

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JUNE 22, 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 Haynie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

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

Deputy Mayor Bill Hager was absent (excused).

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 Whelchel, seconded by Council Member Haynie, to amend the agenda to add Resolution Nos. 115-2004 and 117-2004 to the Consent Agenda and to delete Consent Item No. 3.a.2. Motion carried 4-0 on a voice vote; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

PROCLAMATIONS/PRESENTATIONS:

There were no proclamations or presentations.

AWARD/RECOGNITIONS

There were no awards or recognitions.

MINUTES:

Minutes of the Regular Workshop Meeting of June 7, 2004
Minutes of the Regular Meeting of June 8, 2004

Motion was made by Council Member Haynie, seconded by Council Member Whelchel, to approve the minutes as presented. Motion carried 4-0 on a voice vote; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Historic Preservation Board – (4) vacancies. Four vacancies due to term expirations of Howard E. McCall (member of A.I.A), and Merle Haber, Donald W. Curl, and Kathleen Altizer (at-large members), whose terms expire 07/01/04.

Motion was made by Council Member Whelchel, seconded by Council Member Haynie, to reappoint Howard E. McCall, Merle Haber, Donald W. Curl, and Kathleen Altizer to the Board. Motion carried 4-0 on a voice vote; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

Mr. McCall, Ms. Haber, Mr. Curl and Ms. Altizer were reappointed.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.g. - Resolution No. 107-2004 / Tentative Plat Approval for the proposed Boca Centre subdivision plat) A memo was provided. Mr. Ahnell explained that the County required that the project be platted and then gave details related to the perimeter road and the easement for the Fairfield Gardens project.

3. Consent Agenda:

No one wished to comment on the Consent Agenda.

Motion was made by Council Member Whelchel, seconded by Council Member Haynie, to approve the Consent Agenda as amended. Motion carried 4-0; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

a. Sealed Bids

- 1) Landscape Maintenance Services for South Section
Requested by Recreation Services
Superior Landscaping & Lawn Service, Inc. \$120,703

b. Competitive Sealed Proposal - Renewal

- 1) Police Uniforms - Renewal
Requested by Police Services
Special Products Group \$96,000

c. Sealed Bid - Renewal

- 1) Irrigation Supplies - Renewal
Requested by Recreation Services
Hughes Supply, Boynton Pump and Irrigation Supply,
Hector Turf, and Professional Pump Corp.
d.b.a. Professional Supply \$149,418

d. Emergency

- 1) Force Main Repair
Requested by Utility Services
Man-Con, Inc. \$45,000

e. Resolution 105-2004

A resolution of the City of Boca Raton naming Fire Rescue Station Number Two in honor of William R. Welhaf, M.D., former Medical Director of Fire Rescue Emergency Medical Services, to commemorate his 24 years of dedicated service to the City; providing for severability; providing for repealer; providing an effective date

f. Resolution 106-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with Palm Beach County regarding sea turtle lighting on A1A in the vicinity of Spanish River Park; providing for severability; providing for repealer; providing an effective date

g. Resolution 107-2004

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Boca Centre subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-04-02)

h. Resolution 108-2004

A resolution of the City of Boca Raton accepting and approving the final plat known as the Lussuria Condominium plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB-02-04)

i. Resolution 109-2004

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 8 with Keith & Schnars, P.A., for the purpose of providing professional engineering services to design the El Rio Canal Shared Use Pathway between Spanish River Boulevard and Yamato Road; providing for severability; providing for repealer; providing an effective date

j. Resolution 110-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Tilden Lobnitz Cooper, Inc., for the purpose of providing professional mechanical and electrical engineering services; providing for severability; providing for repealer; providing an effective date

k. Resolution 112-2004

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 19 with Robert G. Currie Partnership, Inc., for the purpose of providing additional professional architectural services for the Fire Support Building; providing for severability; providing for repealer; providing an effective date

l. Resolution 113-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement and operating lease with Textron, Inc., for the purpose of leasing golf carts for the Municipal Golf Course and Red Reef Golf Course; providing for severability; providing for repealer; providing an effective date

m. Resolution 114-2004

A resolution of the City of Boca Raton withdrawing from the Palm Beach Countywide Beaches and Shores Council; authorizing the Mayor and City Clerk to execute an Interlocal Agreement creating a new Palm Beach Countywide Coastal Council for the purpose of information exchange and education; providing for severability; providing for repealer; providing an effective date

