

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, AUGUST 27, 2007
1:30 PM

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

ATTENDING THE MEETING WERE:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member M. J. Mike Arts
Council Member Peter R. Baronoff
Council Member Bill Hager (attended telephonically)

Also attending the meeting were:

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

The City Attorney explained that Council Member Hager had surgery on August 20, 2007 and currently remains in the hospital for recovery. As a result, he is physically unable to be present for this Workshop meeting and subsequent CRA and Council meetings, scheduled for August 27 and August 28. She noted that, based on the opinions provided by the Florida Attorney General, an elected official who is prevented from being physically present at a meeting, due to medical circumstances, may participate in the meeting and vote telephonically. Ms. Frieser advised that, if Council were so inclined, a motion would be appropriate at this time.

Motion was made by Council Member Baronoff, seconded by Council Member Arts, to allow Council Member Hager to participate in the meeting telephonically, as there is a physical quorum present and the Sunshine Law is satisfied. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Ms. Frieser stated that this exercise would be repeated at subsequent meetings, today and tomorrow.

AWARDS:

A) Recognition of ALS Competition Teams

Fire Chief Tom Wood and Fire Rescue Services Public Information Officer (PIO) Frank Corregio recognized the accomplishments of the BLS and ALS Teams at the ClinCon Competition in Orlando, Florida.

B) University of Miami Scholarship Presentation

The representatives from the University of Miami were not in attendance; the item will be rescheduled.

C) Heart Ready City Award

The Regional Director for the American Heart Association presented the 2007-08 Hear Ready City Award to Mayor Abrams and Fire Chief Tom Wood, who accepted same on behalf of the City of Boca Raton.

D) Recognition of Graydon Sundeen

Mr. Sundeen was not in attendance; the item will be rescheduled.

1. BOARD INTERVIEWS:

There were no positions advertised.

2. PUBLIC REQUESTS:

Lenore Wachtel advocated installation of suggestion boxes in each City department for the purpose of offering suggestions on how to cut costs; if a suggestion is instituted, 10% of the savings generated could be awarded to the employee. She also advocated that a suggestion box be made available for the public as well. Ms. Wachtel then spoke to golf course conversions, suggesting that a committee comprised of City staff be created in order to set up minimum criteria for these conversions, which would address minimum buffer zones, landscaping, setbacks, and density. Mr. Ahnell responded that the City currently has suggestion boxes, and a reward program, in place for employees; in addition, suggestion boxes have also been placed throughout the city for the public. Mayor Abrams suggested that this information could be included in the next newsletter and thanked Ms. Wachtel for her input.

Tom Thayer, representing Boca's Promise, indicated a need for the City's support in terms of a community program and then introduced Rita Thrasher, who essentially asked that the City submit a particular grant application. Mayor Abrams advised that, following review of the material, staff would contact her.

Mayor Abrams referred to the number of people in attendance today whose interest was in the downtown library and asked the City Manager to give a separate presentation on same. He clarified that this was not a town hall meeting and outlined the procedure to be followed.

Downtown Library Presentation

The City Manager gave a PowerPoint presentation beginning with the project history on both the Spanish River Library and the downtown library; square footage of the proposed new libraries, costs, and funding sources were reviewed. Mr. Ahnell stated that all costs have risen astronomically since that time, due to geopolitical events and weather-related events, and stressed that the numbers originally provided were strictly estimates. In April 2002, the estimated cost for both libraries, including books, materials, and technology was approximately \$23.5 million. It was noted that a \$1 million State grant and \$3 million in private revenue was anticipated to supplement the G.O. Bond of approximately \$19.5 million that the voters approved in May 2003. He added that some of the grant money has been received; however, no private funding has been forthcoming. The contract for construction of the Spanish River Library was awarded in December 2003 and the opening of that library is expected in December 2007.

Based on issues facing the City at this time, specifically, rising construction and operation costs; the recent property tax legislation, which limits the ability of the City to raise revenue; and the state of decreasing property values and prices in the current real estate market, Mr. Ahnell explained that four options had been identified in relation to the downtown library. The following was reviewed in detail:

- A) continue with the original plan to build a new 52,000 square foot library on the "Causeway Lumber" site at an approximate cost now of \$22.6 million, not including an additional \$4million needed for parking and added operating costs,
- B) downsize the new library building to 40,000 square feet, still locating it on the "Causeway Lumber" site, at an approximate cost of \$17.7 million, not including an additional \$3 million needed for parking and added operating costs,
- C) construct a new library building comprised of 21,660 square feet, again on the "Causeway Lumber" site, at an approximate cost of \$9.8 million, or
- D) renovate and expand the current library building to 31,400 square feet for the same approximate cost of \$9.8 million, with an additional \$360,000 needed for operating costs (a "storefront" library would remain open).

