

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, MAY 24, 2005  
6:00 PM

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

**INVOCATION:**

Deputy Mayor Whelchel gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Mayor Steven L. Abrams  
Deputy Mayor Susan Whelchel  
Council Member Peter R. Baronoff  
Council Member Susan Haynie

Council Member Bill Hager was absent (excused).

**AMENDMENTS TO THE AGENDA:**

There were no amendments to the agenda.

**MINUTES:**

Minutes of the Regular Workshop Meeting of May 9, 2005  
Minutes of the Regular Meeting of May 10, 2005

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

**PROCLAMATIONS:**

**Boca Raton Elder Law Month – May 2005**

Mayor Abrams presented the proclamation to Susan King, an elder law attorney in Boca Raton.

**AWARDS / PRESENTATIONS:**

**Education Advisory Board – Recognition of Teachers of the Year for 2005**

Mayor Abrams and Linda Johnson, Chairman of the Education Advisory Board, recognized the 10 local teachers that were selected by the Boca Raton Rotary Club as Teachers of the Year for 2005.

**Advisory Board for the Physically and Mentally Challenged – Scholarship Check Presentations**

Peter Schnell, Chairman of the Advisory Board for the Physically and Mentally Challenged, presented scholarship awards to representatives from Florida Atlantic University, Lynn University, and Palm Beach Community College.

**Presentation of CD to the Mayor**

Council Member Baronoff presented the Mayor with an autographed CD by nationally-acclaimed violinist Joshua Bell. Mr. Baronoff expressed hope that more signature events would be brought to the City.

### Recognition of Council Member Haynie

Ms. Haynie was congratulated for her recent appointment as President of Palm Beach County League of Cities.

### Boca Raton Observer Articles

Deputy Mayor Whelchel displayed the latest issue of the Boca Raton Observer, which included articles about Mayor Abrams and Council Member Baronoff. The Mayor then noted that Deputy Mayor Whelchel had been featured in last month's issue.

## **REGULAR BUSINESS - PART I:**

### 1. Appointments to the following boards:

- a. Builders' Board of Adjustment & Appeals – (1) one vacancy to replace Robert L. Welch (Electrical Contractor), whose term expired 02/15/05.

There were no applicants. The vacancy will be re-advertised.

- b. Citizens' Pedestrian and Bikeway Advisory Board – (1) one vacancy due to the resignation of Barbara Safranek, whose term expires 01/02/07.

There were no applicants. The vacancy will be re-advertised.

- c. Community Relations Board – (2) vacancies; (1) vacancy due to the resignation of Lynda S. Leixner, whose term expires 07/25/05, and (1) student vacancy.

Nancy Sneider expressed interest in serving on the Board.

*Motion was made by Council Member Haynie, seconded by Council Member Baronoff, to appoint Nancy Sneider to the term that expires 07/25/05. Motion carried on a 4-0 voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

### 2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.a.1. – Gateway Signs) - A visual of the sign and a map of sign locations was provided.

(Consent Agenda Item 3.c.1.- Landscape Maintenance Services for Red Reef Park) – A memorandum was provided concerning landscape maintenance services at Red Reef Park in relationship to maintenance services provided at Mizner Park. Differences pointed out included the type of contract, the cost, the type of vegetation, and the size and type of area to be maintained.

### 3. Consent Agenda:

The Mayor provided an opportunity for anyone wishing to comment on the Consent Agenda. No one came forward.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to approve the Consent Agenda. Motion carried on a 4-0 voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

- a. Sealed Bid
  - 1) Gateway Signs  
Requested by Municipal Services  
Communication Industries LLC. \$85,350
  - 2) Fire Rescue Station #1  
Requested by Fire-Rescue Services  
Weiss & Woolrich Contracting Company, Inc. \$2,821,000
  - 3) Portable Generators, Trailer Mounted  
Requested by Municipal Services &  
Utility Services  
All Power Generators, Corp., MGI-Morgan  
General Mechanical Group, Inc., Scan Am  
Marine Services Inc. d/b/a OK Generators \$428,937
  - 4) Wastewater Sludge Polymer  
Requested by Utility Services  
Stockhausen, Inc. \$235,500
- b. Competitive Sealed Proposal
  - 1) Vehicle Leasing Services-Renewal  
Requested by Police Services  
Enterprise Leasing Company \$92,400
- c. Sealed Bid - Renewal
  - 1) Landscape Maintenance Services for  
Red Reef Park-Renewal  
Requested by Recreation Services  
Custom Care, Inc. \$39,834
  - 2) Grit Removal Services-Renewal  
Requested by Utility Services  
Waste Management of Palm Beach \$66,000
- d. Intergovernmental Agreement
  - 1) Sodium Hypochlorite  
Requested by Utility Services  
Allied Universal Corporation \$248,200
  - 2) Vehicles (New)  
Requested by Municipal Services  
Duval Ford and Garber Chevrolet \$281,800
- e. Sole Source
  - 1) Software Licenses  
Requested by Police Services  
Open Software Solution, Inc. (OSSl) \$60,000