n. Receive and File Board Orders

- 1) Zoning Board of Adjustment
 - a) Resolution No. BA-03-13
 - b) Resolution No. BA-04-02
 - c) Resolution No. BA-04-04
 - d) Resolution No. BA-04-05

o. Receive and File Board Minutes – June 22, 2004

- 1) Boca Raton Advisory Board for the Physically & Mentally Challenged
May 6, 2004
- 2) Community Appearance Board
May 11, 2004
May 18, 2004
- 3) Education Advisory Board
April 26, 2004
- 4) Environmental Advisory Board
February 19, 2004
- 5) K-12 Education Task Force
March 30, 2004
April 22, 2004
May 18, 2004
- 6) Marine Advisory Board
May 5, 2004
- 7) Parks and Recreation
May 4, 2004 Regular Meeting
May 4, 2004 Public Meeting
- 8) Pearl City Blue Ribbon Committee
March 25, 2004
- 9) Planning and Zoning Board
May 6, 2004
May 20, 2004
- 10) Police & Firefighters' Pension Board
March 25, 2004
April 14, 2004

p. Resolution No. 115-2004

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice pursuant to the Paul Coverdell Forensic Science Improvement Grant 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

q. Resolution No. 117-2004

A resolution of the City of Boca Raton regarding voluntary countywide fire rescue level of service standards; providing for severability; providing for repealer; providing an effective date

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

There were no items for consideration.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

4. Ordinance No. 4783

An ordinance of the City of Boca Raton amending the Fiscal Year 2003-2004 Budget through the Second Quarterly Budget Amendment; providing for severability; providing for repealer; providing for codification; providing an effective date

Office of Management and Budget Director Linda Davidson gave the presentation. She reviewed Sections 1 through 3 of the proposed ordinance, which related to additional revenues and expenditures in the General Fund, the Greater Boca Raton Beach & Park District Fund, and the Capital Improvement Fund, respectively; details were provided. Ms. Davidson advised that the total of additional revenues and expenditures was \$939,900 and then concluded her presentation. Attention focused on an item under Section 3, related to \$500,000 in County funds for the beautification of Yamato Road from Jog Road to the western City limits. Specifically, since the maximum bid received was for \$340,000, Council questioned how the remaining \$160,000 would be used. Mr. Ahnell explained that a request would be submitted to County Commissioner McCarty, asking that the remaining funds be used for future beautification of Dixie Highway, north of 20th Street. Responding to Council, Ms. Davidson also provided clarification as to where donations originated for bus shelters.

No one came forward to speak at the public hearing.

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adopt Ordinance No. 4783. Motion carried 4-0; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

5. Ordinance No. 4782

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 1.21 acres, more or less, located at 6751 North Federal Highway, as described more particularly herein, from R-B-1 to PCD/R-B-1; providing for the appropriate revisions of the zoning district map; granting a technical deviation for parking; providing for severability; providing for repealer; providing an effective date (UC-04-06ZC)

The ordinance was introduced by Council Member Freudenberg.

6. Ordinance No. 4786

An ordinance of the City of Boca Raton providing for the vacation and abandonment of public utility easement, located at 954 S.W. 21st Way, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-02)

The ordinance was introduced by Council Member Haynie.

7. Ordinance No. 4787

An ordinance of the City of Boca Raton amending Chapter 18, Code of Ordinances, relating to certificates of public convenience and necessity and taxi and limousine driver's permits; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Whelchel.

8. Ordinance No. 4788

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 3.64 acres, more or less, located at 2100 NW 5th Avenue, as more specifically described herein, from RL (Residential Low) and RH (Residential High) to RM (Residential Medium) and granting a technical deviation for an inbound reservoir distance to a gated entrance; providing for the appropriate revisions of the future land use map; providing for severability; providing for repealer; providing an effective date (UC-04-01SC)

The ordinance was introduced by Council Member Freudenberg.