A capital cost comparison and an operating cost comparison followed. It was noted that, should Option A or B be selected, the City would probably have to go back to the voters to request more money. Other alternatives for cutting costs included reducing services and making cuts in other programs or capital projects. It was also determined that, based on which option is chosen, a tax increase from 1.24% up to 4.64% would be needed. Mr. Ahnell clarified that he was not recommending that no new library be built and stated that Council will be asked to make a decision at the final budget hearing on September 17, 2007. He concluded his presentation and answered questions from Council. Much discussion followed with a focus on private funding, how additional funds might be obtained, and the four alternatives presented.

Don Homer, Vice Chairman of the Library Advisory Board, indicated support for Option B and suggested that City-owned property be sold and the revenue generated used to mitigate the additional cost.

Betty Cash questioned how the western library became larger than the downtown library and then made suggestions for cutting costs, specifically, reducing the library's hours and using self-checkout functions. She then asked what attempts had been made to raise the \$3 million in private funding. Mayor Abrams indicated that he was not aware of any formal solicitation of private funds by any entities. Deputy Mayor Whelchel added that Council was under the impression there was a named group of people, interrelated with the success of the library, who were to take on the challenge of addressing residents of the City to raise private funds; to date, Council did not know whether this had been done or not. Ms. Cash responded by stating that a group, known as the Library Foundation, was created for this purpose; however, she believed the group needed City Council advisory support since nothing was being accomplished. Last of all, she suggested that Council might wish to consider delaying construction of the Hillsboro/EI Rio Park by several years and put the \$2.4 million in funding for that park toward the library instead.

Jan Johnson provided commentary regarding Friends of the Library and the Library Foundation, stating that the Foundation never really was launched; details were provided. She voiced opposition to the renovation option, particularly since the library would be shut down during that process. She then noted that Talbott Realty donated space to Friends of the Library for the purpose of opening a used bookstore, which they planned to do on September 12, 2007; Council was invited to attend. Ms. Johnson concluded her remarks by advocating a large, new library in the downtown, which would have adequate space for conferences, programs, and, ultimately, the used bookstore.

Joy Fishkin spoke in support of the new downtown library without anything closing down in the interim; she also voiced opposition to the renovation option, suggesting that a professional outside opinion be obtained in regard to same.

Betty Grinnan expressed frustration with all aspects of the downtown library project, stating that residents were supposed to get a major library downtown, not a satellite library. She reported that the Library Foundation does exist and then provided commentary related to funding for the Delray Beach Library and the need to address parking for the downtown library; she concluded her remarks by asking that the City have a vision. Mr. Ahnell explained that parking for the library would be expanded.

Anastasia Shower advocated the need for a new and larger library. Responding to Mayor Abrams, she advised that she probably would not use the Spanish River Library because she lives in the east.

Nancy Hines spoke in support of a new library, saying that, as a resident of Palm Beach Farms, she would prefer a new library to the Hillsboro/EI Rio Park.

Mayor Abrams reiterated that there was no option to do nothing; a new, impressive library would be built. He reminded those present that the City has been fighting this battle for many years and, in fact, a library referendum was put before voters in 1994 and failed. Responding to Council, Mr. Ahnell spoke to the timeline on moving forward with the library, advising that it would be prudent to make a decision now; details were provided. He stressed that he did not expect economic conditions affecting the City to get better in the near future, citing declining property values and the super-exemption vote in January.

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

a. Urban Design Associates – Downtown Master Plan

Ray Gindroz, with Urban Design Associates (UDA) gave the PowerPoint presentation, which focused on the future of the downtown. He clarified that this was an update of the original vision that the City had been working on for many years and provided an outline of the lengthy process followed, which included focus groups, data collection and research, and a charrette, resulting in the report being brought forward today. Mr. Gindroz reviewed perceived strengths and weaknesses in the downtown, as well as those areas identified as needing change. He noted that areas listed as strengths appeared to converge in a north/south pattern; areas identified as weaknesses assumed an east/west pattern. He advised that much discussion by charrette participants focused on character and quality of the public ground, wherein it was agreed that the downtown was not pedestrian friendly. Barriers to creating a cohesive and

integrated downtown were reviewed, which included lack of a pedestrian network, the development process, the design guidelines, and the development market; details were provided. It was acknowledged that public streets act as barriers; to overcome that, it was suggested that a pedestrian scale green network, in coordination with the street pattern, could help to create a series of districts, or quarters, with different identities. To that end, public investment coupled with private development was advocated; details were provided. Attention then focused on framework, which consisted of a series of components: 1) establish a hierarchy of streets, 2) apply urban standards to the downtown, 3) create crosswalks where they don't exist, 4) improve sidewalks, 5) improve and complete the bikeway network, 6) develop a parking program, 7) support transit initiatives, and 8) revise the overall design guidelines; Mr. Gindroz provided detailed information on the above. He then concluded his presentation and answered questions from Council. Subjects touched on included the Wildflower property and waterfront activity, the Livable Communities Program through FDOT, viewpoints obtained from participants in the process, the pedestrian "crooked" spine possibility, public/private partnerships, and the need for varying building heights.

