

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, FEBRUARY 26, 2007
1:30 PM

The Workshop Meeting of the City Council of the City of Boca Raton, Florida was called to order by Deputy Mayor Whelchel at 1:30 p.m.

ATTENDING THE MEETING WERE:

Mayor Steven L. Abrams (arrived at approximately 1:37 p.m.)
Deputy Mayor Susan Whelchel
Council Member M. J. Mike Arts
Council Member Peter R. Baronoff
Council Member Bill Hager (absent – excused)

Also attending the meeting were:

Deputy City Manager George S. Brown
Deputy City Attorney Jeffrey Scheffel
City Clerk Sharma Carannante

PRESENTATION:

Character Counts! Program

Deputy Mayor Whelchel and Education Coordinator Susan Saxton presented certificates to three Boca Raton High School students in recognition of positive character traits.

PRESENTATION:

United Way

Ray Adams, Director of Resource Development for United Way of Palm Beach County, expressed thanks to the City of Boca Raton for efforts extended on the United Way campaign.

1. BOARD INTERVIEWS:

There were no applicants to consider.

2. PUBLIC REQUESTS:

Dave Freudenberg provided commentary on three issues: 1) newspaper advertising, by the City, of proposed development changes; 2) Tri-Rail's northbound trains, which appear to activate the signal at Yamato Road thereby tying up traffic, and 3) changing the residential trash collection schedule to facilitate fewer holiday interruptions. A handout was provided to Council, containing suggestions related to the advertising issue. The Deputy City Manager advised that the City was currently reviewing the meeting tapes regarding the matter of trains and traffic on Yamato Road; meanwhile, the issue has been referred to Tri-Rail for response.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

No questions were tendered.

b. Ordinance Nos. 4962 and 4963 (Regular Agenda Item Nos. 7 & 8), which would amend the Future Land Use Map of the Comprehensive Plan and rezone certain property located at 8300 Congress Avenue (HN Investors project).

Planning and Zoning Director Carmen Annunziato advised that, if approved, these ordinances would provide for the redevelopment of the subject property into a medical office building. Information regarding location and acreage was given; currently, a derelict building resides on the land; surrounding properties

and uses were also identified. Mr. Annunziato then provided current and proposed future land use designations and zoning information before briefly reviewing the proposed site plan. The existing 19,721 square-foot building would be reduced in area to 18,725 square feet with adequate parking provided. He noted that substantial improvement would be made to the site, as it exists today. The petitions were reviewed for concurrency, compatibility, and consistency; those standards were met. The Planning and Zoning Board also reviewed this request and recommended approval, as did staff. Mr. Annunziato concluded his presentation and answered questions from Council. Discussion focused on the proposed land use change and rezoning; Council voiced concern over the shrinking amount of land within the City that can be used for Manufacturing; attention focused on whether this was the best use of the land. During discussion, it was discovered that the proposed building would house an orthopedic and pain management branch of Holy Cross Hospital.

- c. Ordinance No. 4972 and Resolution No. 17-2007 (Regular Agenda Item Nos. 9 & 9.a), which would amend the Code of Ordinances relating to commercial solid waste collection services and amend the Boca Raton Municipal Facilities and Services User Fee Schedule to provide for a commercial solid waste collection franchise fee and related charges.

Municipal Services Director Bob DiChristopher explained that the ordinance, if approved, would put into place a regulated open market for commercial solid waste collection, in other words, a non-exclusive commercial franchise for solid waste collection. The resolution, if approved, would amend the City's User Fee Schedule to incorporate the fees identified in the ordinance. Mr. DiChristopher stated that, several months ago, staff had suggested an exclusive franchise; however, the commercial haulers and many of the City's business owners indicated that they prefer to negotiate their own contracts. Consequently, with the local haulers' cooperation, staff created this ordinance; they are all in favor of a regulated open market as opposed to an exclusive franchise. He advised that this legislation would not disrupt national contracts and, in fact, would help small business owners to negotiate the best price possible.

Regarding fees, staff suggested a \$15,000 annual application fee and 8% of gross revenue on a monthly basis. Mr. DiChristopher advised that these fees are actually much less than what is mandated in other communities. Passage of this legislation would allow the City to regulate solid waste collection, confirm that vehicles are maintained, ensure that the firms are State-registered businesses that carry appropriate insurance, as required by the City, and provide for application/enforcement of the City Code. Mr. DiChristopher advised that two amendments would be provided tomorrow night, specifically, 1) clarification of the definition of "recycled materials," and 2) clarification of "displacement;" details were provided. Responding to Council, he advised that no new employees would be needed to implement this legislation; also, the fees would be reviewed on an annual basis.

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

There were no items for consideration.

5. CITY MANAGER REPORTS:

Resurfacing of Federal Highway

Mr. Brown referred to a handout and stated that the City had voiced objections to the FDOT (Florida Department of Transportation) regarding plans to resurface South Federal Highway. Consequently, they modified their program; in 2008/2009, they will resurface North Federal Highway from 28th Street north to Yamato Road; in 2009/2010, they will resurface Yamato Road north to the City limits. Mayor Abrams suggested that FDOT might be able to include a couple of blocks south of 20th Street.

Organizational Meeting Proceedings

Mr. Brown advised that a memorandum was on the dais that had been prepared by the City Clerk, describing organizational meeting procedures, as requested by Council Member Hager.

6. CITY ATTORNEY REPORTS:

The Deputy City Attorney had nothing to report at this time.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Deputy Mayor Whelchel referred to the State Legislature in Tallahassee and the many proposals that are being brought forward regarding property taxes and insurance. She suggested revisiting the private sector survey that was conducted in the early 90s and advocated public input on whatever legislation is passed. It was revealed that the survey in question was a time-consuming and expensive endeavor; much discussion followed. Council's consensus was to discuss this matter at the upcoming goal setting sessions and to have the City Manager provide information as to how to move forward with a similar survey, should that be Council's direction. In addition, the City Manager is also to provide information as to what might be the worst-case scenario, in terms of the property tax issue, and what models other cities might be using to mitigate the effects.

Council Member Baronoff advised that he had spoken with Representative Adam Hasner, who was willing to appear before Council on the property tax issue.

Responding to Council, Mr. Brown explained that the City's lobbyists are currently monitoring the situation to determine whether any real discussion is occurring in Tallahassee, advising that many stories have appeared in the press. Ultimately, staff will wait to see what transpires in the next few weeks and then act accordingly.

During discussion, it was noted that local governments are being excluded by the State from participating in making these major decisions related to property taxes; unfortunately, the Legislature is also acting without regard for the impact its decisions will have on the cities. Mayor Abrams advised that, regardless, something would be put before the voters; the question is what the proposal will be and how harmful it will be to the cities.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:28 p.m. on Monday, February 26, 2007.

Vanessa Hines, Assistant City Clerk