

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, JUNE 28, 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:**

Council Member Haynie 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:**

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to amend the agenda to delete Item No. 13 (Resolution No. 111-2005). Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to replace Consent Agenda Item No. 3.d.2.; replace Item No. 12 (Ordinance No. 4882); and add Ordinance No. 4883 as Item No. 12.a. under, "Regular Business – Part V – Introduction of Ordinances." Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

**MINUTES:**

Minutes of the Joint Public Meeting of May 19, 2005  
Minutes of the Regular Workshop Meeting of June 13, 2005  
Minutes of the Regular Meeting of June 14, 2005

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, 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.*

**PRESENTATION:**

Commuter Challenge Award

James Udvardy from South Florida Commuter Services presented the award. Mayor Abrams accepted on behalf of the City. Transportation Analyst Joy Puerta commented on the recent Commuter Challenge Day.

**PROCLAMATIONS:**

Parks and Recreation Month – July 2005

Recreation Services Director Mickey Gomez accepted the proclamation.

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

### 1. Appointments to the following boards:

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

There were no applicants.

- b. Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy, due to resignation of Barbara Safranek, whose term expires 01/12/07.

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

Ms. Gridley was appointed to the Citizens' Pedestrian and Bikeway Advisory Board.

- c. Community Relations Board – two (2) vacancies, due to term expirations of Nancy Sneider and Bruce P. Foster, whose terms expire 07/25/05.

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to reappoint Nancy Sneider, and to appoint Robert D'Amore. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

Ms. Sneider was reappointed and Mr. D'Amore was appointed to the Community Relations Board.

- d. Education Advisory Board – three (3) vacancies, (2) vacancies due to term expirations of Cynthia R. Kamen and Yuri Konnikov, whose terms expire 07/28/05, and (1) vacancy due to resignation of Nancy Sneider, whose term expires 07/28/06.

Sidney Kaufman interviewed for a position on the Board; Yuri Konnikov expressed interest in reappointment. Mayor Abrams advised that Cynthia R. Kamen was interested in retaining her position on the Board; however, she was unable to attend tonight's meeting.

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to reappoint Cynthia R. Kamen and Yuri Konnikov to three-year terms and to appoint Joan Upshaw to finish the term expiring 07/28/06. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

Ms. Kamen and Mr. Konnikov were reappointed and Ms. Upshaw was appointed to the Education Advisory Board.

- e. Historic Preservation Board – three (3) vacancies, due to term expirations of Cynthia Brown (B.R. Historical Society), Michael Wirtz (at large member), and Lois D. Martin (at large member), whose terms expire 07/01/05.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to reappoint Michael Wirtz as an at-large member, to appoint Al Giachetti as an at-large member, and to appoint David B. Dickensen as the designee from the Boca Raton Historical Society.. Motion carried 4-0 on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

Mr. Wirtz was reappointed, Mr. Giachetti was appointed, and Mr. Dickensen was appointed, as the designee from the Boca Raton Historical Society, to the Historic Preservation Board.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.g. – Resolution No. 109-2005 / Agreement with the U.S. Departments of Justice and Treasury relating to the Federal Equitable Sharing Program) A memorandum was provided. The City currently has 42 open Federal forfeiture cases and 16 State cases for a total of 58 pending cases; Mr. Ahnell advised that the City files quarterly reports with the appropriate Federal and State authorities in regard to these cases.

(Consent Agenda Item No. 3.j. – Resolution No. 115-2005 / Agreement with Robert J. Ruiz for independent inspector/contractor services for building inspection and plan review services) A memorandum was provided, along with a copy of Mr. Ruiz' resume.

