

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, DECEMBER 9, 2003
6:00 PM

The regular meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven L. Abrams at 6:00 p.m.

INVOCATION:

Council Member Hager gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. 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

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

PROCLAMATIONS/PRESENTATIONS:

Presentation of Holiday Ornament - Boca Raton Garden Club

Rita Robinson of the Boca Raton Garden Club presented the annual holiday ornament to Mayor Abrams, who accepted it on behalf of the City.

Presentation by the Pioneer Club

Pioneer Club Member Diane Borchardt advised that the Pioneer Club was present to publicly make a monetary presentation to the Boca Raton Historical Society. The money being donated was collected during the Pioneer Club's unsuccessful effort to save the Boca Raton Elementary School gymnasium.

MINUTES:

Minutes of the Regular Workshop Meeting of November 24, 2003
Minutes of the Regular Meeting of November 25, 2003

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt the minutes as presented. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Citizens' Pedestrian and Bikeway Advisory Board – three (3) vacancies: (2) due to term expirations of Anita Pearson and Neil Meisel, whose terms expire 01/12/04 and (1) due to resignation of Jerome L. Wolf, whose term expires 01/12/04.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to appoint Anita Pearson and Lewis Lepene to the Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.

Ms. Pearson and Mr. Lepene were appointed to the Citizens' Pedestrian and Bikeway Advisory Board.

2. Responses to Workshop Information Requests:

Mr. Ahnell referred to the question asked at yesterday's workshop, related to the Traffic Preemption System (Item 3.c.1.), and explained that staff was already working on an ordinance to prohibit members of the public from using devices to preempt traffic signals.

3. Consent Agenda:

No one wished to comment regarding any item on the Consent Agenda.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt the Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.

a. Competitive Sealed Proposal

- 1) Fire Rescue Station #8
Requested by Fire Rescue Services
McTeague Construction Co., Inc. \$1,635,000

b. Intergovernmental Agreement

- 1) Fire Hoses (Replacement)
Requested by Fire Rescue Services
Elite Fire and Safety, Inc. \$31,636
- 2) Light Bars and Sirens
Requested by Municipal Services
Law Enforcement Supply Company \$35,254
- 3) Computerized Signal System for Advanced Traffic
Management System (ATMS)
Requested by Municipal Services
Naztec, Inc. \$261,945

c. Sole Source

- 1) Traffic Preemption System
Requested by Fire Rescue Services
3M Company \$53,436

d. Resolution No. 221-2003

A resolution of the City of Boca Raton canceling the first workshop and regular meetings in March 2004; rescheduling the first workshop and regular meetings in October 2004; and canceling the second workshop and regular meetings in December 2004; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 222-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Avirom and Associates, Inc. for the purpose for Capital Improvement Projects providing for severability; providing for repealer; providing an effective date

f. Resolution No. 224-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Florida Department of Transportation, pursuant to the Highway Safety Fund Program, for a Speed Monitoring Awareness Program; authorizing the acceptance of said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 225-2003

A resolution of the City of Boca Raton approving and accepting an easement deed from Eire Lonestar Florida, L.L.C., over certain lands located at 2840 N.W. 2nd Avenue; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 227-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the survey for the Erosion Control Line, between the Department of Environmental Protection reference monuments R-213 and R-222, which Erosion Control Line Survey ("Survey") has been approved by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; approving the Survey; authorizing the City Manager to record the Survey; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 228-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to the Agreement with the Department of Environmental Protection for the purpose of reimbursable funding for engineering, design and construction of the Central Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 229-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Fifth Amendment to the Agreement with Smith & Ballard, P.A. for the purpose of providing professional services; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 230-2003

A resolution of the City of Boca Raton approving the City's Year 2004 Federal legislative and funding priorities; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 231-2003

A resolution of the City of Boca Raton approving the City's Year 2004 State legislative and funding priorities; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 232-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to approve a Memorandum of Understanding with South Florida Regional Transportation Authority relating to an intermodal station at a location south of Yamato Road; providing for severability; providing for repealer; providing an effective date

n. Receive and File Board Minutes – December 9, 2003

- 1) Citizen's Pedestrian and Bikeway Advisory Board
October 20, 2003
- 2) Community Appearance Board
October 28, 2003
- 3) Community Relations Board
October 20, 2003
- 4) Education Advisory Board
October 27, 2003
- 5) Financial Advisory Board
September 15, 2003
- 6) Historic Preservation Board
October 21, 2003
- 7) Pearl City Blue Ribbon Committee
October 23, 2003

REGULAR BUSINESS – PART II – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

