

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, JULY 8, 2002
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 Bill Hager
Council Member Carol Hanson
Council Member Freudenberg

Also attending the meeting were:

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

PRESENTATIONS: Update on Current Status of the Pearl City Master Plan –
Rev. Henry Willis, Chairman of the Pearl City Blue Ribbon Committee

In opening comments, Reverend Henry Willis thanked the Council for its continued support of this project. He provided a current photograph of two of the streets in the neighborhood, NE 11th Street and NE 15th Terrace, and an artist's rendering of what these same streets would look like after implementation of the Master Plan. Reverend Willis acknowledged both the difficulty in obtaining financial support and the City's ongoing efforts to secure federal and state funding. He concluded his comments by urging the Council to continue to move forward to obtain the funding needed to make this project a reality.

1. BOARD INTERVIEWS:

- a. Education Advisory Board – (2) vacancies, due to term expirations of Cynthia R. Kamen and William Buchanan, whose terms expire 07/28/02.

Cynthia Kamen, Anita Candig, and Matthew Nellis interviewed for the positions.

- b. Parks and Recreation Board – (4) vacancies, due to term expirations of Joseph Good, Gordon J. Gilbert, Peter W. Boylan, and Edward D. Adams, Jr., whose terms expire 07/31/02.

Clint Oster, Joseph Good, Edward Adams, Gordon Gilbert, and Peter Boylan expressed interest in 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.)

No one wished to speak.

3. REVIEW OF REGULAR AGENDA ITEMS:

- a. Questions relating to the agenda.

(Consent Agenda Item 3.a.1. – Bulk Quicklime) Council Member Hanson questioned whether this was a new contractor and whether the product would be shipped from Saginaw, Alabama. The City Manager is to follow up.

(Consent Agenda Item 3.b.1. – Irrigation Supplies) Council Member Hanson referenced the cost for Fiscal Year '01-'02 as being \$46,500 and asked whether this figure was included in the current budget. Mr. Ahnell answered yes. Ms. Hanson requested that, in the future, a notation be made next to the cost figure when it has been approved for the current budget.

(Consent Agenda Item 3.c.1 – Vehicle {Replacement}) Council Member Hanson noted that the truck was being replaced due to excessive rust from beach conditions and questioned where the City stores vehicles and whether they are hosed down daily to remove salt spray. Mr. Ahnell answered that the vehicles are most probably kept in the open at Spanish River Park. He reminded Council that a covered storage facility had not been constructed to date due to citizen opposition. He added that the vehicles are maintained and hosed down regularly, but years of exposure to the environment, does have an impact.

(Consent Agenda Item 3.d.1. – Gasoline and Diesel Fuel) Council Member Hanson questioned whether the additional cost of \$50,000 included fuel for all City vehicles. Mr. Ahnell responded yes.

(Consent Agenda Item 3.e. – Resolution No. 96-2002 / Relating to the Downtown Special Assessment District) Council Member Hanson asked for the 2002 rate. The City Manager stated that the rate was .00318; next year, the rate would be reduced to .00273.

(Consent Agenda Item 3.f. – Resolution No. 106-2002 / Relating to an Agreement with Eskew + A Professional Corporation to provide consulting services for Gumbo Limbo Environmental Center) Council Member Hanson inquired as to whether the study was being paid for by the Greater Boca Raton Beach and Parks District. Mr. Ahnell replied in the affirmative. Mayor Abrams then questioned whether this would be a space planning study. Mr. Ahnell explained that it would be a strategic planning study, which would focus on proposed programs as well as limitations in physical space. Deputy Mayor Haynie referenced the Environmentally Sensitive Lands Development project, which is housed at Gumbo Limbo, and inquired as to the purpose of the project and how much space is utilized by the project. The City Manager is to follow up.

(Consent Agenda Item 3.g. – Resolution No. 107-2002 / Relating to the First Amendment to the Agreement with Palm Beach County to fund hazardous materials emergency response services) Council Member Hanson questioned how much money the City had received since entering into the agreement. Mr. Ahnell explained that the City receives \$150,000 per year. An increase has been proposed by the County, which would raise the payment to \$175,000 per year. Mr. Ahnell is to confirm the dollars received to date.

(Consent Agenda Item 3.k. – Resolution No. 111-2002 / Relating to the First Amendment to the Agreement with Northern Palm Beach County Improvement District) Council Member Hanson inquired if issuance of the NPDES permit requires a study on re-use of the membrane softening concentrate. Mr. Ahnell clarified that this permit relates to stormwater management. Ms. Hanson still wished to receive information regarding the re-use of the concentrate, and wants to know if it cannot be re-used, what is required of the City for disposal.

(Agenda Item 4. – Resolution No. 105-2002 / Relating to the FAU Campus Development Agreement) Council Member Hanson questioned whether public notices were sent to the abutting property owners. Mr. Ahnell explained that property owners within 500 feet were notified.

- b. Ordinance No. 4663 & Resolution No. 113-2002 (*Regular Agenda Item Nos. 7 & 7.a.*), which would authorize execution of the sale and purchase agreement with Palm Beach County for the sale of approximately 77.84 acres, located generally north of N.W. 40th Street and east of Military Trail, and execution of an interlocal agreement with Palm Beach County for preservation of the property for environmental purposes.

Assistant City Manager George Brown gave the presentation, stating that Ordinance No. 4663 provides for the sale of 77.84 acres of City-owned Boca Technology property to Palm Beach County. He identified the location of the parcel and explained that the land cost to the County is \$11,431,738; this cost was calculated based on the original \$146,862 price per acre, which the City paid for the Boca Technology

property. The proceeds of the sale will be used toward repayment of the dollars borrowed from the Water and Sewer Fund to complete the Boca Technology property purchase.

Resolution No. 113-2002 provides for an interlocal agreement with Palm Beach County that would govern the use of the property. The agreement restricts the use to environmental preservation, and provides for protection, mitigation, and maintenance. The agreement mandates that the County will support the City's Comprehensive Plan and zoning code changes to identify this land for conservation purposes. In addition, a management plan will be created for the property to provide controlled access and maintain the land's environmentally pristine condition.

Mr. Brown explained that the land would be protected and restricted to environmental purposes, either through Florida Communities Trust (FCT) funding, which the County is pursuing, or through the City, as easement grantee. As easement grantee, the City or the County would have the authority to inspect the property and enforce restrictions. In addition, the interlocal agreement provides the City with Right of First Refusal to repurchase the land, should the County wish to sell the property in the future, other than through its transaction with FCT. Mr. Brown stated that, in the event Ordinance No. 4662 is adopted tomorrow night, the appropriate language relating to public entity crime has been incorporated into the interlocal agreement. The proposed sale was reviewed by the Planning and Zoning Board and the Parks and Recreation Advisory Board; both entities unanimously recommended approval. Mr. Brown then answered questions from Council. The City Attorney and the City Manager provided additional information as requested.

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

There was no other business for consideration.

5. CITY MANAGER REPORTS:

The City Manager had nothing to report at this time.

6. CITY ATTORNEY REPORTS:

Ms. Frieser explained that the City had received notification of the cancellation of the surety bond for Adelphia Cable. Notice was immediately sent to Adelphia and the surety company, advising them of the City's intent to seek compliance with the franchise agreement, which requires a replacement bond or replacement security to be posted prior to expiration or cancellation of the bond. She recommended that a public hearing take place on Tuesday, July 23, 2002, to give Adelphia the opportunity to address the issue of the bond. Barring any change before the 23rd, Ms. Frieser advised that one of the courses of action she would be able to recommend to Council is exercising upon the bond before it is cancelled. The money would be placed in escrow. Another course of action would be to let the bond expire and then pursue more time consuming remedies under the contract. She confirmed with Council Members that it would be a limited public hearing; suspension, revocation, and/or renewal of cable service would not be addressed at this meeting, only replacement of the surety pursuant to the franchise agreement. Ms. Frieser then answered questions from Council. Council Members were in agreement with Ms. Frieser's recommendation for a public hearing.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Deputy Mayor Haynie asked the City Manager to provide information on the large Florida Power & Light (FPL) poles lying along Dixie Highway between 20th Street and Spanish River Boulevard. Mr. Ahnell explained that new transmission lines are replacing old ones along Dixie Highway; he is to follow up on where these lines will terminate. Mayor Abrams then mentioned that FPL also has unsightly fiber optic stanchions along Dixie Highway in the right-of-way and asked the City Manager to try to obtain information on these. Mr. Ahnell stated that the right-of-way is County-owned and, for the last several years, the County has permitted fiber optic companies to install cables. He surmised that the same thing was now happening with FPL; he is to follow up. Council Member Hanson questioned whether FPL fiber optic cables could now be found throughout the City and whether those cables were somehow connected with the overhead lines. She also mentioned that the fiber optic "poles" were difficult to see at night. The City Manager is to follow up.

Deputy Mayor Haynie stated that Tri-Rail has plans to install four-quadrant-gate closures at Camino Real and Palmetto Park Road, but not at SW 18th Street. She questioned the exclusion of SW 18th Street as it might inhibit the ability to institute a quiet zone along this part of the corridor.

Council Member Hager cited a New York Times article addressing communication breakdowns that occurred in New York on 9/11. He stated that he thought a joint presentation by Police Services and Fire/Rescue Services relating to procedures for "command and control" during times of catastrophic events would provide public assurances. Council Member Hanson added that she would like, at the time the budget is being considered, any information that can be divulged regarding security/emergency planning.

Council Member Hanson mentioned that she had been approached by employees, confused about the procedure for obtaining a mammogram, and questioned whether the procedure had changed. She requested information regarding the prior process, when the City was self-insured, as compared to the process now in place with CIGNA.

Council Member Hanson requested an update on the City's internal auditors. Mr. Ahnell explained that new internal auditors were hired approximately three months ago. They are in the process of assessing the City; based on their results, a work plan will be created to identify what projects will take priority. This assessment will be completed in approximately nine months. At the request of Council Member Hanson, Mr. Ahnell then commented on the scope of services provided by the previous internal auditor. Ms. Hanson requested copies of all previous internal audits.

Council Member Hanson asked whether the request for the 2002 Florida election law reforms had been distributed. Mr. Ahnell responded yes.

Council Member Hanson inquired as to whether staff attended the June 28, 2002, Florida East Coast railway meeting. Mr. Ahnell responded affirmatively and explained that a report would be forthcoming.

Council Member Hanson questioned whether the City's pension funds have been affected by recent events relating to the accounting practices of WorldCom and Enron, etc. Mr. Ahnell stated that staff is researching this issue and is currently focusing on WorldCom; information relating to Enron has already been provided.

In response to Council Member Hanson, the City Manager advised that 401(k) and 457 investments are determined solely by the employee; the City retains a company that provides mutual funds in a wide variety of different options from which the employee may choose. As part of discussion and comments on the 401(k) plan for executive management and the defined benefit plan that covers general employees, Council Member Hager voiced his opinion that he finds it unacceptable that the City is liable for pension plans over which it has no control.

Mayor Abrams referred to the flooding and drainage problems at Boca Terrace on Camino Real and inquired as to where Boca Terrace is on the stormwater fund list. Mr. Ahnell is to follow up.

Mayor Abrams mentioned that NE 2nd Street, by Mizner Park, is under construction and one of the lanes is closed down. A suggestion was made to station a police officer there, at least during peak traffic times, to avoid confusion by motorists who may drive the wrong way.

Mayor Abrams reported that a mock election is to be held in Palm Beach County on Saturday. However, no polling locations were designated in the City of Boca Raton. He asked that the Supervisor of Elections be contacted to find out why and to determine whether there was time to add a City location.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:36 p.m. on Monday, July 8, 2002.

Vanessa Hines, Assistant City Clerk