

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, FEBRUARY 28, 2006  
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 Bill Hager (arrived at 6:05p.m.)  
Council Member Susan Haynie

Also attending the meeting were:

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

**AMENDMENTS TO THE AGENDA:**

There were no amendments to the agenda.

**MINUTES:**

Minutes of the Regular Workshop Meeting of February 13, 2006  
Minutes of the Special Meeting of February 13, 2006  
Minutes of the Regular Meeting of February 14, 2006

*Motion was made by Council Member Haynie, seconded by Council Member Baronoff, 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/RECOGNITIONS/AWARDS:**

Red Cross Month – March 2006

On behalf of the City of Boca Raton, Mayor Abrams presented the proclamation to Jennifer Witt, who represented the Red Cross.

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

### 1. Appointments to the following boards:

- a. Citizens' Pedestrian and Bikeway Advisory Board – two vacancies; one term expires 01/12/07 and one term expires 01/12/09.

There were no applicants; the position will be re-advertised.

- b. Community Relations Board – two vacancies; one term expires 07/25/07 and one term expires 07/25/08.

Anne Postma interviewed for a position on the Board.

*Motion was made by Council Member Haynie, seconded by Council Member Hager, to appoint Anne Postma and Joseph Spangenberg to the Community Relations Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

Ms. Postma and Mr. Spangenberg were appointed to the Board.

- c. Marine Advisory Board – two vacancies due to term expirations of Thomas Thayer (Coast Guard Auxiliary) and Art Grossman (Condo-adjacent Inland Waterway), whose terms expire 03/20/06.

*Motion was made by Council Member Haynie, seconded by Council Member Baronoff, to reappoint Thomas Thayer and Art Grossman to the Marine Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

Mr. Thayer and Mr. Grossman were reappointed to the Board.

- d. Special Master – two vacancies due to term expirations of Michael J. Gelfand and Cormac C. Conahan, whose terms expire 03/21/06.

*Motion was made by Council Member Haynie, seconded by Council Member Baronoff, to reappoint Michael J. Gelfand and Cormac C. Conahan as Special Masters. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

### 2. Responses to Workshop Information Requests:

The City Manager advised that answers to questions from yesterday's workshop meeting would be included in tonight's presentations.

### 3. Consent Agenda:

Mayor Abrams provided an opportunity for the public to comment on any Consent Agenda item. Lisa Posin spoke in support of Item 3.e. – Resolution No. 29-2006.

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

- a. Sealed Bid
  - 1) Landscape Maintenance Services for North Section  
Requested by Recreation Services  
Custom Care, Inc. \$113,724
  
- b. Competitive Sealed Proposal
  - 1) Coach Bus Transportation Service for Summer Camp & GAP Programs-Renewal  
Requested by Recreation Services  
American Coach Lines of Miami, Inc. \$133,920
  
- c. Sealed Bid - Renewals
  - 1) Landscape Maintenance Services for El Rio Bicycle/Pedestrian Corridor-Renewal  
Requested by Recreation Services  
Complete Property Services \$29,866
  - 2) Landscape Maintenance Services for East Section-Renewal  
Requested by Recreation Services  
Lucky Lawns, Inc. \$100,182
  - 3) Landscape Maintenance Services for Downtown Section-Renewal  
Requested by Recreation Services  
Lucky Lawns, Inc. \$172,160
  - 4) Landscape Maintenance Services for Central Section-Renewal  
Requested by Recreation Services  
Lucky Lawns, Inc. \$188,588
  - 5) Landscape Maintenance Services for South Section-Renewal  
Requested by Recreation Services  
Superior Landscaping & Lawn Service, Inc. \$194,739
  
- d. Intergovernmental Agreement
  - 1) Microsoft Licenses  
Requested by City Manager  
Software House International \$97,006
  - 2) Anhydrous Ammonia  
Requested by Utility Services  
Tanner Industries, Inc. \$33,920
  - 3) Coagulant Aid  
Requested by Utility Services  
Tropichem Enterprises \$61,000

