

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, JUNE 23, 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
Council Member Dave Freudenberg (arrived at 1:12 p.m.)
Council Member Bill Hager
Council Member Susan Haynie

Deputy Mayor Susan Whelchel was absent (excused).

Also attending the meeting were:

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

PRESENTATION: Pearl City Master Plan Update – Reverend Willis

Reverend Willis reported that the Master Plan is on target and moving ahead smoothly. He thanked Council Members for their vision and for providing the funds to upgrade this very old community. He then referred Council to a previously-distributed color handout, which indicated the progress being made in each of the four phases. Reverend Willis concluded his comments and answered questions from Council.

1. BOARD INTERVIEWS:

- 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.

Michael Wirtz and Lois Martin expressed interest in reappointment.

2. PUBLIC REQUESTS:

John Stetz raised questions regarding a leaking water main, perceived safety hazards related to the South Beach renourishment project, and a proposed bill sponsored by Senator Jeff Atwater that he feels would impinge on the free enterprise system.

Jack Davenport raised objections to the proposed straw ballot election regarding annexation. He opined that a referendum would assure a larger turnout and bigger mandate.

David Wells, who works for Program Trading (“wholesale market makers”), stated that he was told by City staff that each person in the company needed to have an individual occupational license. Mr. Wells expressed that he felt this was an undue burden as he and other staff members are not independent contractors. He then requested an explanation.

The City Attorney explained that this requirement derives from a state law obligation. Ms. Frieser cited several opinions of the Attorney General that conclude that occupational license is a tax right and the City’s right to do it is prescribed by the State Statute. The City does not have the discretion to select which professions or occupations from which it may collect the tax. She added that there exists a misimpression that only independent contractors have any liability; the statutory scheme does not remove liability from employees. Ms. Frieser expressed that historically the City has not followed the requirements of law, but added that staff is now in the process of

developing a program to assure that all required occupations and professions are being taxed equally pursuant to the state law. The City Manager advised that a memorandum to Council is being prepared that includes the City Attorney's research.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

(Consent Agenda Item 3.e. – Resolution No. 106-2003 / Easement Deed related to certain lands located at 155 NW 11 Street) Council Member Haynie questioned whether this property was included in the assessment for the area (Spanish Village Commercial Area Sanitary Sewer Assessment) and mentioned the “reverter” clause in the cover memo. The City Manager is to follow up.

(Consent Agenda item 3.f. - Resolution No.107-2003 / Easement Deed relating to certain lands located at 3601 N. Military Trail) Council Member Haynie recognized Lynn University's generous donation of this land.

(Consent Agenda Item 3.i. - Resolution No. 114-2003 / Agreement with Pierce, Goodwin, Alexander & Linville Architects, Inc. for design services related to Boca Raton Police-Fire Training Facilities) Council Member Haynie stated that she was not familiar with Pierce, Goodwin, Alexander & Linville Architects, Inc. and requested information. Ms. Haynie also mentioned that Pierce, Goodwin was partnering with other firms and asked whether those firms were interviewed.

b. Resolution No. 105-2003 (Regular Agenda Item No. 4), which would provide for construction of a dune crosswalk in connection with the Blue Water Townhouses, located at 2601 North Ocean Boulevard.

The City Manager explained that the applicant had requested a postponement until September. Should Council choose to grant this request, no presentation would be given today and the item would be removed from the agenda for tomorrow evening. As there was no objection by Council, no presentation took place.

c. Resolution No. 111-2003 (Regular Agenda Item No. 5), which would grant approval of a site plan with a building in excess of 30 feet in height on a parcel of land located at 1701 and 1799 South Federal Highway.

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation. He stated that, originally, the petitioner had sought site plan approval of a site plan consisting of two office buildings to be completed in two phases. Currently, the petitioner was requesting site plan approval for Phase I, which is comprised of one single office building. Phase II would require a right-of-way (R-O-W) abandonment, which must be finalized before site plan approval can be obtained. Therefore, Phase II would not be forthcoming tomorrow night for review and approval.

Mr. Zurita provided 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 and then stated that the proposed height of the new building was 48 feet and compatible with adjacent structures. The Planning and Zoning Board (P&Z Board) reviewed the petition in February 2003 and unanimously recommended approval, with the conditions recommended by staff. The proposed single building would replace two structures. Based on staff's review, approval was recommended for Roberts Professional Center with the conditions set forth in the resolution. Mr. Zurita concluded his presentation and answered questions from Council. Queries focused on the fact that there were two phases involved. The City Attorney provided clarification, stating that what was currently being submitted to Council was not a phased project. She explained that this development approval could stand on its own, regardless of any subsequent developments.

d. Ordinance No. 4714 (Regular Agenda Item No. 6), which would authorize execution of a City Deed to the Florida Department of Transportation for roadway improvements on Dixie Highway, adjacent to the Hillsboro Canal.

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 and answered questions from Council. Attention focused on the compensation policy. Council Member Haynie commented that this roadway improvement would be a reliever for Palmetto Park Road; in addition, this project was on the Metropolitan Planning Organization's priority list.