- 2) Radio Controlled Irrigation Equipment  
Requested by Recreation Services  
Contemporary Controls & Communication, Inc. \$88,743

f. Resolution No. 95-2005

A resolution of the City of Boca Raton canceling the first workshop and regular meetings in July 2005; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 96-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Florida Department of Transportation for the County Incentive Grant Program; authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for 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

h. Resolution No. 97-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 24 with Robert G. Currie Partnership, Inc. for the purpose of providing professional architectural and engineering services for the Boca Raton Fire-Rescue Facilities; providing for severability; providing for repealer; providing an effective date

i. Receive and File Board Minutes – May 24, 2005

- 1) Community Appearance Board  
April 19, 2005  
April 26, 2005
- 2) Marine Advisory Board  
April 6, 2005
- 3) North Federal Highway Steering Committee  
April 5, 2005
- 4) Parks and Recreation Board  
April 5, 2005
- 5) Pearl City Blue Ribbon Committee  
February 24, 2005
- 6) Physically and Mentally Challenged Advisory Board  
April 7, 2004

**REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:**

There was no business to consider.

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

4. Resolution No. 77-2005

A resolution of the City of Boca Raton granting conditional use approval for Boca Raton Middle School, an I.T.V. Tower, and technical deviations regarding driveway design and parking stall size, on a parcel of land located at 1251 Northwest Eighth Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-04-09)

This public hearing was continued from the meeting of May 10, 2005. Mayor Abrams advised that this was a quasi-judicial matter; the City Clerk administered the oath to those who indicated they wished to speak on this petition. Under ex-parte communication disclosures, Council Member Haynie stated that she had spoken to Ken Carlson.

Senior Planner Chris Kerr gave the PowerPoint presentation. Mr. Kerr advised that he would address the questions that arose at yesterday's workshop meeting at the end of his presentation. Information related to location, acreage, zoning, and Future Land Use Map designation was provided. He advised that the project would result in demolition of all existing buildings and the removal of portable classrooms. Two new buildings are to be constructed on the western half of the site; a two-story building for classrooms and administration office and a one-story building to the north for a gymnasium and cafeteria. Athletic fields and tennis courts will occupy the eastern half. The proposed plan provides two more parking spaces than required and changes the egress/ingress location from one on NW 12<sup>th</sup> Avenue to two locations on NW 8<sup>th</sup> Street. Also proposed is a 106-ft. I.T.V. tower to be located between the two new buildings, a required feature at all County schools. Technical deviations from Chapters 23 and 28 of the City Code are requested related to the number of egress lanes at the western NW 8<sup>th</sup> Street driveway, internal circulation, and parking stall size; these deviations are supported by staff.

In response to concerns raised in a letter from the Meadowknoll Townhome Association, Mr. Kerr stated that the letter had been forwarded to the School Board asking them to respond. He added that he had also given representatives from Meadowknoll a contact name at the School Board. The four issues of the Meadowknoll community are: (1) landscaping and potential noise impacts along the north property line; (2) impact on property values; (3) lack of notification of residents by the School Board prior to commencement of construction; and (4) cracks in the wall around the Meadowknoll development that are allegedly due to construction. Mr. Kerr provided the following responses regarding each: (1) current plans do not show any substantial landscaping along the north property line; Council could choose to add a condition regarding same, but he pointed out the possible difficulty in ensuring cooperation from the School Board; (2) staff does not anticipate a negative impact to property values; and (3 & 4) these questions need to be directed to the School Board.

Also in response to a request from yesterday's workshop, Mr. Kerr displayed a graphic of the proposed roadway changes. The proposed improvements would widen NW 8<sup>th</sup> Street and shift the road to the north; part of the area that is now asphalt would become a swale.

A third issue raised at the workshop relates to possible future improvements to athletic areas. A new proposed Condition No. 12 was distributed and read into the record:

"The lighting of the athletic fields facilities and public areas, construction of restroom facilities, and/or additional improvements to the athletic fields and courts is permitted. All outdoor lighting fixtures shall be shielded and directed down and away from adjacent properties and shall emit no more than one (1) foot-candle of light measured from the property line of the adjacent residentially zoned parcel using a standard light meter, the cell of which is directed towards the source of the light."