- 4) SCBA Airpaks & Cylinders (Replacement)  
Requested by Fire-Rescue Services  
Fisher Scientific Company, LLC. \$171,387
- 5) Portable Generators  
Requested by Utility Services  
Standby Systems Inc. \$258,570

e. Resolution No. 29-2006

A resolution of the City of Boca Raton amending the name of a street in Golden Harbour; providing for conditions to the amendment; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 30-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Quit Claim Deed to Boca 1515, on certain lands located at 1515 South Federal Highway; providing for severability; providing for repealer; providing an effective date

g. Resolution 31-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a Hurricane Reforestation Program grant from Keep Palm Beach County Beautiful, Inc. for damages to the urban tree canopy as a result of hurricanes; 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

h. Resolution No. 32-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Amended and Restated Interlocal Agreement with Palm Beach County for the purpose of co-utilization of the County's surplus thrift store for the disposal of the City's surplus tangible property; terminating the Interlocal Agreement with Palm Beach County approved by Resolution No. 10-2001; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 33-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice, Bureau of Justice Assistance for the Edward Byrne Memorial Justice Assistance Grant (JAG) 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

j. Receive and File Board Orders

- 1) Zoning Board of Adjustment
  - a. Resolution No. BA-05-11
  - b. Resolution No. BA-05-12
  - c. Resolution No. BA-05-13
  - d. Resolution No. BA-06-01

k. Receive and File Board Minutes – February 28, 2006

- 1) Building Height Subcommittee of Planning & Zoning Board  
August 5, 2004  
December 19, 2005
- 2) Community Appearance Board  
January 24, 2006  
January 31, 2006  
February 7, 2006
- 3) Financial Advisory Board  
November 21, 2005
- 4) General Employees' Pension Board  
December 15, 2005
- 5) Library Advisory Board  
December 14, 2005
- 6) Parks and Recreation Board (Joint Meeting with Greater B R Beach & Park District)  
January 10, 2006
- 7) Physically and Mentally Challenged  
January 5, 2006
- 8) Telecommunications Advisory Board  
January 3, 2006
- 9) Zoning Board of Adjustment  
October 5, 2005  
November 10, 2005  
January 12, 2006

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

There were no items for consideration.

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

4. Ordinance No. 4907 *(Revised 2/28/06) (Second of two required public hearings.)  
(Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan by adding provisions for mixed use development along the North Federal Highway Corridor; providing for the deletion of the Highland Beach Wellfield Protection Area from Map 12 of the Comprehensive Plan Map Series; providing for the appropriate revisions to the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date (SC-05-13)

5. Ordinance No. 4908 (Revised 2/28/06)

An ordinance of the City of Boca Raton amending Chapter 28, "Zoning," Article XIII, "Miscellaneous Districts," Code of Ordinances, to establish a new Division 6, "VC Village Center" zoning district, and to establish its symbol, purpose, application and procedure, permitted uses, maximum density and intensity, maximum height, size, minimum landscaped yards, minimum open space and landscaping, street network and connectivity, transportation demand management requirements, and design and performance standards; providing definitions; amending Article IV, "Development Regulations" Section 23-162, "Sidewalk Policy," to establish sidewalk requirements for the VC district and North Federal Highway north of Yamato Road; amending Section 23-190, "Driveways and Off-Street Parking Facilities Other Than Single-Family or Duplex," to establish driveway classifications within the VC zoning district; amending Article IV, "Development Regulations," Division 8, "Transportation Demand Management," Section 23-243, "Scope of Division" in order to establish standards for the VC zoning district; amending Article VI, "Conditional Land Use Amendments and Rezoning", Section 23-353, "Application and Procedure"; amending Chapter 28, "Zoning," Article VIII, "Zoning Districts Generally," Section 28-301; amending Section 28-307, "Building Intensity", to establish a nonresidential floor area ratio for the Village Center district; amending Article XV, "Supplementary District Regulations", Section 28-1354, "Porches, Terraces, Pool Decks", to clarify the districts in which it applies; amending Section 28-1356, "Fences, Walls, and Hedges", to establish the maximum height of fences, walls, and hedges in the Village Center district; amending Article XVI, "Off-Street Parking and Loading", Section 28-1655, "Required Off-Street Parking," to establish the quantity of required parking spaces in the Village Center district; providing for severability; providing for repealer; providing for codification; providing an effective date (ZC-05-03)

