

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, DECEMBER 7, 2009
*1:30 PM

*The Workshop Meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Susan Whelchel at 3:38 p.m.

ATTENDING THE MEETING WERE:

Mayor Susan Whelchel
Deputy Mayor Susan Haynie
Council Member Anthony Majhess
Council Member Michael Mullaugh
Council Member Constance Scott

Also attending the meeting were:

City Manager Leif J. Ahnell
City Attorney Diana Grub Frieser
City Clerk Susan Saxton

1. BOARD INTERVIEWS:

- a. Boca Raton Advisory Board for People With Disabilities – one (1) vacancy.

No one came forward to speak.

- b. Citizens' Pedestrian & Bikeway Advisory Board – four (4) vacancies.

that Jim Wood asked to be reappointed and then reviewed several slides related to crash reports, advising this is what he does for the Board. Herbert Levin expressed interest in reappointment. Virginia Erwin expressed interest in being appointed; it was noted that she would need to fill out an application before she could be considered. Joe Brinkerhoff also voiced interest in appointment.

- c. Downtown Boca Raton Advisory Committee – three (3) vacancies.

Bill Trinkka, Judith Teller Kaye, and Andrea O'Rourke interviewed for the positions.

- d. Green Living Task Force – one (1) vacancy.

Bert Lichen, Cynthia Spray, Robert Miron, and Virginia Erwin expressed interest in appointment.

- e. North Federal Highway Steering Committee – five (5) vacancies.

Andy Zerbock interviewed for a position on the Committee.

2. PUBLIC REQUESTS:

John Stetz reported on a recent workshop meeting in Ft. Lauderdale related to offshore windfarm generators, urging the City to make policy in regard to same as quickly as possible; additional commentary was provided.

Lenore Wachtel asked that more information be included on the agendas.

James Drake, a citizen residing across from the Wildflower property, referred to a Sun Sentinel article, which indicated that the City planned to provide docks, outside dining, and retail at that location. He questioned the City's intentions, stating that this property is located in a residential area, and asked Council to consider the impacts to the neighbors. Mr. Ahnell provided information related to the resolution coming before Council tomorrow night and the public process, advising that acquisition of this property had been a goal of the City for a

number of years. He stated the first goal was to acquire the property; the City would then determine how to use it. At this time, Council Member Majhess provided commentary as to his thoughts regarding the Wildflower property.

James Hendrey, another neighbor living near the Wildflower property, stated that when the Wildflower was in business, it was very noisy and residents could hear everything up and down the water. He advised that having an outdoor dining facility at that location would be anathema to residents living in the area. He cautioned Council to think about the use, stating that this property is in neighbors' backyards.

Robert Siegler opined that no one in the neighborhood was notified about the City's intent to purchase the Wildflower property. He voiced uncertainty as to whether the total purchase price reflected the total cost to the City, stating that the way the property is structured today did not lend itself to viable alternatives; it would be viable if it was combined with the former Chop House property. Mr. Siegler then stated that the City should articulate clear intentions and total costs before buying the property, opining that a sense of artificial urgency was being manufactured. He recommended that Council postpone making a decision tomorrow night, ask the property owner for a 30-day extension, and reach out to the community for input, then come back and consider whether this was an appropriate use of money.

Mayor Whelchel responded to Mr. Siegler's comments by advising that the City had been trying to purchase this property for approximately six to seven years. In addition, Council had garnered a great deal of input from City Boards, noting that acquisition of the Wildflower property was part of the City's goal setting priorities for the last four or five years. She explained that once the property was acquired, public meetings would be noticed and held for the purpose of obtaining input from citizens as to what they would like to see happen with the property. Details were provided.

3. REVIEW OF REGULAR AGENDA ITEMS:

- a. Questions relating to the agenda.

There were no questions.

- b. Resolution No. 183-2009 (*Consent Agenda Item No. 3.d.*) related to the City's Year 2010 Federal Legislative and Funding Priorities.