3. Consent Agenda:

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

a. Sealed Bids

- |    |   |           |
|----|---|-----------|
| 1) | Trees & Shrubs (Deliver remove and/or install)<br>Requested by Recreation Services<br>Conco Horticultural, Inc.   | \$39,441  |
| 2) | Tennis Balls<br>Requested by Recreation Services<br>Wilson Racquet Sports   | \$39,600  |
| 3) | Traffic Video Encoders<br>Requested by Municipal Services<br>VBRICK Systems Inc.  | \$65,000  |
| 4) | Hauling & Disposal of Spent Lime<br>Requested by Utility Services<br>Stanford & Sons Truck Corp.  | \$130,070 |
| 5) | Fence Installation & Repair Services<br>Requested by Recreation Services<br>Utility Services<br>Municipal Services<br>Hartzell Construction, Inc., Clipco Inc. d/b/a<br>Anything in Fence, & Accurate Tennis Courts, Inc. | \$134,875 |

b. Sealed Bid - Renewal

- |    |  |           |
|----|--|-----------|
| 1) | Bulk Quicklime - Renewal<br>Requested by Utility Services<br>Carmeuse Lime & Stone | \$681,000 |
|----|--|-----------|

c. Intergovernmental Agreements

- |    |   |          |
|----|---|----------|
| 1) | Court Resurfacing<br>Requested by Recreation Services<br>McCourt North Construction Corporation | \$28,062 |
| 2) | Carbon Dioxide<br>Requested by Utility Services<br>Airgas Carbonic, Inc.                        | \$30,000 |

d. Sole Source

- |    |   |          |
|----|---|----------|
| 1) | Lamp Fixtures<br>Requested by Municipal Services<br>Spero Electric Corporation                                  | \$28,230 |
| 2) | Access Control System for Fire Rescue Station #1<br>Requested by Fire Rescue Services<br>Johnson Controls, Inc. | \$83,642 |

e. Resolution No. 107-2005

A resolution of the City of Boca Raton; relating to the levy of special assessments against the lands and real estate within the downtown special assessment district of the City specifically benefited by certain capital improvements; accepting and publishing a preliminary assessment roll; providing for a public hearing, at which the City Council shall act as an Equalizing Board; providing for the giving of notice to all affected property owners; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 108-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to Agreement with Roasted Coffee Depot Co. for the purpose of coffee and food service at the Boca Raton Public Library and City Hall; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 109-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the U.S. Departments of Justice and Treasury for the purpose of participation in the Federal Equitable Sharing Program; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 110-2005

A resolution of the City of Boca Raton repealing Resolution 92-2005; authorizing the City Manager to execute a renewal of, and amendments to, the Agreement with Grant Thornton LLP for the purpose of providing internal audit services; amending Article 12 and Attachments A and B of the Agreement; deleting Articles 6 and 22 of the Agreement; adding a new Article 22; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 114-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Florida Department of Transportation for the development and implementation of a Transportation Management Initiative in Boca Raton, Florida; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 115-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Robert J. Ruiz for the purpose of procuring independent inspector/contractor services for building inspection and plan review services; providing for severability; providing for repealer; providing an effective date

k. Board Resignations

- a. Resignation of Scott Borchers from the Citizens' Pedestrian and Bikeway Advisory Board
- b. Resignation of Thomas Salzman from the North Federal Highway Steering Committee

l. Receive and File Board Orders

- 1) Zoning Board of Adjustment
  - a) Resolution No. BA-05-02

m. Receive and File Board Minutes – June 28, 2005

- 1) A1A Landscape Task Force  
May 25, 2005
- 2) Community Appearance Board  
May 17, 2005  
May 24, 2005  
May 31, 2005  
June 7, 2005
- 3) Community Relations Board  
January 10, 2005
- 4) Downtown Visions Committee  
December 6, 2004
- 5) General Employees' Pension Board  
April 14, 2005
- 6) North Federal Highway Steering Committee  
May 3, 2005
- 7) Parks and Recreation Board  
May 3, 2005
- 8) Physically and Mentally Challenged Board  
May 5, 2005

- 9) Planning and Zoning Board  
May 5, 2005
- 10) Special Master  
April 13, 2005
- 11) Zoning Board of Adjustment  
May 12, 2005

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

There were no items for consideration.