Mr. Kerr advised that the Planning and Zoning Board, on a 6-0 vote, recommended approval with an added condition requiring "no parking" signs be installed along NW 8<sup>th</sup> Street; that condition has been incorporated into the resolution. He closed by stating that staff recommends approval of the petition with the conditions, as stated, including new Condition No. 12.

The public hearing was opened.

William McConnell, representing the Meadowknoll Townhome Association, reiterated the concerns of his community. Rob Crews, senior project manager for the School District, advised that he was in receipt of the letter Mr. Kerr had forwarded. Regarding landscaping of the north property line, he advised that no trees were planned in order to comply with fire department directives. He stated, however, if there is any room for landscaping, the School District "could try to accommodate that." He added that a higher fence than shown on the plans, perhaps with privacy slats, is now planned. Mr. Crews advised that any wall damage would be the responsibility of the contractor to repair; if it can be substantiated as being caused by the recent construction, the School District will make sure it is repaired. He offered to meet with Meadowknoll in the near future to review the issues.

Richard Krooss, a resident on NW 8th Street, inquired as to the timeline for completion of the intersection improvements. He also expressed concerns about overflow parking and stated that past enforcement of the no parking areas has been lax. Peter Lindley, a resident on NW 8<sup>th</sup> Street, addressed the new Condition No. 12 and expressed concerns about light spillage, sound nuisance, and night-time traffic. Joe Patino, a resident of Meadowknoll, stated he had concerns about the location of the delivery entrance, which he felt would negatively impact residents. He cited diesel engines, noise and air pollution, garbage pickup, and security light spillage as possible problems. Ken Carlson, who resides at the intersection of NW 8<sup>th</sup> Street and NW 12<sup>th</sup> Avenue, sought assurance that a hard median is not planned, describing the ingress/egress difficulties it would present for residents. He also suggested tiered landscaping to provide a buffer from the athletic area.

Mr. Crews responded to questions from Council. He acknowledged that he could not satisfactorily answer all concerns tonight and again stated his intent to schedule a meeting with the homeowners.

The City Manager explained that the City's original verbal agreement provided for the School Board to do all the road improvements with the City reimbursing them for those that were the responsibility of the City. The School Board subsequently changed their position, wanting the City to do all the improvements, except those on NW 8<sup>th</sup> Street; they would then reimburse the City for those costs for which they were responsible. The original agreement was preferable to the City because it would expedite the improvements; this recent change in what was verbally agreed to months ago, places the City under pressure to have the project designed, bid, and constructed by the time the NW 8<sup>th</sup> Street improvements are completed and the school is opened.

Additional discussion occurred regarding the coordination of the roadway and intersection improvements. An interim option to facilitate management of traffic if roadway improvements did not coincide with the building completion was proposed, i.e. delaying the ball field construction and keeping the NW 12<sup>th</sup> Avenue entrance until the improvements were finished. The City Manager advised what measures would be taken by the City should the road not be finished on time.

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

It was agreed that the public hearing should be continued to allow time for resolution of the issues raised.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to continue the public hearing until June 14, 2005. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

Council Member Baronoff left the meeting at approximately 7:20 p.m.

#### 5. Resolution No. 93-2005

A resolution of the City of Boca Raton granting conditional use approval for a 2,708 square foot Chipotle Mexican Grill restaurant on a parcel of land located at 2301 Glades Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-05-01)

Planner Daryl Johnson gave the PowerPoint presentation. Information related to location, acreage, zoning and Future Land Use Map designation was provided. He stated that the proposed conversion for the restaurant use reduces the previously approved retail component square footage of the center from 15,331 sq. ft. to 11,091 sq. ft., and eliminates the previous approval to construct a second floor addition. Both staff and the Planning and Zoning Board recommend approval with the conditions as outlined in the resolution.

The public hearing was opened.

Kevin Busse, representing Chipotle Mexican Grill, provided additional details regarding the décor of the restaurant and its food specialties.

