

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, SEPTEMBER 8, 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
Deputy Mayor Susan Whelchel
Council Member Dave Freudenberg
Council Member Bill Hager
Council Member Susan Haynie

Also attending the meeting were:

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

Mayor Abrams sought the consensus of Council regarding the postponement of action on Ordinance No. 4728, which is scheduled for public hearing on September 10, 2003, to allow time for additional research by staff.

1. BOARD INTERVIEWS:

- a. Community Appearance Board – three (3) vacancies, due to term expirations of Everett H. Jenner (architect), Gregory C. Miklos (architect), and James H. Matthews (realtor), whose terms expire 09/20/03.

Gregory Miklos, James Matthews, and Everett Jenner asked for re-appointment. Joe Beck, Scot Karp, and Barry Hoffman expressed interest in the positions.

2. PUBLIC REQUESTS: (Public requests shall be limited to five (5) minutes each. No public comment may be made regarding any land use matter for which the City Council is required by law to conduct a quasi-judicial hearing.)

John Stetz referred to Red Reef Park and the possible renourishing of same, using taxpayer dollars, and questioned whether this beach would then be considered public or private. He also provided additional commentary related to the Red Reef Park issue, opining that the renourishment project appeared to be a “done deal.”

The City Attorney explained that a procedure is in place regarding beach renourishment to ensure that renourishment projects funded with public money become part of the public beach.

Carl Jacobs spoke to the issue of Red Reef Park and voiced his opposition to renourishment of the beach. In addition, he read a note from a young man named Brad Martin, who was also concerned about the impacts of renourishing Red Reef.

Mayor Abrams responded to comments made by Mr. Stetz, taking exception to the statement that the proposed beach renourishment was a “done deal.” He noted that Council’s direction to the City Manager to re-evaluate the project, and return a report on same, was the result of much public input.

Neil Baritz, an attorney who was present on behalf of a client, asked for Council’s position in regard to the retroactivity and enforcement aspects of Ordinance No. 4728, which Mayor Abrams had indicated would be tabled. Mr. Ahnell stated that staff would meet tomorrow on this issue; the matter would be indefinitely postponed tomorrow night, per Council’s direction. Responding to Council, Mr. Baritz provided details in regard to his

concerns over retroactivity and enforcement. Focus was given to the issue of arrears payments, which could be very expensive.

The City Attorney and the City Manager reiterated that staff would meet tomorrow to discuss this issue; Mr. Baritz would be contacted after that meeting and provided with an update.

3. REVIEW OF REGULAR AGENDA ITEMS:

- a. Questions relating to the agenda.

(Consent Agenda Item No. 3.a.2. – Annual Traffic Calming, Sidewalk, Drainage Improvements and Road Construction) Council Member Freudenberg questioned the award amount and the bid amounts, stating that the figures did not match. He also asked how much of this funding would be allocated for traffic calming. The City Manager is to follow up.

(Consent Agenda Item No. 3.g. – Resolution No. 154-2003 / A Joint Participation Agreement with the State of Florida Department of Transportation {FDOT}) Council Member Haynie mentioned that, as a condition of the agreement, the City is required to submit progress reports to FDOT and asked for a copy of same.

- b. Resolution No. 149-2003 (*Regular Agenda Item No. 4*), which would grant conditional use approval and conditional commercial node master plan approval for a 50,000 square foot commercial project at 1200 Yamato Road, Boca Technology Center (BTC).

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation. He explained that, in addition to the conditional use approval, a technical deviation from Chapter 28, related to Traffic Demand Management (TDM) parking credit, was also being requested for this commercial project, known as Village Retail Center. Location, acreage, and zoning information were then provided.

Mr. Zurita noted that in conjunction with this petition, a separate application for site plan approval for the proposed commercial project was being requested as well. This site plan application was reviewed and approved by the Planning and Zoning Board and would be contingent upon Council's approval of the conditional commercial node master plan petition, which was scheduled for consideration at the regular Council meeting on September 10, 2003. The site plan uses would provide for quality and fast-food restaurants, a bank, and retail space. In regard to parking, 378 onsite parking spaces would be provided; 357 are required with a TDM 5% credit; 20 spaces are reserved on the BTC site for this project.

The Planning and Zoning Board reviewed this project and recommended approval with the conditions listed in the resolution. Mr. Zurita concluded his presentation by stating that Development Services staff also recommended approval, subject to the conditions set forth in the resolution.

- c. Ordinance No. 4728 (*Regular Agenda Item No. 5*), which would amend Section 8-27, Code of Ordinances, to revise the definition of "Professional."

Since Mayor Abrams explained, at the beginning of the workshop meeting, that consideration of this item would be postponed at tomorrow night's regular Council meeting, no presentation was forthcoming.

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:

Mayor Abrams proffered congratulations to the City's own Andy Roddick for winning the U.S. Open Tennis Tournament.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 1:38 p.m. on Monday, September 8, 2003.

Vanessa Hines, Assistant City Clerk