6. Ordinance No. 4909 (Revised 12/13/05) (Second of two required public hearings.)  
(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 20.29 acres, more or less, generally located between Dixie Highway and U.S. 1, north of Hidden Valley Boulevard and south of the City limits of the City of Boca Raton, as more specifically described herein, from Commercial (C) to Mixed Use (MU); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-05-04/SC)

7. Ordinance No. 4910

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 20.29 acres, more or less, located between Dixie Highway and U.S. 1, north of Hidden Valley Boulevard and south of the City limits of the City of Boca Raton, as more specifically described herein, from Motel-Business (R-B-1) and General Business (B-4) to Village Center (VC); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-05-04/ZC)

Mayor Abrams advised that quasi-judicial procedure would be followed for the above ordinances; the City Clerk administered the oath to those who indicated they wished to speak. There were no ex-parte disclosures.

Planning and Zoning Director Carmen Annunziato began the presentation, providing background information on the charrette held in November 2003, which ultimately resulted in the above ordinances being brought forward for consideration by Council. He then focused attention specifically on Ordinance No. 4907, which would amend the City's Comprehensive Plan to add to the Goals, Objectives and Policies of the Future Land Use Element, a new policy creating a Mixed-Use future land use category and four new objectives and supporting policies, related to mixed-use development along the North Federal Highway corridor. Also included was an amendment to Map 12 of the Comprehensive Plan, regarding the Town of Highland Beach's wellfield protection overlay. Mr. Annunziato then provided

details related to each of the proposed amendments; information included criteria related to density/intensity, residential development, mixed-use development, multi-modal transportation, village centers, and the proposed removal of the wellfield protective overlay. Referring to questions raised at yesterday's workshop meeting regarding Caldwell Theater, Mr. Annunziato advised that the property would be conveyed to Caldwell without reverter. He then gave the floor to Development Services Senior Planner Jennifer Simon.

Ms. Simon spoke to Ordinance No. 4908, which would amend the City Code to establish a new zoning district (the "VC Village Center" District) in order to implement the new Mixed-Use Future Land Use category previously mentioned. The regulations provide design criteria specific to development located within the VC District, centering on traditional neighborhood design, including a pedestrian-friendly environment, an interconnected network of streets, residential development combined with commercial and office development in a vertical manner, open spaces, daily activities within walking distance, and a full network of east/west and north/south streets. Ms. Simon then outlined 12 new proposed City Code sections to be added to Chapter 28; 6 of those sections would establish the parameters for development within the VC District; details were provided. Amendments to existing City Code sections in Chapters 23 and 28 were also reviewed. Particular attention was given to the Sidewalk Policy, found in Section 23-162, and Section 28-1655, which would establish the required parking spaces in the VC District.