Staff was directed to evaluate this final report and come back to Council with recommendations as to how this plan might be implemented in phases.

b. Presentation on Proposed CIP for Fiscal Years 2007/08 through 2012/13

Deputy Director of Financial Services Linda Davidson gave the PowerPoint presentation. She explained that the total for FY 07-08 was approximately \$106 million; of that, approximately \$3.6 million would go toward vehicles and equipment. Funding is provided through ad valorem taxes, utility taxes, and other revenues; details were provided. Ms. Davidson then highlighted Capital Improvement Projects and corresponding costs for various departments, including Police Services, Fire-Rescue Services, Municipal Services, Recreation Services, the City Manager's Department, Information Services, the Cemetery/Mausoleum, the Golf Course, and Utility Services (water and sewer). All projects were reviewed with the exception of the downtown library, as an extensive presentation was previously given by the City Manager. She advised that the final budget hearing was scheduled for September 17, 2007 at 6:00 p.m. in the Council Chamber and concluded her presentation. Ms. Davidson provided additional information to Council as requested, regarding financial impacts to the CIP, due to recent and proposed legislation, and Fire Station No. 5.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

(Consent Agenda Item No. 3.a.1. – Emergency Medical Supplies) Council Member Hager questioned why the purchase is being made via a sealed bid in contrast to the intergovernmental agreement process. The City Manager is to follow up.

5. CITY MANAGER REPORTS:

The City Manager had nothing to report at this time.

6. CITY ATTORNEY REPORTS:

The City Attorney referred to the Fire-Rescue Dispatch litigation against Palm Beach County, advising that the County has appealed the Court's decision, which ruled in favor of the Cities (Boca Raton, Delray Beach et al); that matter is continuing.

Ms. Frieser then referred to what is known as the "sober house" case, advising that the City was now in the appeal period. She noted that the judge made three important decisions: 1) the motion made by the plaintiff for a new trial was denied and the judge affirmed the initial ruling, 2) the temporary injunction against the City, resulting from the "reasonable accommodations" language in the original City ordinance, was lifted by the judge in light of the new ordinance adopted by the City, which formalized and codified the procedures related to "reasonable accommodations," and 3) the judge reduced the plaintiff's request for \$1.3 million in damages and attorney fees to approximately \$600,000; details were provided on all of the above. Ms. Frieser advised that she would request

authorization tomorrow evening to schedule an executive session to discuss the formalities of the aforementioned pending issues.

Responding to Council, the City Attorney explained that although the judge did rule in favor of the plaintiff, the City prevailed on many of the issues. In fact, the plaintiff filed post-trial motions with the judge, requesting that the judge change his rulings since the plaintiff did not like most of the rulings the judge entered. Ms. Frieser indicated that the judge sustained the City's authority in terms of zoning decisions and occupancy regulations. In addition, the judge ruled that there was no intentional discrimination against disabled individuals on the part of the City, finding that the City pursued reasonable procedure and planning efforts. Finally, she noted that Federal litigation is very costly and for the judge to have stricken almost 50% of the fees spoke to how many issues the City prevailed upon. In conclusion, it was a very favorable outcome for the City overall.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Baronoff referred to a letter from PBC Commissioner Mary McCarty regarding a meeting scheduled for Thursday, September 20, 2007 at 10:00 a.m. to discuss property tax reform and the proposed referendum coming forward in January. All elected municipal officials and managers in her district are invited to attend. He advocated participation in same, suggesting that misinformation be reviewed and discussion take place on how to educate the public on the proposed referendum. Mr. Baronoff then advised that he planned to meet with representatives from the Chamber of Commerce prior to the next Council meeting to discuss branding. He suggested that Council might wish to invite Chamber representatives to a workshop meeting for the purpose of obtaining their viewpoints on branding and the direction they would like to take.

Mayor Abrams reported that Spanish River Boulevard is very near completion; compliments were extended to staff. He then advised that he attended the Florida League of Cities' annual conference wherein the Secretary of Community Affairs cited Boca Raton's initiative on the multimodal transportation districts as the wave of the future, suggesting that the City was a model for other communities.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 4:09 p.m. on Monday, August 27, 2007.

Vanessa Hines, Assistant City Clerk