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

4. Resolution No. 106-2005

A resolution of the City of Boca Raton; granting the petition of Global Group Investments, Inc. for an extension to the buildout date for the Boca Commerce Center Development of Regional Impact; for a determination that the revisions do not constitute a substantial deviation requiring further Development of Regional Impact review; amending Resolution No. 226-96, as amended by Resolution No. 85-97, known as the Boca Commerce Center Development of Regional Impact Development Order, subject to conditions; 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 for an effective date; providing for an expiration date (SC-04-09)

Mayor Abrams advised that quasi-judicial procedure would be followed for this public hearing; the City Clerk 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 this was a request for a retroactive extension to the termination date for the Boca Commerce Center Development of Regional Impact (DRI); the DRI expired November 13, 2004. The precise locations of Boca Commerce Center and the Beacon Square portion of the DRI were outlined. Beacon Square is the portion subject to development and comprises approximately 35 acres, which includes the 168,000 square foot IBM building. Site plan approval was obtained in September 2004 for an additional 150,000 square feet of office development, including medical and general offices; this resulted in an overall reduction of square footage in the DRI of approximately 115,000 square feet of office use. Pursuant to Statute, staff noted that requests for extensions of fewer than five years are not a substantial deviation.

This petition was reviewed by the appropriate agencies as well as the City's Traffic Engineer; traffic was the primary concern. The data showed that the proposed project would result in a decrease from the previously-approved master plan in both daily and peak hour trips. The Planning & Zoning Board reviewed this petition and recommended approval of same, subject to the conditions in the resolution. Mr. Annunziato then concluded his presentation by advising that staff also recommended approval, subject to the conditions in the resolution.

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

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Resolution No. 106-2005; Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

5. 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)

6. Resolution No. 98-2005

A resolution of the City of Boca Raton granting a Planned Unit Development with a master plan for the proposed Addison Park Townhomes Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-04-12/PUD/ZC/SC/SPA)

Mayor Abrams advised that quasi-judicial procedure would be followed for this public hearing; the City Clerk administered the oath to those who indicated they wished to speak on this petition.

Development Services Planner Daryl Johnson gave the PowerPoint presentation. He provided the location of the subject site and outlined the application for universal conditional approval, which included a rezoning, site plan approval with a technical deviation, and PUD master plan approval; no land use amendment was requested. Acreage, frontages, and information on surrounding developments followed. Mr. Johnson noted that the subject property currently includes three zoning classifications and outlined same, including compatible land use designations. Building setbacks and the perimeter landscape buffer were also reviewed; Mr. Johnson delineated modifications as requested by the petitioner. He then provided information related to maximum allowable density, advising that the petitioner was asking for a rezoning in order to provide for 17.5 dwelling units per acre. If allowed, this rezoning would result in an increase of 11 units; details were provided. The benefit of the rezoning would be demolition of a dilapidated 17-unit residential property, known as Mizner Oaks, to provide for a quality development.

The petitioner proposed to construct a 55-unit pedestrian-friendly residential community comprised of three-story townhomes with private courtyard entries and two-car garages; details related to sidewalks, open space, recreational amenities, vehicular access, parking, building height, and facades were reviewed. The petitioner was also requesting a technical deviation from the required 150-foot long reservoir distance between the security gate and the property line at NW 5<sup>th</sup> Avenue. Based on the results of the queuing analysis, which showed that that the proposed design is sufficient to serve the development on a daily basis, the City's Traffic Engineer supported the technical deviation. The Environmental Advisory Board, the Parks and Recreation Board, and the Planning & Zoning Board all reviewed this petition and recommended approval with the conditions as outlined in the ordinance and resolution. Mr. Johnson drew attention to revised Condition No. 25, which was incorporated into both the ordinance and the resolution; he then advised Council that staff also recommended approval, subject to the conditions detailed in the ordinance and resolution and answered questions from Council.

Attorney Wendy Larsen, representing CJM Communities, gave a PowerPoint presentation, voicing support of the project and advised that concerns raised by neighbors had been addressed. Ms. Larsen provided additional information to Council as requested.

John Irving, Jr., Linda Rowlands, and Janice Irving spoke in support of the project. Seeing no one else come forward to speak, the public hearing was closed.