Deputy City Manager George Brown gave the PowerPoint presentation, explaining that this was an annual resolution, prepared by City staff and the City's lobbyists, using input obtained from Council and the community, and sent to members of Congress and Federal departments. He then reviewed the major priorities, noting that additional priorities were also included in the agenda book. There followed information related to land development and transportation; water and wastewater; security and emergency preparedness; the environment; home rule; and general appropriations; details were provided on all the above. Mr. Brown concluded his presentation and made himself available for questions.

- c. Resolution No. 184-2009 (*Consent Agenda Item No. 3.e.*) related to the City's Year 2010 State Legislative and Funding Priorities.

Deputy City Manager George Brown gave the PowerPoint presentation, indicating that this resolution was also prepared using generally the same criteria as outlined in the previous presentation. Information related to land development and transportation; water and wastewater; security and emergency preparedness; law enforcement; the environment; home rule; and general appropriations; details were provided on all the above. Mr. Brown concluded his presentation and answered questions from Council.

Deputy Mayor Haynie advised that she and Council Member Majhess attended an MPO (Metropolitan Planning Organization) meeting today, which included the special annual public hearing on the MPO's five-year plan. She noted that the FAU I-95 Interchange continued to be a No. 2 priority; however, the No. 1 priority (State Road 710) was dropped. Therefore, it appeared that the No. 2 priority would then move to the No. 1 slot. Ms. Haynie then asked whether there was an update related to red-light camera enforcement, indicating that a lot of litigation was taking place in regard to same. Responding to

Ms. Haynie, the City Attorney advised that, as yet, there had been no ruling on the law; details were provided. Deputy Mayor Haynie then asked whether there had been any updates from the special session regarding support for Tri-Rail. Mr. Brown advised there was no update, at which point Ms. Haynie reported that the MPO was assured by DOT District Secretary Jim Wolfe that dedicated funding for Tri-Rail support from the gas tax would not come from any of the City's current road projects.

At this time, Mr. Brown clarified that the priority related to regulation of pain management clinics was included under the category of "law enforcement" on Page 4 of the exhibit.

Council Member Majhess advocated removing traffic (red-light) cameras from the list of priorities. He then commented on staff's recommendation to use an advertising medium other than newspapers to provide public notice. Mr. Brown explained that many newspapers of local circulation are disappearing. In addition, in order for the City to achieve timely notice for public hearings, staff must provide over a week to ten days notice to the newspaper, prior to the notice deadline for the City, resulting in lengthy delays in bringing business before Council, particularly in the case of an emergency. Consequently, the recommendation is that newspapers comprise an alternative or additional method of notification, as opposed to the main method of providing public notice. Mr. Brown and Ms. Frieser then responded to additional queries from Mr. Majhess regarding transfer of power in connection with home rule, and security and emergency preparedness as it relates to building plans. Council Member Majhess concluded his comments by stating that he wished to see two items eliminated from the priorities: 1) support for legislation to amend Section 790, relating to prohibiting the carrying of a licensed, concealed weapon into any municipal building at any time; and 2) the requirement for wearing motorcycle helmets.

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

There were no items for consideration.

5. CITY MANAGER REPORTS:

The City Manager had no report.

6. CITY ATTORNEY REPORTS:

The City Attorney had no report.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Deputy Mayor Haynie mentioned that the Palm Beach County Commission was getting close to adopting an ordinance creating an ethics commission and an inspector general, saying it appears there will be the opportunity for the School Board and any municipality in the County to opt into this ordinance. Ms. Haynie asked for a copy of same, requesting that the City Manager and the City Attorney review the document to determine whether Council might need to provide input, prior to passage of the ordinance.

Mayor Whelchel generally concurred with Deputy Mayor Haynie and then referred to a newspaper article, which reported on the number of elected officials that don't submit required reports on the gifts they receive. She concluded by advocating use of the process as proposed by the County in their upcoming ordinance, instead of possibly having a number of different processes for each municipality in the County.

Council Member Majhess referred to the prior workshop minutes and advocated some type of solution for those realtors using Open House signs.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 4:50 p.m. on Monday, December 7, 2009.

Vanessa Hines, Assistant City Clerk