9. Ordinance No. 4789

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 3.64 acres, more or less, located at 2100 NW 5th Avenue, as described more particularly herein, from R-1-D (Single Family Residential), R-3-C (MultiFamily Residential) and R-3-D (MultiFamily Residential) 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 (UC-04-01ZC)

The ordinance was introduced by Council Member Whelchel.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

No one wished to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

QUASI-JUDICIAL PUBLIC HEARING/REQUEST FOR VARIANCE FROM CHAPTER 24 - SIGN CODE:

10. Resolution No. 104-2004

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-96(b)1, Code of Ordinances, to construct a freestanding sign that is located 1 foot from the right-of-way and contains a sign area of approximately 88 square feet per sign face located at 1950 Glades Road; providing for severability; providing for repealer; providing an effective date (SCV-04-01)

Mayor Abrams advised that quasi-judicial guidelines would be followed for this public hearing; there were no ex parte disclosures.

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation. Location and surrounding roadways were identified. He explained that, until approximately 45 days ago, the old sign was located in the Department of Transportation (DOT) right-of-way along Glades Road and had been for several years; the new sign would be located approximately 46 feet from the back of the existing sidewalk. Specifically, the applicant was requesting a variance to construct a sign one foot from the right-of-way, which would be nine feet closer than permitted by Code, and utilize a sign area of approximately 88 square feet per sign face, which would be 16 square feet larger than allowed by Code. Mr. Annunziato advised that the Community Appearance Board (CAB) reviewed this application and unanimously recommended approval of same as submitted. He then answered questions from Council.

No one wished to speak at the public hearing.

Motion was made by Council Member Whelchel, seconded by Council Member Haynie, to adopt Resolution No. 104-2004. Motion carried 4-0; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

QUASI-JUDICIAL PUBLIC HEARING/APPEAL OF BOARD DECISION:

11. Resolution No. 111-2004

A resolution of the City of Boca Raton granting the appeal of the denial by the Community Appearance Board of Permit No. 04-2592 (in part); to construct two louvered cooling towers; located at 5800 Park of Commerce Boulevard NW; providing for severability; providing for repealer; providing an effective date

Mayor Abrams advised that quasi-judicial guidelines would be followed for this public hearing. Under ex parte disclosures, Council Member Freudenberg advised that he had spoke with Peter Sachs and Ron Klein; Council Member Haynie advised that she had spoken with Peter Sachs; Council Member Whelchel advised that she had spoken with Ron Klein; and Mayor Abrams advised that he had previously submitted a memo to the City Manager's Office regarding his ex parte disclosures. The City Clerk then administered the oath to those who indicated they wished to speak on this petition.

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation. He explained that NABI Biopharmaceuticals was requesting that the decision of the Community Appearance Board (CAB) be overturned. Mr. Annunziato advised that the Code requires all mechanical equipment be concealed from view on all sides. While the two cooling towers would project above the line of the building, the petitioner contended that the proposed louvers to be installed on the towers would be an acceptable screening method. In addition, the towers would be screened by the existing building and established landscaping. Site location, an aerial overview, and different elevations were reviewed in support of the

petitioner's position. The CAB's reasons for denial related to the members' collective opinion that the proposed screening (louvers) was not in keeping with the style of the building and that the proposed screening was not compatible with the building. Mr. Annunziato concluded his presentation and answered questions from Council.

Ron Klein, the attorney representing NABI Biopharmaceuticals, spoke in support of the appeal. Seeing no one else come forward to speak, the public hearing was then closed.

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adopt Resolution No. 111-2004. Motion carried 4-0; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

12. Selection of Voting Delegate for Florida League of Cities Annual Conference (Hollywood, Florida / August 19-21, 2004)

Mayor Abrams volunteered to attend the conference as the voting delegate, barring any objection from Council; there were no objections.

CITY ATTORNEY REPORTS:

In response to a question raised by Deputy Mayor Hager at yesterday's workshop, Ms. Frieser advised that the Mayor does not have the authority to cancel a workshop meeting and explained she would distribute a memo to Council Members regarding her findings.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Haynie extended thanks to the City Manager and Utility Services Director Mike Woika in regard to the positive report on the City's IRIS program. She opined that it was reassuring to know that the water is very safe. It was suggested that the Public Information Officer compose a news release regarding same for general distribution.

Council Member Freudenberg reminded those present that the first training class for those institutions receiving Automatic External Defibrillators (AEDs) would take place on Saturday, June 25, 2004.

ADJOURNMENT:

Motion was made by Council Member Whelchel, seconded by Council Member Haynie, to adjourn the meeting. Motion carried 4-0 on a voice vote; Mayor Abrams, Council Members Freudenberg, Haynie and Whelchel voting yes.

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 6:35 p.m. on Tuesday, June 22, 2004.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk