

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, MAY 11, 2004
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 Freudenberg gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Bill Hager
Council Member Dave Freudenberg
Council Member Susan Haynie
Council Member Susan Whelchel

Also attending the meeting were:

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

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to amend the agenda to add a sealed bid for Historic Pearl City Infrastructure Improvements to the Consent Agenda, as Item No. 3.a.2. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

PROCLAMATIONS/PRESENTATIONS:

There were no proclamations.

AWARD/RECOGNITIONS:

There were no awards or recognitions.

MINUTES:

Minutes of the Regular Workshop Meeting of April 26, 2004
Minutes of the Regular Meeting of April 27, 2004

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

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Airport Authority – three (3) vacancies due to term expirations of Lawrence Rayman (resident east of I-95), Philip Modder (resident east of I-95), and Harold Ingraham, Jr. (resident at-large), whose terms expire 06/01/04.

Motion was made by Council Member Whelchel, seconded by Council Member Freudenberg, to appoint Joseph Bilotti and Richard Morrison in the category of residents east of I-95. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Motion was made by Deputy Mayor Hager, seconded by Council Member Whelchel, to reappoint Harold Ingraham to the at-large position. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Joseph Bilotti and Richard Morrison were appointed as residents residing east of I-95; Harold Ingraham was reappointed to the at-large position.

- b. Aviation Advisory Committee of the Boca Raton Airport Authority – one (1) vacancy, due to the term expiration of Robert DuKate, whose term expires 06/01/04.

Motion was made by Council Member Haynie, seconded by Council Member Whelchel, to appoint Frank Feiler. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

1) Resolution No. 76-2004

A resolution of the City of Boca Raton confirming the appointment to the Aviation Advisory Committee of the Boca Raton Airport Authority, subject to the limitations of authority contained herein; providing for severability; providing for repealer; providing an effective date

The City Attorney gave a brief explanation of the purpose of the resolution.

Motion was made by Deputy Mayor Hager, seconded by Council Member Haynie, to adopt Resolution No. 76-2004. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

2. Responses to Workshop Information Requests:

In response to a question raised at yesterday's workshop regarding Resolution No. 75-2004, Consent Agenda item 3.e., Mr. Ahnell advised that the placement of the subject trees was contemplated as part of the original approval.

3. Consent Agenda:

There was no public comment on the Consent Agenda.

Motion was made by Council Member Freudenberg, seconded by Council Member Whelchel, to approve the Consent Agenda, as amended and minus Item No. 3.i. – Resolution No. 80-2004, which would be considered separately under, "Part VII – Resolutions and Other Business." Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

- a. Sealed Bid
- 1) Mulch Supply
Requested by Recreation Services
Amerigrow Recycling
Bushel Stop \$56,792
 - 2) Historical Pearl City Infrastructure Improvements
Requested by Municipal Services
Asphalt Consultants, Inc. \$1,728,630

- b. Sole Source
- 1) Computerized Maintenance
Management System - Replacement
Requested by Utility Services
Hanson Information Technologies \$41,250

- c. Emergency
- 1) Rehabilitation of Lift Station #117
Requested by Utility Services
W. Jackson & Sons Construction Co. \$52,520

- d. Resolution No. 74-2004
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Financial Assistance Agreement with Palm Beach County for beautification of Camino Real from S.W. 7th Avenue to S.W. 3rd Avenue; providing for severability; providing for repealer; providing an effective date

- e. Resolution No. 75-2004
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Boca Grand Condominium Association, Inc. for the purpose of placing six oak trees in City right-of-way adjacent to 233 South Federal Highway; providing for severability; providing for repealer; providing an effective date

- f. Resolution No. 77-2004
- A resolution of the City of Boca Raton accepting and approving the final plat known as the Peninsula Village Greens Subdivision Plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB 03-04)

- g. Resolution No. 78-2004
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a contract for construction of required improvements with S J C Investors, LLC, for the purpose of ensuring timely and complete construction of subdivision improvements to Peninsula Village Greens; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 79-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Amendment to a Financial Assistance Agreement with Palm Beach County for the purpose of beautification of Yamato Road; providing for severability; providing for repealer; providing an effective date

j. Board Resignations

- 1) Resignation of Debbie Prehn from the Boca Raton Housing Authority

k. Receive and File Board Minutes – May 11, 2004

- 1) Community Appearance Board
March 30, 2004
April 13, 2004
- 2) Community Relations Board
March 15, 2004
- 3) Financial Advisory Board
March 29, 2004
- 4) Historic Preservation Board
March 16, 2004
- 5) Library Advisory Board
March 17, 2004
- 6) Parks and Recreation
March 2, 2004
- 7) Telecommunications Advisory Board
March 15, 2004

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

The public hearing for Ordinance Nos. 4771 and 4772 was conducted contemporaneously and pursuant to quasi-judicial procedures attached. A separate vote was taken on each petition.

4. Resolution No. 73-2004

A resolution of the City of Boca Raton amending Resolution No. 219-2003 granting modification of the conditional use approval for a clubhouse for Broken Sound Club, Inc. on a parcel of land located at 1401 NW 51 Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-20R1)

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation. Location, acreage, zoning, and land use designation were provided. The proposed site plan was reviewed. The modification provides for an increase in gross building area and, consequently, the total number of required parking spaces. Approval is recommended by both the Development Services Department and the Planning and Zoning Board.

Motion was made by Council Member Wheelchel, seconded by Deputy Mayor Hager, to adopt Resolution No. 73-2004. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Wheelchel voting yes.

5. Ordinance No. 4771 (Requires four votes for adoption)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of .713 acres, more or less, located at 1099 NW 2nd Avenue, as more specifically described herein, from RL (Residential Low) to C (Commercial); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-02-03 SC/ZC/SPA)

6. Ordinance No. 4772 (Quasi-judicial)

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of .713 acres, more or less, located at 1099 NW 2nd Avenue, as described more particularly herein, from R-1-D (Single-Family Residential) to B-1 (Local Business); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-02-03 SC/ZC/SPA)

The public hearing for Ordinance Nos. 4771 and 4772 was conducted contemporaneously and pursuant to quasi-judicial procedures. A separate vote was taken on each petition.

The City Attorney explained the quasi-judicial procedures. The oath was administered by the City Clerk to those present who indicated they might wish to speak on the petitions. Under ex-parte disclosures, Deputy Mayor Hager and Council Members Freudenberg, Haynie and Whelchel stated they had spoken to the petitioner, Paul Slattery. Mr. Hager stated that he had also spoken to some of the neighbors.

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation. Location, acreage, and details regarding the proposed site plan were provided. A change in the Future Land Use designation from RL (Residential Low) to C (Commercial) and a rezoning from R-1-D (Single-Family Residential) to B-1 (Local Business) is being requested. Staff review found the proposed project meets concurrency standards of the Comprehensive Plan, but does not meet consistency and compatibility standards. Staff found the project would negatively impact the residential character of adjacent neighborhoods, result in a decrease of units from the projected housing stock and reduce housing opportunities for moderately-priced housing. Details regarding building height, setbacks, parking, access, and traffic trip generation were reviewed. It was also noted that the petitioner has agreed to install a traffic calming feature and an entry feature to mitigate impact on the neighborhood.

Mr. Zurita then responded to questions that had arisen at yesterday's workshop meeting.

Paul Slattery, the petitioner, confirmed the building is intended only for business and professional uses, stating that two-thirds of the space would be occupied by his architectural business. He also agreed to a condition that would require him to maintain the proposed entrance features in perpetuity.

Vince Coronia, Robert Muller, Claudia Schorrig, Kirk Sowers, Pat Palmer, Allison Sherman, Steven Schardt and Jeff Barker spoke in support of the project. Robert Formica, Marie Formica, George Petruff, Noreen Petruff, Amy Shenfield, Bonnie Striker, and Faye Glickman spoke in opposition to the project. Mayor Abrams noted a petition containing 14 names of persons in favor of the project had been submitted for the record.

No one chose to cross-examine other participants in the public hearing.

Mr. Slattery came forward for the purpose of rebuttal. He addressed the concern of one of the participants, stating that the building would have the required number of handicapped-accessible parking spaces and would meet ADA requirements. He also commented on concerns regarding opponents' fears that the project would result in additional traffic to the neighborhood and create domino rezonings.

Motion was made by Council Member Haynie, seconded by Mayor Abrams, to adopt Ordinance No. 4771.

Motion was made by Council Member Haynie, seconded by Council Member Freudenberg to amend Ordinance No. 4771, Condition No. 9 on Page 3, Line 7, deleting, "The approved office space..." and adding language generally consistent with the following: "The property shall be utilized for business, professional and governmental offices only, and without limiting the foregoing, shall not be converted to medical use." Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to amend Ordinance No. 4771, Condition No. 12 on Page 3, Line 14 by adding a new sentence generally consistent with the following: "In addition, solid waste shall not be collected from 7:00 p.m. on Fridays through 8:00 a.m. on Mondays and on all other days shall not be collected between the hours of 7:00 p.m. and 8:00 a.m." Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to amend Ordinance No. 4771, Condition No. 8 on Page 3, Line 5, prior to the last sentence in the paragraph, language generally consistent with the following: "Prior to the issuance of a building permit, the petitioner shall execute and record a professional maintenance easement in a form acceptable to the City Attorney." Motion carried unanimously; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to amend Ordinance No. 4771, Condition No. 7 on Page 2, adding language generally consistent with the following: "It shall also include neighborhood signage acceptable to staff as well as a perpetual maintenance easement, as previously described with respect to Condition No. 8 of the previous amendment."

The motion to adopt Ordinance No. 4771, as amended, failed 1-4; Council Member Haynie voting yes. Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Whelchel voted no.

Motion was made by Council Member Whelchel, seconded by Deputy Mayor Hager, to adopt Ordinance No. 4772. Motion failed 1-4; Council Member Haynie voting yes. Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg and Whelchel voted no.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

There was no business to consider.

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

There was no business to consider.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

7. Ordinance No. 4781

An ordinance of the City of Boca Raton relating to Automatic External Defibrillators; amending Section 7-93, Code of Ordinances, to delete the requirement for adapters; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Freudenberg introduced the ordinance.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one came forward to speak under public requests.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

3.i. Resolution No. 80-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with The Tree Committee, Inc. for the purpose of maintaining improvements on City-owned property and for maintaining two ficus trees in City right-of-way, all adjacent to S.W. 7th Avenue at Camino Real; providing for severability; providing for repealer; providing an effective date

Mr. Ahnell reviewed the terms of the agreement. Steven Jaffer of The Tree Committee, Inc. briefly commented.

Motion was made by Council Member Haynie, seconded by Deputy Mayor Hager, to adopt Resolution No. 80-2004. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Hager, Council Members Freudenberg, Haynie and Whelchel voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had no recommendations or reports.

CITY ATTORNEY REPORTS:

The City Attorney had no reports.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Haynie requested an update on the citrus canker issue. The City Manager advised that consent forms are being issued by the Department of Agriculture in hopes that residents would voluntarily allow the cutting of their trees. Brief discussion followed.

Council Member Whelchel commented positively on the large turnout at last night's North Federal Highway Steering Committee meeting at which the Treasure Coast Regional Planning Council presented the citizens' master plan for the North Federal Highway corridor.

Deputy Mayor Hager complimented members of the Treasure Coast Regional Planning Council for their work in facilitating the North Federal Highway visioning project.

In response to comments from Council Member Freudenberg, the City Manager advised that Development Services' staff is doing an analysis of owner-occupied residences vs. residential properties owned by investors in regard to requirements to secure permits for structural improvements.

Mayor Abrams noted two upcoming disruptive, although beneficial, road projects and asked that the City request weekly updates from the Florida Department of Transportation (FDOT)

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 8:26 p.m. on Tuesday, May 11, 2004.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk