

MINUTES OF THE REGULAR WORKSHOP MEETING  
CITY COUNCIL  
BOCA RATON, FLORIDA  
MONDAY, APRIL 8, 2002  
1:00 PM

The regular workshop meeting of the City Council of the City of Boca Raton, Florida was called to order at 1:00 p.m. by Mayor Steven L. Abrams.

**ATTENDING THE MEETING WERE:**

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

Also attending the meeting were:

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

**PRESENTATIONS:**

Presentation of Check – County Commissioner Mary McCarty

Commissioner McCarty presented a check in the amount of \$5,000 to Charlie Mae Brown, President of the Martin Luther King, Jr. Foundation, as the County's contribution to fund signage for the Martin Luther King, Jr. Memorial.

**1. BOARD INTERVIEWS:**

- a. Advisory Board for the Physically and Mentally Challenged – (3) vacancies due to term expirations of Aron Breslow, Rosalyn Rudolph, and Evelyn Panagakos Lamia. Terms expire 04/23/02.

Roslyn Rudolph and Evelyn Lamia came forward to interview.

- b. Builders' Board of Adjustment and Appeals – (1) one vacancy due to complete the term of Lee Walker. Term expires 02/15/04.

There were no applicants.

- c. Citizens' Pedestrian & Bikeway Advisory Board – (1) one vacancy due to resignation of Constance Scott. Term expires 01/12/04.

Mark Traveis expressed interest in serving on the Board.

**2. PUBLIC REQUESTS:**

Pat Connell commented on the condition of the property owned by the Boca Raton Resort & Club along the Boca Raton Inlet.

Keith O'Donnell, a member of the Planning and Zoning Board, spoke to the issue of the Traffic Demand Management (TDM) ordinance, intimating that it may not effectively address the problem of intense traffic congestion. He suggested that a loosening of zoning restrictions might be a consideration instead.

Albert Nelson spoke in opposition to Florida Power and Light's (FPL) decision to move forward with its controversial plan to construct transmission lines exceeding 50 feet in height through portions of the City.

Peter Torres voiced opposition to the chicane, i.e. traffic calming device, which was recently installed on the road where he lives. He stated that four accidents have taken place since the road was narrowed to slow down traffic. The City Manager advised that he would follow up on this issue.

### 3. REVIEW OF REGULAR AGENDA ITEMS:

#### a. Questions relating to the Agenda.

(Consent Agenda Item 3.a.1. – Glades Road Beautification) Council Member Freudenberg questioned exactly where landscaping would take place. Mr. Ahnell responded that landscaping and irrigation would be installed beginning at the railroad tracks at Dixie Highway and Glades Road, west to N.W. 4<sup>th</sup> Avenue.

Referencing Consent Agenda Item No. 3.k., (Resolution No. 61-2002 relating to a sanitary and stormwater sewer project by LBFH, Inc.), Deputy Mayor Haynie questioned whether the Glades Road landscaping project might be in conflict with a future utility project that will occur in the same area. Mr. Ahnell explained that the utility project is further north than the landscaping project; therefore, no conflict exists.

Council Member Hanson questioned whether this beautification would take place on both sides of Glades Road. The City Manager explained that only the north side of Glades Road would be landscaped, as there are no water lines on the south side. In addition, the neighborhood on the south side of the street has voiced a preference for a wall instead of landscaping.

(Consent Agenda Item No. 3.d.2. – Traffic Video Detection System) Council Member Freudenberg questioned whether a traffic detection camera system would be installed with each new traffic signal. Mr. Ahnell replied in the affirmative.

(Consent Agenda Item No. 3.n. – Resolution No. 64-2002 / Defining the term, “associate,” as it relates to provisions within City contracts prohibiting involvement in political campaigns for City elective offices or financial contributions to same) Council Member Freudenberg clarified that the term shall not include, with respect to a not-for-profit corporation, members of a board of directors, unsalaried officers or volunteers.

Mayor Abrams questioned how this language would be included in the appropriate contract documents. The City Attorney responded that the Purchasing Department could either include the wording in the contracts or distribute a copy of the resolution along with the contract. She then provided additional information to Council as requested.

(Consent Agenda Item No. 3.a.2. – Sodium Chloride, Solar Salt) Deputy Mayor Haynie questioned whether this was a more cost effective method of disinfection. Mr. Ahnell explained that this method is more expensive but also safer than using chlorine gas. He is to provide additional information relating to costs.