The City Attorney confirmed with Mr. Johnson that traffic concerns, the revocable license relating to landscaping, and several other issues addressed by the petitioner were already included in the revised ordinance and resolution.

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4876 with revised Condition No. 25. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Resolution No. 98-2005 as revised to include the same condition adopted by the above motion for Ordinance No. 4876; Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

7. Ordinance No. 4834 (Second of two required public hearings – 4 votes required 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 217 acres, more or less, located at Military Trail and Spanish River Boulevard, as more specifically described herein, from IL (Light Industrial) to PI (Public and Private Institutional); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-04-05)

8. Ordinance No. 4835

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 217 acres, more or less, located generally east of Military Trail and north and south of Spanish River Boulevard, as described more particularly herein, from Light Industrial and Research Park District (LIRP) to Public Land District (PL); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (ZC-04-02)

Quasi-judicial procedure was followed for this public hearing; the City Clerk administered the oath to those who indicated they wished to speak on this petition.

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation, advising that the subject parcel was once a part of the Boca Technology site; the City purchased this parcel with the intention of developing it for various public uses. Ms. Simon stated that this proposal was transmitted to the Department of Community Affairs, which reviewed same and had no objections to the proposed Future Land Use Map Amendment. Staff found the petition to meet the standards of consistency, compatibility, and concurrency, as established by the City's Comprehensive Plan. In conclusion, staff recommended approval.

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

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4834. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Ordinance No. 4835; Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

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

9. Ordinance No. 4879

An ordinance of the City of Boca Raton amending Section 13-100, Code of Ordinances, to revise the definition of "weapon"; providing for severability; providing for repealer; providing for codification; providing an effective date

Assistant Police Chief Edgar Morley gave the presentation. He explained that a minor conflict existed between the City's current ordinance and State law, which prohibits local government from enacting ordinances that regulate firearms and declares any such ordinance null and void. The language provided in this ordinance would amend the City Code, resolving that conflict, and provide for consistency between City Code and the State Statute.

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

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Ordinance No. 4879. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

10. Ordinance No. 4880

An ordinance of the City of Boca Raton amending Chapter 9 of the Code of Ordinances, entitled "Miscellaneous Offenses"; to create Article V to be entitled "Sexual Offenders and Sexual Predators"; to prohibit sexual offenders and sexual predators convicted of crimes under certain Florida Statutes from living within 1,500 feet of specified locations within the City of Boca Raton and providing for penalties; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Attorney gave a brief presentation, explaining that this ordinance was drafted at the request of Council Member Hager. Specifically, the ordinance would extend the statutory prohibition for residency by certain categories of sexual offenders and sexual predators from certain designated uses, from the current 1,000 feet to 1,500 feet. Ms. Frieser then responded to questions from Council.

Deputy Mayor Whelchel raised several issues related to the scope of this ordinance, including the matter of enforcement, and advised that she was looking for opportunities to strengthen same. Much discussion followed. Council agreed to adopt the ordinance tonight with the intention of having the City Attorney draft language to strengthen this legislation, based on the suggestions offered earlier.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Ordinance No. 4880. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

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

There were no items for consideration.

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

11. Ordinance No. 4881

An ordinance of the City of Boca Raton amending Section 2-328; Code of Ordinances, relating to the annual consumer price index adjustment of the user fees for the Boca Raton Municipal Cemetery and Mausoleum; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Haynie.

12. Ordinance No. 4882

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to adult entertainment establishments ("Regulated Uses"); adding Regulated Uses to the list of permitted uses in W-1 and M-3 zoning districts; deleting Regulated Uses from the list of permitted uses in R-B-1, B-1, B-2, B-4, or C-1 zoning districts; amending definitions related to Regulated Uses; establishing intent and purpose and regulations related thereto, providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Deputy Mayor Whelchel.

12.a. Ordinance No. 4883

An ordinance of the City of Boca Raton amending Section 23-361, Code of Ordinances, regarding the voting requirement for minor modifications; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Haynie.