4. Ordinance No. 4746

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 0.53 acres, more or less, located at 2301 Northwest Second Avenue, as more specifically described herein, from Residential Low (RL) to Commercial (C); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-03-02 SC/ZC/SUB/SPA)

5. Ordinance No. 4747

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 0.53 acres, more or less, located at 2301 Northwest Second Avenue, as described more particularly herein, from R-1-D to B-1; providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-03-02 SC/ZC/SUB/SPA)

6. Resolution No. 223-2003

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Quality Care Subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-03-02 SC/ZC/SUB/SPA)

Mayor Abrams advised that the public hearing for Items 4 through 6 would be conducted contemporaneously, as the petitions are related. However, a separate vote would be taken on each petition.

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who indicated they wished to speak on this petition. There were no ex-parte disclosures.

Senior Planner Chris Kerr gave the PowerPoint presentation for the proposed Quality Care Office Building. He explained that a universal conditional approval was being requested, which included an amendment to the Future Land Use Map, a rezoning, a tentative plat approval, and site plan approval. Information regarding the location, zoning, acreage, and land use designation was provided. The site plan included a one-story, 4,725 square-foot medical/office building with access from N.W. 23rd Street. It was noted that 27 parking places were required and 27 were provided. In addition, a six-foot wall was proposed as a buffer on the west side, which is adjacent to single-family homes; north and south elevations of the building were also reviewed. Mr. Kerr noted that the proposed project was evaluated to determine consistency, compatibility, and concurrency with the City's Comprehensive Plan; the petition met the required standards. Traffic impacts were also outlined. A net increase of 161 daily trips was expected due to the proposed change in land use designation, which meets the Palm Beach County Traffic Performance Standards. Mr. Kerr then advised that, in regard to the tentative plat approval, no boundary changes or further subdivisions were necessary.

The Planning and Zoning Board reviewed this project and recommended approval of same; staff also recommended approval. Mr. Kerr mentioned that the land use change would require a supermajority vote and concluded his presentation. He then answered questions from Council, which focused on the proximity of the residential units to the proposed building and the access driveway.

Paul Slattery, the architect for the project, stated that this development was consistent with other projects, which have been rezoned along Boca Raton Boulevard and was actually smaller than most. He then requested that, instead of a dumpster, City staff consider providing residential curbside trash pick-up for this commercial site, as it would be quieter for the neighboring residential units.

Municipal Services Director Bob DiChristopher explained that the City's Code did not allow for this, due to aesthetics and the volume of trash typically generated at a commercial site. Mr. Slattery explained that several commercial buildings along S.E. 5th Street currently have a residential pick-up; Council was advised that those buildings were "grandfathered in." Council then suggested that, in the interest of being a good neighbor, commercial trash pick-up could be scheduled some time other than in the morning.

Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4746. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4747. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 223-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.

7. Resolution No. 218-2003

A resolution of the City of Boca Raton granting conditional use approval for a commercial node master plan on a parcel of land located at 690 Yamato Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-12)

Mayor Abrams advised that the quasi-judicial procedures were still in effect. The City Clerk administered the oath to those who indicated they wished to speak on this petition. There were no ex-parte disclosures.

Senior Planner Chris Kerr gave the PowerPoint presentation and explained that the commercial node is located in the Boca Technology Center (BTC) Development of Regional Impact (DRI). Surrounding properties were identified, including the proposed Tri-Rail site and the recently-approved employee service node. Building setbacks and landscape requirements and buffers were reviewed. The proposed project provides for 26,300 square feet of retail uses within three single-story buildings with elevations of 35 feet; 33% of the site would be dedicated to open space. Details regarding vehicular access were reviewed. It was noted that City Code requires 151 parking spaces; 230 spaces would be provided.

The Planning and Zoning Board unanimously recommended approval of the project, subject to the conditions listed in the resolution. Mr. Kerr concluded his presentation by stating that staff recommended approval; he then answered questions from Council. Attention was given to number of parking spaces to be provided; Ms. Frieser confirmed with Mr. Kerr that no additional retail square footage was being proposed. She clarified that, within the mix of the current retail space, there might be users that require additional parking, which would already be available, should this petition be approved.

Planning Consultant Jeff Evans, representing the developer of the project, stated that, after researching other commercial nodes, his client felt that having extra parking would be a good idea. He then made himself available for additional questions.

Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Resolution No. 218-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.