Council Member Hanson questioned whether this method would increase the salt dosage in the water treatment plant. Mr. Ahnell replied in the negative and explained that the salt was used to create a light bleach solution, which is used to disinfect the water.

(Consent Agenda Item No. 3.d.1. – Internet Detection Software) Deputy Mayor Haynie questioned whether the cost included updates. The City Manager deferred to Information Technology Director Walter Scrivens. Mr. Scrivens explained that this is intrusion detection software, not antivirus software; the cost is comprised of the purchase price for the first year. He then confirmed with Ms. Haynie that this software was a compliment to the City’s existing firewall protection and provided additional information as requested.

(Consent Agenda Item No. 3.d.2. – Traffic Video Detection System) Deputy Mayor Haynie questioned when construction of the new traffic signals would take place. Mr. Ahnell is to follow up.

(Consent Agenda Item No. 3.k. – Resolution No. 61-2002 / Work Order No. 1 with LBFH, Inc., relating to a sanitary and stormwater sewer project) Deputy Mayor Haynie voiced concern over the duration of the project and asked for a general overview of same, along with an estimated completion date. Mr. Ahnell is to provide a timeline.

(Consent Agenda Item No. 3.l. – Resolution No. 62-2002 / Amendment No. 1 to the Interlocal Agreement establishing the South Palm Beach County Communications Cooperative) Deputy Mayor Haynie asked for clarification as to the nature of this agreement. Mr. Ahnell explained that the City participates in a public safety radio coop with Delray Beach and Boynton Beach, which requires licensing through the FCC for radio transmissions. Delray Beach would like to obtain two additional broadcast licenses. While this amendment will allow them to do so, it does not affect the City of Boca Raton in any way.

(Consent Agenda Item No. 3.m. – Resolution No. 63-2002 / Interlocal Agreement with the School Board of Palm Beach County relating to turn lane improvements for Boca Raton High School) Deputy Mayor Haynie questioned whether these improvements would simultaneously coincide with improvements taking place on Airport Road and Glades Road. Mr. Ahnell explained that all parties have coordinated the construction projects with the school.

Council Member Hanson confirmed with the City Manager that the School Board is to reimburse the City 50% of the improvement costs for the school. She then asked whether the improvements might be changed should the school purchase additional property. Mr. Ahnell explained that the identified improvements should not be changed. However, should the school desire to modify its traffic flow, then changes might occur.

(Consent Agenda Item No. 3.b.1 – Plant Material Services) Council Member Hanson asked whether trees being replaced in medians, for example, might be transplanted into the cemetery. The City Manager stated that, due to road modifications, approximately 99 trees would be relocated from Yamato Road, between Military Trail and Congress. Some of those trees will be transplanted in the cemetery.

(Consent Agenda Item No. 3.o. – Resolution No. 65-2002 / Survey for the Erosion Control Line located south of the Boca Raton Inlet) Council Member Hanson questioned whether a survey had been done on the north side of the Inlet. Mr. Ahnell explained that the project was still in the engineering stages. Once completed, an Erosion Control Line will be identified north of the Inlet.

(Consent Agenda Item No. 3.p. – Receive and File Board Orders) Council Member Hanson questioned the recurring fee of \$78.75 for administrative costs and asked that the fines for each property owner be delineated. Mr. Ahnell explained that compliance is stressed. If compliance is not achieved, then the penalty phase begins after 30 to 60 days from the time the citation was issued. The City Attorney provided additional information as requested.

- b. Resolution No. 41-2002 (*Regular Agenda Item No.4*), which would grant modification of the conditional use approval for Saint Andrews School to increase the student enrollment and to add a science building, open air chapel and a tennis support building.

Planning and Zoning Director Carmen Annunziato gave the presentation, saying that the petitioner is requesting an amendment to the previously approved master plan. He defined the location, zoning, ingress and egress of the property in question. The following modifications were proposed: 1) increase student enrollment from 1,000 to 1,202, 2) increase the size of the Performing Arts building from 25,800 square feet to 34,000 square feet, 3) construction of a 6,650 square-foot open-air chapel, 4) construction of a 28,000 square-foot science building, 5) construction of a 1,500 square-foot tennis support building, and 6) addition of 23 spaces to Parking Lot "C." An increase of 774 daily trips is expected. To offset the increase in traffic, the petitioner has agreed to enter into the Traffic Demand Management (TDM) Program, which would provide for a 5% trip reduction in both existing and new trips to the site. This stipulation is identified as Condition 20 in the resolution. Condition 13, which mandates that no new trips will be generated on N.W. 37<sup>th</sup> Street, was clarified. Mr. Annunziato then explained that the petitioner requested

deletion of Condition Nos. 14,16 & 17, and provided detailed information on why those conditions could now be deleted. In conclusion, staff recommended approval of these modifications and the deletion of Conditions 14,16 & 17; the Planning and Zoning also recommended approval with the deletion of the three conditions as noted. Mr. Annunziato then answered questions from Council.

