. This would be a 12 to 15% net increase; Mr. Brown stated that the City would have to evaluate the impacts and determine the appropriate review process to be pursued. Mr. Brown and Mr. Ahnell then responded to questions from Council regarding whether the proposed expansion would be governed by a DRI and provided additional information related to the meeting, which was viewed as very positive.

Mr. Ahnell referenced the two annexation studies and the update just provided to Council, saying that all questions, as to fact, appeared to have been answered at this time. He suggested that, if Council wished to proceed forward on this issue, the options related to annexation could be brought forward at the upcoming goal setting sessions. Council concurred.

#### **5. CITY MANAGER REPORTS:**

The City Manager had nothing to report at this time.

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

The City Attorney had nothing to report at this time.

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

Council Member Hager explained that he would be absent for the latter part of the Council meeting tomorrow night, due to a family obligation. Mayor Abrams suggested that tomorrow night's agenda could possibly be amended to move forward several items in order to accommodate Mr. Hager.

Council Member Haynie referred to an upcoming meeting of the League of Cities on Wednesday and explained that one of the items on the agenda would be a report by Chief Herman Brice of Palm Beach County Fire-Rescue in regard to the County's proposal relating to Fire-Rescue level-of-service (LOS). Ms. Haynie advised that she would keep Council apprised of this issue.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:41 p.m. on Monday, May 12, 2003.

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Vanessa Hines, Assistant City Clerk