Development Services Senior Planner Chris Kerr gave the presentation on Ordinance Nos. 4909 and 4910, advising that this was a request for a specific Universal Conditional approval to permit a mixed-use development on a 20.3-acre property, currently known as the Levitz Plaza property. Location, existing development, acreage, land use designation and zoning information were provided; it was noted that all existing buildings would be demolished. If approved, the new land use designation would be the new Mixed-Use (MU) District and the property would be rezoned to the new Village Center (VC) District. A total of 18 buildings are proposed; information regarding access, three primary interior streets (where a majority of ground level retail and restaurant uses are proposed), the relocation of Caldwell Theater, two condominium buildings, townhouse buildings, and parking garages were outlined. Square footages for retail, restaurant, office, theater, and residential uses were also reviewed; details were provided. Mr. Kerr then spoke to building heights and required setbacks, as well as anticipated traffic impacts, which indicated a net decrease of 4,801 daily trips. The North Federal Highway Steering Committee and the Planning and Zoning Board reviewed the proposal and recommended approval of same; the Department of Community Affairs (DCA) and the Treasure Coast Regional Planning Council (TCRPC) also expressed their support. Mr. Kerr tendered concluding remarks and then answered questions from Council related to the traffic impacts.

Mr. Annunziato provided closing comments, focusing on several objections raised by the DCA whose representatives asked for a more detailed explanation of what is actually provided for in the Mixed-Use category and what the VC Regulations would be in order to support it. Staff communicated with DCA, and the ordinances reflect staff's responses to the DCA's comments. In conclusion, Mr. Annunziato advised that staff recommended approval of the ordinances. He then answered questions from Council related to gated communities, how the residential units would be allotted throughout the corridor, the ultimate design of Dixie Highway as contemplated by the Regional Planning Council, whether a conversion process existed in regard to the residential units, and workforce housing.

Charles Siemon, speaking on behalf of Wendy Larsen, who was representing the North Boca Village Center, referred to discussions regarding additional emergency services to be located at the north end of the City. Mr. Siemon advised that he was authorized to offer a voluntary contribution for additional emergency services in the amount of \$400,000, with the understanding that the City intended to move forward with that endeavor and that other developers interested in North Federal Highway would understand the propriety of a similar contribution. Within 90 days of the Council's action tonight, \$200,000 would be made available for next year's budget; the remaining \$200,000 would be tendered once the first principal development permit was pulled. Responding to Council, Mr. Ahnell advised that his recollection was that two installment payments of \$250,000 would be made for a total of \$500,000; Council Member Baronoff concurred. Mr. Siemon stated that his client would revise the figures and agree to the above amount.

Debra Oster, Chet Heath, Jim Knight, and Philip Curci spoke in support of the project. Reverend Angela Marie Ebbit spoke to traffic issues and Bie Jusce, a member of her congregation, advocated more workforce housing.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to adopt Ordinance No. 4907. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Ordinance No. 4908. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

*Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Ordinance No. 4909.*

*Motion was made by Council Member Baronoff, seconded by Council Member Haynie, to amend Ordinance No. 4909 to add a new Condition 27, using language generally consistent with the following: "At the public hearing, the petitioner voluntarily proffered a \$500,000 contribution to the City for fire rescue and related purposes payable as follows: \$250,000 due and payable within 90 days of the date of approval of this Ordinance No. 4909, and the remaining \$250,000 due and payable upon issuance of the first main use permit for the project (excluding any main use permit for the Caldwell Theatre)" and to renumber and re-reference applicable conditions accordingly. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

*The motion to adopt Ordinance No. 4909, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

*Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Ordinance No. 4910. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

The meeting was recessed at approximately 7:20 p.m. and reconvened at approximately 7:30 p.m.

8. Ordinance No. 4923 (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 6.52 acres, more or less, located generally east of Military Trail and south of 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-05-16)

9. Ordinance No. 4924

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 6.52 acres, more or less, located generally east of Military Trail 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-05-04)

Mayor Abrams advised that quasi-judicial procedure would be followed for the above ordinances; the City Clerk administered the oath to those who indicated they wished to speak.

Development Services Senior Planner Jim Bell gave the PowerPoint presentation. He advised that this was a petition of the City of Boca Raton for a Comprehensive Plan amendment and a rezoning of City-

owned property, located at 100 NW Spanish River Boulevard and known as the Countess de Hoernle Park former canal right-of-way. Background information regarding the acquisition was provided. Essentially, this parcel was acquired from the Lake Worth Drainage District for inclusion in the future city park portion of the overall master plan for an adjacent 217-acre property. The City wishes to change the land use designation and zoning in order to add this parcel to the aforementioned 217-acre property. This request is an administrative action to provide that all the city properties for the overall park parcel are in the same land use and zoning categories. He concluded his comments by advising that the Planning and Zoning Board reviewed the request and recommended approval, as did staff.

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 Hager, to adopt Ordinance No. 4923. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

*Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4923. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

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

Mayor Abrams asked the City Clerk to read the titles of the three following ordinances after which, the floor was given to the City Manager.

10. Ordinance No. 4922

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the Police and Firefighters' Retirement System; amending Section 12-154, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

11. Ordinance No. 4925

An ordinance of the City of Boca Raton amending the Code of Ordinances, relating to the Executive Employees' Retirement Plan; amending Sections 12-160 and 12-162, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

12. Ordinance No. 4926

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the General Employees' Pension Plan; amending Section 12-84, Code of Ordinances, relating to the purchase of past service and providing for an alternative method of calculation; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager explained that the above three ordinances related to the ability of employees to purchase, at their own cost, the years of military service or service in other governmental agencies. He added that the actuarial impact statements for the ordinances needed to be revised; therefore, he recommended that the public hearings for these three items be opened and continued to the next City Council meeting for final consideration.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to open the public hearings for Ordinance Nos. 4922, 4925, and 4926 and continue same to the City Council meeting of March 21, 2006. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

13. Ordinance No. 4927

An ordinance of the City of Boca Raton amending the City's Comprehensive Plan by changing the Capital Improvement Element to include projects which are necessary for the City to continue to meet its adopted level-of-service standards; amending the Capital Improvement Element to update Table 1: the School District of Palm Beach County Six-Year Capital Improvement Schedule; providing for inclusion in the Comprehensive Plan; providing for severability; providing for repealer; providing an effective date

Office of Management and Budget Director Linda Davidson explained that this ordinance would adopt the Capital Improvement Element of the Comprehensive Plan, thereby making it consistent with the City's adopted Capital Improvement Program; also included was a listing of the projects necessary to meet the adopted level-of-service standards.

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 Hager, to adopt Ordinance No. 4927. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager 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:**

14. Ordinance No. 4929

An ordinance of the City of Boca Raton amending Chapter 19, Code of Ordinances, to be consistent with the Florida Building Code; amending Section 19-43, Code of Ordinances, to clarify construction site maintenance requirements; creating Section 19-70, Code of Ordinances, and amending Sections 19-62 and 19-75, Code of Ordinances, to provide for proceedings before the Builders' Board of Adjustment and Appeals related to fraud and willful building code violations and to provide for penalties for such fraud and violations; amending Section 19-92, Code of Ordinances, to provide consistency with Florida Statutes regulating the scope of owner-builder permits; deleting Sections 19-128, 19-171, and 19-197, Code of Ordinances, to be consistent with the Florida Building Code; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Haynie.

15. Ordinance No. 4930

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of the George A. Long Alley right-of-way, located between S.E. 8<sup>th</sup> and S.E. 9<sup>th</sup> Streets, west of South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-04-05)

The ordinance was introduced by Council Member Baronoff.

16. Ordinance No. 4931

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement located at 855 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-10)

The ordinance was introduced by Council Member Hager.

17. Ordinance No. 4932

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement located at 855 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-04-11)

The ordinance was introduced by Deputy Mayor Whelchel.

18. Ordinance No. 4933

An ordinance of the City of Boca Raton creating Article VII "Impact Fees" of Chapter 23 "Planning and Development" of the City Code of Ordinances including Division I "Generally" that includes provisions for findings; and including Division II "Parks and Recreation Impact Fees," including provisions for Payment of Fees; Definitions; Disposition of Fees; Independent Impact Analysis; Refunds; and Credits; providing for repeal of Division 2. "Land Dedication" of Article IV "Development Regulations" of the City of Boca Raton Code of Ordinances; 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:**

No one came forward to speak.

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

There were no items for consideration.

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

19. Resolution No. 34-2006

A resolution of the City Council of the City of Boca Raton granting the appeal of Ruden, McClosky, Smith, Schuster & Russell, P.A., on behalf of Commerce Bank; authorizing the approval of a wall sign for its bank facility at 2390 North Federal Highway pursuant to Permit No. 05-9615; providing for severability; providing for repealer; providing an effective date

Mayor Abrams recused himself from the proceedings, advising that his law firm is on retainer with Commerce Bank.

The City Clerk administered the oath to those who indicated they wished to speak on this matter; the City Attorney outlined the quasi-judicial procedure to be followed. Under ex parte disclosures, Council Members Haynie and Baronoff advised that they had spoken with Bonnie Miskal.

Development Services Planner Daryl Johnson gave the PowerPoint presentation. He advised that this was an appeal of a unanimous decision by the Community Appearance Board (CAB) denying a permit for a wall sign for Commerce Bank, located in the shopping center, known as Fifth Avenue Shops, on North Federal Highway. He then provided background information related to communications between the petitioner and the CAB, beginning in December 2005; details were provided in regard to recommendations made by the CAB. The petitioner then requested permit approval at the CAB meeting of January 3, 2006. At that time, the CAB recommended that the petitioner postpone the request until after finalization of the sign criteria for the shopping center. The petitioner declined to postpone and was subsequently denied the permit, pending development of sign criteria for the entire shopping center and

due to the size of the logo being disproportionate to the lettering. At the CAB meeting of January 17, 2006, the sign criteria were approved for the Fifth Avenue Shops; details were provided. It was noted that the proposed Commerce Bank signage was not consistent with the approved Fifth Avenue Shops sign criteria. In conclusion, staff recommended that Council deny the appeal.

Bonnie Miskel, representing Commerce Bank, advised that the sign reflected their logo; however, after viewing the approved sign criteria, her client was agreeable to modifying their request to be more consistent with same. She turned attention to a revised sign that she indicated fit in with the criteria; details were provided.

The City Attorney clarified with Ms. Miskel that the revisions to the sign, which she was suggesting, were made after the submission to the CAB.

Grant Thornbrough, Chairman for the CAB, explained that his commentary was limited to the decision made regarding the original sign, advising that he had not seen the new revised signage. He then provided information related to problems with, and recommendations made for, the original sign submission.

*Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 34-2006, as amended.*

*Motion was made by Council Member Haynie, seconded by Council Member Hager, to amend Resolution No. 34-2006, Page 2, Line 12, adding language generally consistent with the following: "...is hereby approved, subject to 1) the petitioner's revisions to the sign, submitted at the public hearing pursuant to which the sign letters were reduced to 12 inches with the "C" logo reduced to 18 inches, 2) the requirement that reverse channel lettering be utilized consistent with the sign program for the center (with the use of red and black colors)." Motion carried 4-0 on a voice vote; Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

*The vote on the main motion to adopt Resolution No. 34-2006, as amended, carried 4-0; Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.*

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

The City Manager stated that Municipal Services advised that dredging of the Boca Raton Inlet has begun.

#### **CITY ATTORNEY REPORTS:**

The City Attorney had nothing to report at this time.

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

Council Member Hager commented on the death of restaurateur Tom Wright, who originally established Tom's Ribs in Boca Raton.

**ADJOURNMENT:**

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:50 p.m. on Tuesday, February 28, 2006.

\_\_\_\_\_  
Steven L. Abrams, Mayor

ATTEST:

\_\_\_\_\_  
Sharma Carannante, City Clerk