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

Messina Jones, a substitute teacher, asked Council about local opportunities for assisting teens with the FCAT. She also requested information on opportunities available to assist disabled and/or at-risk children. Mayor Abrams advised that the Palm Beach County School Board has jurisdiction over many of the issues raised. However, the City also tries to make available supplemental programs and helps to support non-profit organizations, which give assistance to local residents; examples were provided. Ms. Jones was also advised to call the City Manager's Office to obtain contact information for School Board Member Mark Hansen.

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

There were no items for consideration.

**QUASI-JUDICIAL PUBLIC HEARINGS – APPEAL OF BOARD DECISION**

14. Resolution No. 112-2005

A resolution of the City Council of the City of Boca Raton granting the appeal of Boca Village LLC; authorizing approval of a sign design criteria program at 690 Yamato Road; providing for severability; providing for repealer; providing an effective date

Mayor Abrams advised that quasi-judicial procedure would be followed; the City Clerk administered the oath to those who indicated they wished to speak on this matter. Under ex parte disclosures, Mayor Abrams advised that he spoke with Joe Peterson, a member of the Community Appearance Board.

Development Services Director Jorge Camejo gave the PowerPoint presentation, explaining that this was an appeal of a Community Appearance Board (CAB) decision with regard to sign design criteria. He advised that, per Code, an applicant is allowed to establish criteria, up front, that an entire shopping center will abide by. Then, when individual tenants come in for occupancy in that particular center, a more expedited review of the proposed sign can take place since the criteria has already been established by the CAB. The new tenant would not have to submit individual signs for approval by the CAB as long as the proposed signage conforms to the established criteria; staff reviews the criteria and confirms that the sign is consistent with same. Mr. Camejo noted that no specific sign was in question at this time; the appeal was focused on the criteria to be established for the Center.

Information specific to the signage criteria proposed for Boca Village was then reviewed. Mr. Camejo stated that, in this case, the applicant did a good job of identifying the criteria for future signage.

However, the CAB denied same, due primarily to issues related to varying colors and type-styles. He pointed out that Mr. Thornbrough and Mr. Caycedo, both CAB members, recused themselves from the vote, as they were involved in this project. Mr. Camejo then reviewed an example of sign criteria, located at Regency Court at Woodfield, that provided a degree of flexibility as well as uniformity; details were provided. A more rigid design style, found at 5<sup>th</sup> Avenue Shops, was also reviewed. He then concluded his presentation and answered questions from Council.

Edward Jenner, a member of the CAB, explained the position of the Board and advised that color and the font were at issue. He also stated that the signage at Regency Court contained the only criteria in the City approved by the CAB that included a variety of colors.

Roberta Morris, representing the sign company, spoke in support of the appeal and provided details regarding the proposed signage. Grant Thornbrough and Ned Siegel also spoke in support of same.

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

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to adopt Resolution No. 112-2005. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Haynie voting yes.*

15. Resolution No. 113-2005

A resolution of the City Council of the City of Boca Raton granting the appeal of Shoppes of Blue Lake II; authorizing approval of a sign design criteria program at 1200 Yamato Road; providing for severability; providing for repealer; providing an effective date

The public hearing was conducted pursuant to quasi-judicial procedure; the City Clerk administered the oath to those who indicated they wished to speak on this matter.

Development Services Director Jorge Camejo advised that staff had concerns over the application since the design criteria was open-ended; it appeared that almost any sign could be installed. Staff's concern was that the criteria was so broad that it could not be easily identified as to what sign would, or would not, be appropriate. Consequently, staff agreed with the decision rendered by the Community Appearance Board and was recommending denial of the appeal.

Richard Brooks, the architect for the project, distributed a handout to Council and advised that this was a unique project with an undulating feature to it. The façade would not be "static" and, in fact, the graphics, as proposed, would be seen askew from the street in order to create a stronger aesthetic quality; details were provided.

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

Mr. Camejo answered additional questions from Council regarding the position of the building in relation to Yamato Road.

*Motion was made by Mayor Abrams, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 113-2005. Motion failed 1-3; Mayor Abrams voting yes; Deputy Mayor Whelchel and Council Members Baronoff and Haynie voted no.*

Council directed the applicant to return to the Community Appearance Board with a more developed sign criteria program, similar to the one adopted for Boca Village LLC (Resolution No.112-2005).