- e. Resolution No. 117-2003 (Regular Agenda Item No. 12), regarding submission of a non-binding straw ballot question to the electors of the City relating to possible annexation of areas west of the City and requesting that the Supervisor of Elections hold a Special City Election on September 9, 2003, and related annexation matters.

Assistant City Manager George Brown provided a PowerPoint presentation. He explained that the City had been studying the annexation of certain areas west of the City limits for approximately 18 months. At the goal-setting session last May, Council asked staff to prepare a package regarding potential annexation of three areas, located generally west of the City limits. Consequently, three ordinances being introduced tomorrow night referred to three involuntary annexations of those areas of study. The first area is comprised of Town Center, Crocker Center a/k/a Boca Center, and Fairfield (a/k/a Areas 1-4). The second area encompasses Via Verde Coach Homes (a/k/a Area 5), and the third area is the residential portion of Santa Barbara, which is outside the City limits (a/k/a Area 6). As part of the reports submitted to the County, these parcels are referred to as Areas 1 – 6. The first ordinance covers Areas 1-4; the second ordinance covers Area 5; and the third ordinance covers Area 6. Mr. Brown stressed that these ordinances were being brought forward tomorrow night for introduction only.

Mr. Brown then spoke to the issue of Resolution No. 117-2003, which provides for the non-binding straw ballot election in relation to the proposed annexation and would be considered by Council tomorrow night. He then read the single ballot question in its entirety, which would address the annexation issue comprehensively, and outlined the program to be followed for formal consideration of annexation, explaining that this procedure would provide residents the opportunity to supply the City with their collective opinion. The proposed straw ballot in September would allow the City to receive the residents' opinion, prior to the referendum elections, which would be held in November. The subject resolution would provide for: 1) a special City election on September 9, 2003, for City of Boca Raton registered voters only, and 2) 60-day notice to the Supervisor of Elections regarding the upcoming special election (the Notice would be provided by July 1, 2003.)

Mr. Brown summarized the impacts of annexation, explaining that approximately \$4,030,000 in gross revenues to the City was expected. Operating costs and capital costs were also outlined. The first year's net income to the City would be approximately \$800,000. In subsequent years, 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.

The Assistant City Manager then summarized the foregoing information and added that the three ordinances relating to annexation would require two public hearings. The first public hearing was scheduled for July 8, 2003; the second public hearing was scheduled for July 22, 2003. These ordinances

would provide authorization to move forward with the referendum elections, to be held November 4, 2003, outside the City limits in the proposed annexation areas; ninety days notice must be provided to the Supervisor of Elections for those referendum elections. The November 4 elections would be for registered voters in the annexation areas only, outside the City limits.

Mr. Brown reported that, under "City Manager Reports" tomorrow night, notice would be provided that the City would be transmitting annexation reports to the County. Also, City staff would be meeting with affected residents and interested parties, both inside and outside the City, between now and September and November. Information would also be available on the City's website and in hard copy. Mr. Brown concluded his presentation and answered questions from Council. Much discussion followed with attention focusing on whether the need existed for conducting a special straw ballot election. Efficiency and ease of comprehension within the City was listed as the motivation behind the special election.

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

There were no items for consideration.

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 Haynie referred to the corner of Walnut Terrace and Camino Gardens Boulevard, stating that barricades have been surrounding a sinkhole for some time and voiced hope that repairs would be made soon. Ms. Haynie then referenced an issue brought forward by a neighbor regarding a vicious dog attacking other dogs. It appears that, currently, residents must go through Code Enforcement and it is then treated as a nuisance issue. She asked what regulations were in place regarding this matter. The City Attorney is to follow up.

Council Member Freudenberg mentioned an upcoming ban on indoor smoking, which takes effect on July 1. He questioned how enforcement would take place at local establishments and whether the City should pass an ordinance in regard to same. Mr. Freudenberg then requested an overlay of the County Code in reference to airports and airport expansion. He cited an issue brought forward by the Federal Aviation Administration (FAA) against the City of Naples whereby the FAA alleged that, while Naples wanted to ban noisy jets, it was allowing all kinds of development to be constructed around the airport. The City Attorney is to provide the requested information.

Mayor Abrams brought forward a suggestion given to him relating to traffic control of side streets connecting to major roads. The suggestion provided for the deactivation of loops, during the workday, to limit the number of times traffic on major roadways is stopped to allow cars on side streets to access the road. Discussion followed related to how the traffic loops work.

Mayor Abrams expressed that the CodeRed (emergency notification system) telephone drill, which took place yesterday was very impressive. He stated that, at the time, the response rate was 50%. However, later that day, the Acting Public Information Officer sent out a memo, which reflected 72%; he questioned the discrepancy. The City Manager explained how the calling procedure worked and clarified the subsequent discrepancy.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:05 p.m. on Monday, June 23, 2003.

Vanessa Hines, Assistant City Clerk