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

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 93-2005. Motion carried 3-0; Mayor Abrams, Deputy Mayor Whelchel, and Council Member Haynie voting yes.*

### **REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

6. Ordinance No. 4871 (Second of two required public hearings.)

An ordinance of the City of Boca Raton amending Sections 28-977 and 978, Code of Ordinances, pertaining to permitted and conditional uses in the Light Industrial Research Park zoning district; providing for severability; providing for repealer; providing for codification; providing for an effective date (AM-05-01)

Development Services Director Jorge Camejo made the presentation. He advised that two public hearings are required because it changes the list of permitted uses in the LIRP Zoning District. The proposed amendment would allow movie production studios under two scenarios: (1) as a permitted use in the event that there is no audience participation; and (2) as a conditional use if there is audience participation. Staff recommends approval; the amendment will provide a degree of flexibility to accommodate the need for the production studios with the caveat being if there is significant audience participation, staff would recommend the conditional use process be followed in order to ensure adequate parking.

The public hearing was opened and, seeing no one come forward, closed.

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4871. Motion carried 3-0; Mayor Abrams, Deputy Mayor Whelchel, and Council Member Haynie voting yes.*

7. Ordinance No. 4874

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Non-Access Easement, located at 1200 Yamato Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-07)

Property Specialist/Appraiser Lynn Bodor made the PowerPoint presentation. She stated that the applicant is seeking to abandon a 550 sq. ft. portion of a platted non-access easement at 1200 Yamato Road. Appropriate entities were contacted and have no objections to the abandonment. Staff recommended approval.

The public hearing was opened and, seeing no one come forward, closed.

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4874. Motion carried 3-0; Mayor Abrams, Deputy Mayor Whelchel, and Council Member Haynie voting yes.*

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

There was no business to consider under Part IV.

**REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:**

8. Ordinance No. 4875

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a public utility easement, located at 6751 North Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-05-01)

Council Member Haynie introduced the ordinance.

9. Ordinance No. 4876

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 2.895 acres, more or less, located at 2100 NW 5<sup>th</sup> Avenue, as described more particularly herein, from R-3-C (Multifamily Residential) to PUD/R-5 (Planned Unit Development/ Multi-Family Residential); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-04-12/ZC)

Deputy Mayor Whelchel introduced the ordinance.

10. Ordinance No. 4877

An ordinance of the City of Boca Raton relating to the Construction and Demolition Debris Roll Off Container Services Franchise Agreements; amending Section 14-17, Code of Ordinances, to extend the term of the Franchise Agreement from one year to five years and include a provision for a performance bond; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Haynie introduced the ordinance.

11. Ordinance No. 4878

An ordinance of the City of Boca Raton authorizing and directing the Mayor and City Clerk to execute Construction and Demolition Debris Roll-off Container Service Franchise Agreements with the vendors identified in Exhibit 'A', pursuant to Chapter 14, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

Deputy Mayor Whelchel introduced the ordinance.

**REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:**

No one wished to speak under public requests.

**REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:**

There was no business to consider.

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

The City Manager had no reports.

**CITY ATTORNEY REPORTS:**

The City Attorney had no reports.

**MAYOR AND COUNCIL MEMBER REPORTS:**

Council Member Haynie advised that the County Commission, at today's meeting, gave unanimous approval to Scripps. She also reminded members of tomorrow's Board Recognition Breakfast and the Memorial Day celebration next Monday.

Deputy Mayor Whelchel suggested that the City contact Scripps' officials, expressing the City's pleasure regarding their move into Palm Beach County and expressing the City's intent to assist "spin-off" businesses in any way possible, should they choose to locate within the City. The Mayor advised that Nabi Biopharmaceuticals, a bio-tech business that is the only vaccine production plant in the southeastern United States, will begin operations within the City in a couple of weeks. The City Manager stated that a letter would be drafted for the Mayor's signature. Ms. Whelchel also stated her regret that she would be out-of-town and would be unable to attend the Memorial Day event. She extended congratulations to Council Member Haynie on her recent appointment as President of the League of Cities. In response to a query, the City Manager advised that legislators have been invited to upcoming meetings to give legislative updates. Following up on goal setting directives, Ms. Whelchel questioned the method by which the main downtown cultural organizations would be invited to participate in CRA meetings at which the future of the downtown will be a topic. The City Manager provided assurances that invitations will be extended to the appropriate entities over the next several months.

Mayor Abrams advised that he had heard from several state and federal legislators in response to the letter that was sent regarding dredging of the Inlet, specifically naming Senator Martinez, Congressman Shaw, Congressman Wexler, Senator Atwater, Representative Bogdanoff, and Representative Hasner. He stated that they are ready to get involved on the City's behalf, if the City does not get a favorable response from the regulatory agencies.

**ADJOURNMENT:**

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adjourn the meeting. Motion carried 3-0 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 7:33 p.m. on Tuesday, May 24, 2005.

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Steven L. Abrams, Mayor

ATTEST:

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Sharma Carannante, City Clerk