## **CITY MANAGER RECOMMENDATIONS AND REPORTS:**

### 16. Termination of the Alternative Permitting Agreement with the Boca Raton Resort & Club

The City Manager advised that the developer requested termination of the agreement at this time. Should the agreement be terminated, no further development approvals authorized by the permitting agreement or the underlying resolutions would be issued by the City.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to authorize the City Manager to terminate the Alternative Permitting Agreement with the Boca Raton Resort & Club. Motion carried 4 -0. Mayor Abrams, Deputy Mayor Whelchel, and Council Members Baronoff and Haynie voting yes.*

### 17. Naming of the Dog Park

Mr. Ahnell explained that this item had been in process for some time. Council had asked for input from the City's schoolchildren regarding names for the dog park; they came up with 774 proposed names. In addition, the general public provided another 20 names. The Parks and Recreation Board reviewed the submittals and narrowed the choices down to four names, as outlined in the memo. Consequently, the City Manager was requesting direction from Council as to the name of choice for the City's Dog Park.

Upon review and discussion, there was no consensus on the names provided; Council directed the City Manager to come back with additional proposed names for the Dog Park.

## **CITY ATTORNEY REPORTS:**

The City Attorney requested, and obtained, authorization from Council to schedule an executive session regarding the sober house litigation.

## **MAYOR AND COUNCIL MEMBER REPORTS:**

The Mayor and Council extended best wishes to all for a happy July 4 holiday.

Council Member Baronoff confirmed with those present that the City would meet with the Federation of Homeowners at the Train Depot on Tuesday, July 5, 2005, at 8:30 a.m. to discuss the City's budget; all members of the public are welcome. He also thanked the Mayor, City Council, and staff for making him welcome over the last several months as the newest Council member.

Deputy Mayor Whelchel referred to the July 5 budget meeting with the Federation of Homeowners and suggested it be recorded for playback on Channel 20. She also referred to a shark attack that occurred in Panama City and questioned whether staff was prepared to respond to this type of danger should it occur on the City's beaches; the City Manager advised that the City's lifeguards have been trained to respond appropriately and now have a heightened awareness, given the recent attack in the Panhandle.

Council Member Haynie questioned whether the Florida Department of Transportation (FDOT) would open the bridge over the Boca Raton Inlet during the July 4 holiday; the City Manager advised that FDOT is running behind schedule on the project due to inclement weather and it would not be possible to open the bridge. The City Manager stated that efforts are being made to advise the public of same via Channel 20 and the media. Ms. Haynie then asked what the County is doing about the mosquitoes that have proliferated due to the extensive rainfall; Mr. Ahnell explained that the County has accelerated eradication efforts and is spraying on those days when there is no rain; he will follow up with more specific details.

Mayor Abrams referenced a memorandum from Recreation Services Director Mickey Gomez in which he advised that, in response to a suggestion from City resident Jonathan Santos, plastic bags are now available at Park Ranger headquarters and beach gatehouses for people who wish to pick up trash while walking along the beach. Referring to preparation for hurricane season, the Mayor reported that he attended the recent Red Cross open house and the field day for ham radio operators at Florida Atlantic

University – he noted that the operators made contact with the international space station. He extended gratitude for the assistance they provide to the community. Mayor Abrams offered congratulations to Boca Raton resident Morgan Pressel, who almost won the U.S. Women's Open Golf Tournament and then, on behalf of Council, bid farewell to Boca Raton News reporter, Sean Salai, who would be entering the seminary.

**ADJOURNMENT:**

*Motion was made by Council Member Baronoff, seconded by Deputy Mayor Whelchel, to adjourn the meeting. Motion carried 4-0; Mayor Abrams, Deputy Mayor Whelchel, and Council Members Baronoff and Haynie voting yes.*

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 8:50 p.m. on Tuesday, June 28, 2005.

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Steven L. Abrams, Mayor

ATTEST:

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Sharma Carannante, City Clerk