- c. Ordinance No. 4637 (*Regular Agenda Item No. 5*), which would amend the City Code relating to height of buildings and nonresidential building height.

Planning and Zoning Director Carmen Annunziato gave the presentation, explaining that this ordinance would amend three sections of the land development code and change the use of land. Therefore, two public hearings are required; the first one will take place tomorrow evening. The first amendment relates to definitions and would clarify that "height of building" equates to "height of structure," which includes public utility poles in excess of 50 feet in single-family districts. The second amendment proposes that non-residential buildings and structures, including public utility poles in excess of 50 feet in height, be listed as a conditional use in single-family districts. The last amendment proposes new language relating to non-residential buildings and structures in excess of 50 feet, which would require conditional use approval from the Council after review/recommendation by the Community Appearance Board and subject to the standards provided in this proposed ordinance and the conditional use approval standards provided in Code Section 28-102.

The City Attorney distributed clarifying amendments to Ordinance No. 4637 and provided additional information as requested. Mr. Annunziato and Ms. Frieser then answered questions from Council.

- d. Ordinance No. 4638 & Resolution No. 54-2002 (*Regular Agenda Item Nos. 6 & 6.a.*), which would implement Transportation Demand Management (TDM) for development approvals on a Citywide basis and provide for a new user fee schedule related to the City's TDM Program.

Transportation Analyst John Reilly provided a history of the Traffic Demand Management (TDM) ordinance and how it came into being. He then introduced David Plummer of David Plummer & Associates, who provided an overview of the proposed ordinance.

Mr. Plummer outlined the objectives of the TDM, which are: 1) to reduce peak period traffic, 2) to promote other modes of travel, and 3) to remove trips from the roads. Several strategies for implementing these objectives include carpooling, flexible work hours, showers and lockers, and accommodations for bicycles. Thresholds for retail, office, and industrial space were delineated. Mr. Plummer then explained the necessary steps involved in preparing a TDM plan. He outlined goals, incentives for participation in the program, and public input received from various entities, including homeowner associations, the Chamber of Commerce, and the Planning and Zoning Board. Mr. Plummer and Mr. Reilly then answered questions from Council. Much discussion ensued.

It was the general consensus of Council that this issue be reviewed with a group representing the larger businesses in the community to work out the issues raised; Deputy Mayor Haynie could act as a facilitator.

Additionally, instituting a pilot program for the downtown area was suggested as a viable option.

- e. Ordinance No. 4639 (*Regular Agenda Item No. 7*), which would implement the Comprehensive Plan Recreation and Open Space Element Goals, Objectives and Policies relating to sidewalk and bikeway requirements and off-street parking and loading requirements.

Bicycle/Pedestrian Coordinator Joy Puerta gave the presentation and provided background information as to how the proposed ordinance came into existence. Extensive detail regarding those sections of the Code to be amended relating to Sidewalks and Bikes, Off-street Parking and Loading, and Required Off-street Parking were outlined. She also expressed that the ordinance implements the requirements of the Americans with Disabilities Act (ADA). Ms. Puerta then provided a list of those municipalities, nationwide, that have developed comprehensive plans to implement alternative travel and delineated the benefits to

be obtained from this ordinance. She noted that the Planning and Zoning Board (P & Z Board) recommended approval on a vote of 5-2. However, the P & Z Board raised several concerns, which have

been addressed in the ordinance. Ms. Puerta concluded by explaining that when this ordinance was conceived approximately two years ago, it was closely connected with the TDM ordinance. Over time, many modifications were made and, if necessary, the two ordinances could be separated by deleting one paragraph relating to Traffic Demand Management. She then answered questions from Council.

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

a. Comprehensive Annual Financial Report (CAFR) & Management Letter

Financial Services Deputy Director Celeste Lucia gave the report. She referred Council to the CAFR booklet, previously distributed, and provided an overview of the City's financial status for the Fiscal Year that ended September 30, 2001. Ms. Lucia then answered questions from Council. Financial Services Director Mervyn Timberlake also provided additional information as requested.

Representatives from KPMG, Ken Deon and Brett Friedman, provided the management letter and outlined the 2001 audit results, which included comparisons and information on the General Fund, Major Special Revenue Funds, and Governmental Revenues and Expenditures, culminating in financial indicators comparing audit results from prior years. Mr. Deon and Mr. Friedman then answered questions from Council.

b. Annual Investment Report

Treasury Manager Carol Himes gave the report on the status of the City's investment portfolio as of the end of Fiscal Year 2001. The value of the portfolio increased from \$135 million in FY 2000 to \$198 million at the end of FY 2001, due primarily to issuance of the water/sewer revenue bonds to build the reverse osmosis water plant and the receipt of \$13 million in the Law Enforcement Trust Fund (LETF). Ms. Himes then outlined distributions by investment type and maturity; interest rate trends were also identified. She then answered questions from Council.

*The regular workshop meeting of the City Council then recessed at 4:30 p.m. and reconvened at 6:33 p.m.*

c. Long-range Financial Plan

Financial Services Director Mervyn Timberlake gave a detailed report, beginning with assumptions related to operational funding for the proposed new fire stations and libraries, Mizner Park debt service, and operating costs for capital improvements. He reviewed General Fund revenue increases and expenditures, medical insurance claim history and pension costs. Revenue growth assumptions, projected expenditures, designations for the Planned Fund Balance, and Resources Forward were outlined. Mr. Timberlake then reviewed the plan to 2006, stating that, with the capital projects included, the City will have some financial problems starting in 2005. A comparison of property taxes was made between Boca Raton and other local municipalities. Recommendations for offsetting financial difficulty were provided, which included maintaining current levels of property taxes with no roll back. Mr. Timberlake then reviewed the Water and Sewer Fund, the Transportation Fund, Beautification Funds, Stormwater Utility, the Golf Course Fund, and the Cemetery/Mausoleum Fund and included recommendations for the Cemetery/Mausoleum Fund. He then answered questions from Council.

**5. CITY MANAGER REPORTS:**

Due to the hour, the City Manager held his reports for tomorrow night's regular City Council meeting.

**6. CITY ATTORNEY REPORTS:**

The City Attorney introduced the newest member of her staff, Assistant City Attorney Jeffrey C. Lynne. Ms. Frieser then referred to her memo, dated April 5, 2002, regarding issues associated with Florida Power & Light's (FPL) proposed transmission lines; copies of an opinion from FPL's attorney, Jean Howard, were also provided.

Council Members were asked to review their respective calendars for the week of April 15, 2002, in order to coordinate the scheduling of a public meeting with FPL. Ms. Frieser concluded her reports by stating that staff was expected to request an amendment to the agenda tomorrow evening to introduce an ordinance relating to sober houses.

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

Council Member Freudenberg commented on the ongoing issue of Florida Power & Light's proposed route for its new transmission lines, opining that the reports used to identify this route were flawed.

Council Member Freudenberg mentioned that the 35-acre golf learning facility off of PGA Boulevard appears to be successful, as many people are playing golf there. He distributed a graphic depicting a layout of the facility.

Council Member Freudenberg reminded those present that Saturday, April 13, 2002 is CPR Day and classes will be given in CPR instruction at FAU.

Deputy Mayor Haynie reported that a subcontractor was found tapping into the City's water supply without a permit and without using protective backflow equipment. Mr. Ahnell responded that the offender has been fined.

Council Member Hanson requested that all relevant data be prepared and available before the proposed meeting with Florida Power & Light.

Council Member Hager voiced concern about the FPL issue.

Council Member Hager spoke to the issue of the City's advisory boards and committees, opining that too many exist for a city of this size. He also expressed that term limits might be an option to review as well. Mr. Hager suggested that staff research this issue and provide a report at the Council's planning session in May.

Mayor Abrams explained that he met with the Pioneer Club regarding the gymnasium. The funding necessary for restoration must be obtained by September 1, 2002, which is the deadline mandated by the School Board. Mr. Abrams reported that the Pioneer Club is moving forward with fundraisers and other activities for raising money.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 7:15 p.m. on Monday, April 8, 2002.

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Vanessa Hines, Assistant City Clerk