8. Resolution No. 219-2003

A resolution of the City of Boca Raton granting conditional use approval for a clubhouse for Broken Sound Club, Inc. located at 1401 NW 51st Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date

Mayor Abrams advised that the quasi-judicial procedures were still in effect. The City Clerk administered the oath to those who indicated they wished to speak on this petition. There were no ex-parte disclosures.

Senior Planner Alejandro Zurita gave the PowerPoint presentation, explaining that this was a request for conditional use and site plan approval to expand and renovate the existing clubhouse at Broken Sound Golf Course. Location, acreage, zoning, and land use designation was provided. The building would be approximately 13,000 square feet under air, with approximately 4,000 square feet of covered/enclosed terraces. An existing storage area at the basement level of the current building would be maintained;

however, the existing one-story structure aboveground would be demolished. Access and parking was reviewed; 134 parking spaces are required and 142 spaces would be provided. Building height and elevations were detailed. Mr. Zurita then gave a summary of development impacts related to the proposed renovation; trip generations, technical deviations (there were none), and club membership were outlined.

The Planning and Zoning Board recommended approval of the petition, subject to the conditions recommended by staff and contained in the resolution; staff also recommended approval. He then answered questions from Council regarding the history of the clubhouse, re-naming of the driveway, and parking.

Ignacio Reyes, the architect for the project, made himself available for questions.

Seeing no one else come forward to speak, the public hearing was then closed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 219-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager, and Haynie voting yes.

9. Resolution No. 220-2003 (Title corrected for scrivener's error)

A resolution of the City of Boca Raton making findings of fact and conclusions of law pertaining to the Peninsula Corporate Center Development of Regional Impact, and constituting an amendment and a non-substantial deviation thereto; reducing the amount of office space, eliminating restaurant and bank uses; adding residential uses; modifying Condition 38; modifying Exhibit "B" (the master plan for Peninsula Corporate Center); modifying Exhibit "C" (table calculating office equivalency factors); and constituting this resolution as a Development Order by the City of Boca Raton in compliance with law; providing for severability; providing for repealer; providing an effective date; providing an expiration date (SC-03-03 and SC-03-05)

Mayor Abrams advised that the quasi-judicial procedures were still in effect. The City Clerk administered the oath to those who indicated they wished to speak on this petition. There were no ex-parte disclosures.

Senior Planner Chris Kerr gave the PowerPoint presentation, explaining that this was a request for a Notice of Proposed Change (NOPC) to the approved Peninsula Corporate Center Development of Regional Impact (DRI) and a modification to the approved DRI master plan. These proposed changes were necessary in order to permit the petitioner to develop a portion of the property as a 155-unit town home community, known as Peninsula Village Greens; the applications for land use amendment, rezoning, and site plan approval were recently approved by Council for this development. Location and surrounding properties were detailed. Mr. Kerr explained that the proposed master plan amendment would provide for the residential component at the northeast corner. He then outlined specific modifications required to the development order.

The Planning and Zoning Board recommended approval of this petition, which was also reviewed by the Department of Community Affairs (DCA), Treasure Coast Regional Planning Council, Palm Beach County, and the Florida Department of Transportation (FDOT). All entities agreed that the proposed changes would not result in substantial changes to the previously-approved plan; they supported the application. In conclusion, staff recommended approval of the petition. Mr. Kerr then answered questions from Council regarding trip generations.

Agent Jim Kahn, with the law firm of Keith & Schnars and representing the petitioner, advised that he was available for questions.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 220-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voted yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

10. Ordinance No. 4758

An ordinance of the City of Boca Raton relating to required off-street parking; amending Section 28-1655, Code of Ordinances, to delete libraries from Section 28-1655(h), Code of Ordinances, and to establish new off-street parking requirements for libraries in Section 28-1655(kk), Code of Ordinances; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-03-06)

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation. He explained that the City's library consultants performed studies to determine the appropriate number of parking spaces necessary to serve libraries. Their conclusions suggested that the current parking requirement of one space for each 50 square feet of gross floor area greatly overestimated the need for parking spaces. Therefore, based on those studies, a standard of one space for each 200 square feet of gross floor area was being recommended. Mr. Annunziato then stated that the current Code includes libraries in with other uses. The first part of this ordinance would delete libraries from the Code Section, as noted above; the second part of the ordinance would then create the new standard, as proposed by staff.

Attention was focused on the analyses conducted, which was based on accumulation studies and Code review. Details were provided as to the criteria used by the library consultants in reaching their conclusions.

The Planning and Zoning Board recommended approval of this item, as did staff. Mr. Annunziato then answered questions from Council.

The public hearing for Ordinance No. 4758 was opened. Seeing no one come forward to speak, the public hearing was closed.

Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4758. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voted yes.

11. Ordinance No. 4759 (Revised)

An ordinance of the City of Boca Raton amending Sections 2-132, 18-27, 18-72, 18-74, 28-56, 28-131(8)(c), Code of Ordinances, and creating Section 19-310 and Subsection 2-121(6), Code of Ordinances, to establish and/or amend fees and requirements for various applications, appeals, and inspections; providing for severability; providing for repealer; providing for codification; providing an effective date

Development Services Director Jorge Camejo gave the presentation. He explained that this was a housekeeping item, which would put into effect a variety of fees that were adopted by Council in September. The fees related primarily to Code Enforcement, Community Appearance Board (CAB) appeals, appeals of City Manager decisions, minimum housing inspections, and appeals of decisions made by the Planning and Zoning Board and the Zoning Board of Adjustment. Staff recommended approval of the ordinance.

The City Attorney noted that the ordinance had been revised on Page 2; the text was re-worded to make it easier to read and was, therefore, a non-substantive change.

The public hearing for Ordinance No. 4759 was opened. Seeing no one come forward to speak, the public hearing was closed.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4759. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voted yes.

REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

12. Ordinance No. 4760

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 3.95 acres, more or less, located at 6951 North Federal Highway, as more specifically described herein, from C (Commercial) to RM (Residential Medium); providing for the appropriate revisions of the Future Land Use Map; granting a technical deviation for a driveway; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Deputy Mayor Whelchel.

13. Ordinance No. 4761

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 3.97 acres, more or less, located at 6951 North Federal Highway, as described more particularly herein, from R-B-1 (Motel Business) and B-4 (General Business) to R-3/PUD (Multifamily Residential/Planned Unit Development); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Hager.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager reported that fundraising for the City's two new libraries would be "kicking off" shortly; the goal is to obtain \$10 million in donations.

The road improvements project at Airport Road and Glades Road was reviewed. Mr. Ahnell explained that, at this time, the turn lane into Boca Raton High School would not be built. He stated that the Palm Beach County School Board and the City had entered into an agreement to split the construction cost. However, now that the construction bids have come back double the cost that was estimated by the School Board's engineers, the School Board is unwilling to their portion. Therefore, the turn lane is not to be constructed at this time. Much discussion followed. It was suggested that the School Board be contacted to reconsider its position.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Freudenberg advised Council that there continued to be cars parked on the swales in the area of 9th Street, as one heads toward 13th Street; Mr. Ahnell is to follow up on enforcement of that "no parking" area.

Council Member Haynie commented positively on the North Federal Highway Steering Committee, which is currently involved in reviewing suggested projects for the North Federal Highway corridor and sending out advisory letters along the corridor. In response to Council, Mr. Ahnell advised that the final report from the Treasure Coast Regional Planning Council on the North Federal Highway area was expected in late January 2004. He then concluded his reports and wished everyone happy holidays.

Council Member Hager thanked staff for doing a great job in the past year; he also thanked Mr. Ahnell for his leadership and then extended greetings to all staff and City residents in the spirit of the holiday.

Deputy Mayor Whelchel asked the City Manager whether Recreation Services Director Mickey Gomez and the Parks and Recreation Board would consider meeting with a small group of people interested in evaluating opportunities for family activities on waterways; Mr. Ahnell suggested that this group should contact either himself or Mr. Gomez in this regard. Ms. Whelchel then wished staff and the public happy, healthy holidays.

Mayor Abrams advised that a letter was received by the City from the Airport Authority, asking for Council's input in regard to a suggestion to combine the Aviation Advisory Committee and the Noise Compatibility Committee into one advisory entity with nine members; a proposed response letter was circulated for Council's review, which indicated no objection to the suggestion if the Authority considered it a duplication of effort. Council Members expressed some reservations; consequently, the City Manager will meet with each member to obtain a consensus on this issue.

Mayor Abrams reported that he had been invited to appear before the Regional Transportation Authority on Friday. At that time, he would advise them that the City would assist in funding the proposed intermodal transportation center at T-Rex.

Lastly, Mayor Abrams reminded those present that the holiday street parade would commence tomorrow at 7:30 p.m. along Federal Highway; the boat parade would take place Saturday, December 20th at 6:30 p.m. along the Intracoastal. He then extended a wish for happy holidays to all.

ADJOURNMENT:

Motion was made by Council Member Hager, seconded by Council Member Haynie, to adjourn the meeting. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, and Council Member Haynie voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:05 p.m. on Tuesday, December 8, 2003.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk