

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, FEBRUARY 11, 2003
6:00 PM

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

INVOCATION:

Deputy Mayor Haynie gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

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

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.

PROCLAMATIONS/PRESENTATIONS:

Love Your Library Month – February 2003

Manager of Library Services Catherine O'Connell accepted the proclamation and urged support for the upcoming March library bond referendum.

Childrens Hospital Fund Crusade – February 14th through February 23, 2003

Shelby Gordon of Amara Shriner's Club accepted the proclamation and explained how this self-supporting organization provides free medical care to needy children under the age of 18.

MINUTES:

Minutes of the Regular Workshop Meeting of January 27, 2003
Minutes of the Regular Meeting of January 28, 2003

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

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

There were no positions available.

2. Responses to Workshop Information Requests:

(Consent Agenda Item 3.a.2. – Mizner Park Property Maintenance) A memorandum and site plan of Mizner Park was provided. Mr. Ahnell referred to the site plan and explained that the City was responsible for maintaining all areas delineated in yellow. He then provided additional details, stating that the City maintains the area from the edge of the pavement of Federal Highway to the edge of the buildings. The City also maintains the area from the edge of the pavement of Mizner Boulevard to the buildings. Mr. Ahnell concluded by explaining that the City is not responsible for maintaining the covered arcade walkways or the parking garages, which are taken care of by Mizner Park's management company.

3. Consent Agenda:

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

a. Sealed Bid Renewal

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|----|---|--------------|
| 1) | Landscape Maintenance Services for South Section (Renewal)
Requested by Recreation Services
Custom Care, Inc. | \$234,288.00 |
| 2) | Mizner Park Property Maintenance (Renewal)
Requested by Recreation Services
Codina Real Estate Management, Inc. | \$494,678.00 |

b. Intergovernmental Agreement

- | | | |
|----|--|-------------|
| 1) | Technician Support Services
Requested by City Manager
TEKsystems, Inc. | \$30,000.00 |
|----|--|-------------|

c. Resolution No. 31-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from Palm Beach County for the development and construction of a public boat dock at Spanish River Park; 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

d. Resolution No. 32-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the Office of the Florida Attorney General, Victims of Crime Act (VOCA) 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

- e. Resignations
 - 1) Resignation of Abraham Ovadia from the Education Advisory Board

- f. Receive and File Board Orders
 - 1) Special Master
 - a) SM (G) Case No. 02-00001422
 - b) SM (G) Case No. 02-00002328
 - c) SM (G) Case No. 02-00002860
 - d) SM (G) Case No. 02-00003186
 - e) SM (G) Case No. 02-00003280
 - f) SM (G) Case No. 02-00003445
 - g) SM (G) Case No. 02-00003537
 - h) SM (G) Case No. 02-00003538
 - i) SM (G) Case No. 02-00003660
 - j) SM (G) Case No. 02-00003788
 - k) SM (G) Case No. 01-00005237

- g. Receive and File Board Minutes – February 11, 2003
 - 1) Citizens' Pedestrian and Bikeway Advisory Board
December 9, 2002

 - 2) Community Appearance Board
December 3, 2002
December 10, 2002
December 17, 2002

 - 3) Education Advisory Board
December 23, 2002

 - 4) Historic Preservation Board
December 17, 2002

 - 5) Library Advisory Board
December 18, 2002

 - 6) Marine Advisory Board
December 23, 2002

 - 7) Police and Firefighters' Pension Board
December 18, 2002

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

4. Resolution No. 28-2003

A resolution of the City of Boca Raton granting conditional use approval for the Panera Bread Restaurant customer service area expansion on a parcel of land located at 222 Yamato Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA- 02-05)

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petition. No ex-parte disclosures were made.

Development Services Senior Planner Daryl Johnson gave the PowerPoint presentation. He explained that the petitioner was requesting authorization to expand the customer service area to include a 300 square foot outdoor seating area. Mr. Johnson stated that Panera Bread is defined by Code as a fast-food restaurant. As such, per Code, if the customer service area of the restaurant is 1,000 square feet or more, a conditional use approval is required. Should the outdoor seating area be approved, total square footage would be 1,280. The City Traffic Engineer concurred with the shared parking analysis provided by the petitioner and supported the conditional use approval request. In addition, the Planning and Zoning Board recommended approval with the conditions included in the resolution. Mr. Johnson concluded his presentation by stating that staff also recommended approval. He then answered questions from Council.

Wendy Larsen, the attorney representing Panera Bread, provided additional details related to this request and the City's fast-food restaurant parking requirements.

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

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Haynie, to adopt Resolution No. 28-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4686 (Second of two required public hearings.)

An ordinance of the City of Boca Raton creating Section 28-1305, Code of Ordinances, to provide that in all zoning districts certain parks and park facilities and City water, sewer, reclaimed water, and stormwater facilities and appurtenances shall be permitted uses, to provide that in all nonresidential zoning districts any buildings, facilities and uses owned, operated, utilized or conducted by the City (inclusive of police and fire stations) shall be a permitted use, and to provide that in all residential zoning districts City police and fire stations (and related facilities) shall be a conditional use; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-02-12/02-92500013)

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation, explaining that this ordinance would amend the list of permitted and conditional uses in all the residential zoning districts within the City to address municipal buildings and facilities. Mr. Annunziato mentioned that, since this proposed ordinance seeks to amend permitted and conditional uses, two public hearings are required; the first public hearing was conducted January 28, 2003. At the January public hearing, it was noted that some County parks exist within the City. Consequently, the ordinance was amended to address this issue; copies of the "second revised" ordinance were distributed.

Mr. Annunziato explained that: 1) City parks, Beach & Parks District parks, and City utilities would be permitted in all zoning districts; 2) uses permitted in all nonresidential zoning districts would include all municipal buildings and facilities, and 3) City police and fire stations would be permitted as conditional uses in all residential zoning districts. Mr. Annunziato explained that this last provision was created to establish a procedure that the City can follow when rebuilding and upgrading the fire stations in connection to the fire bond issue, which was approved by voters in November. The Planning and Zoning Board reviewed the ordinance and unanimously recommended approval, subject to an amendment relating to fire stations as conditional uses in residential districts; the amendment was incorporated into the ordinance. Mr. Annunziato concluded his presentation and answered questions from Council.

No one wished to speak at the public hearing.

Motion was made by Council Member Freudenberg, seconded by Council Member Hager, to adopt Ordinance No. 4686. Motion carried 4-1; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg and Hager voting yes. Council Member Hanson voted no.

6. Ordinance No. 4688

An ordinance of the City of Boca Raton amending the Fiscal Year 2002-2003 Budget through the First Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

Office of Management and Budget Director Linda Davidson gave the presentation. Ms. Davidson provided a detailed review of the revenues and expenditures; the grand total is \$14,089,900. She then answered questions from Council.

Police Chief Andrew Scott provided additional information to Council as requested. Some items touched on included the unfunded mandate to assist with investigations of Department of Children and Families (DCF) cases, increased security costs, and funding for counter-terrorism efforts.

No one wished to speak at the public hearing.

Motion was made by Council Member Hanson, seconded by Council Member Hager, to adopt Ordinance No.4688. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

7. Ordinance No. 4689

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a public utility easement, located at 300 West Palmetto Park Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-03)

Development Services Property Specialist/Appraiser Lynn Bodor gave the PowerPoint presentation. She explained that the applicant was requesting abandonment of an existing 60-foot-wide utility easement, as it interferes with the proposed site plan for the Boca East Apartments' new clubhouse. The location of the subject property and the size of the easement were outlined. Ms. Bodor elaborated that the easement would interfere with the placement of the 7,712 square foot clubhouse, the new pool and a portion of the proposed parking lot. All franchised utility companies, Municipal Services, and Utility Services were contacted regarding this request; they all support the proposal. However, conditions were imposed to provide that the petitioner would be required, at his sole expense, to remove and relocate the utilities, where necessary, and to grant easements over any new and/or remaining lines. Relocation of the lines is to be completed before issuance of a building permit. Code Enforcement was also contacted; no code issues were found. In conclusion, staff recommended approval of the ordinance, subject to the utility relocation conditions outlined in the ordinance. Ms. Bodor then answered questions from Council.

Wendy Larsen, the attorney representing Boca East Apartments, explained that the relocation plans were being completed and provided details related to the water line.

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

Motion was made by Council Member Hanson, seconded by Council Member Hager, to adopt Ordinance No.4689. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

REGULAR BUSINESS – PART IV – PUBLIC HEARINGS/SETTLEMENTS:

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

8. Ordinance No. 4690

An ordinance of the City of Boca Raton relating to fences, walls and hedges; amending Section 28-1356, Code of Ordinances, to delete Subsections 28-1356(d), (e), and (f), Code of Ordinances, which subsections provided an alternative method for determining whether a fence, wall or hedge constitutes a hazardous obstruction; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Deputy Mayor Haynie.

9. Ordinance No. 4691

An ordinance of the City of Boca Raton providing for the vacation and abandonment of drainage easements, located at 2050 and 2072 East Royal Palm Way, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-07)

The ordinance was introduced by Council Member Freudenberg.

10. Ordinance No. 4692

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of water and sewer easements, located on the campus of Pine Crest School at 2700 Saint Andrews Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (E-02-EA-04)

The ordinance was introduced by Council Member Hager.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Two members representing Boy Scout Troop 350 came forward at the request of Mayor Abrams, stating they were in attendance tonight in an attempt to obtain badges.

Jo-Ann Landon, one of the presidents of the Tropical Flowering Tree Society of the Palm Beaches, extended an invitation for the City to join her organization and Florida Atlantic University (FAU) on Arbor Day, April 25, 2003, to dedicate a tree park, located on the FAU campus.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

REQUEST FOR VARIANCE FROM CHAPTER 24 – SIGN CODE

11. Resolution No. 33-2003

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-96(h), Code of Ordinances, to construct one (1) multiple story building sign that results in a building identity which is different from an existing sign, located at 301 Yamato Road; providing for severability; providing for repealer; providing an effective date (SCV-02-02)

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petition. No ex-parte disclosures were made.

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation. He explained that the subject property, also known as Northern Trust Plaza, contains two buildings (north and south) connected by an atrium. The North building currently has one multiple story building sign, which is parallel to Dixie Highway. The South building has approval for two multiple story building signs. One is perpendicular to Yamato Road and reads, "Northern Trust Bank;" the second sign is parallel to Yamato Road and reads, "PCA-Century Health Plans." The petitioner proposed to replace the "PCA" sign with a sign containing a logo and three letters, "AHC." Citing the Code, Mr. Zurita stated that a building shall be permitted one building identity sign per elevation, not to exceed two signs per building, and shall be limited to one building identity per building regardless of the number of signs permitted.

The Community Appearance Board (CAB) reviewed the variance request in December 2002. The Board denied same and provided the following comments: 1) the proposed sign is inconsistent with other existing on-site multiple story building signs, 2) the sign is inappropriate on a glass building, and 3) the applicant was unable to demonstrate undue hardship. Mr. Zurita then recounted prior Council actions connected with this property, one of which made one existing sign non-conforming. He concluded his presentation, stating that staff recommended approval of the variance, subject to conditions included in the resolution, and including a condition as follows: "The design of the sign including lettering, color and mass shall be consistent with other existing on-site multiple story building signs."

Grant Thornbrough, Chairman of the CAB, spoke in support of the Board's decision and answered questions from Council.

John Olivier, the attorney representing AHC, explained that his client was willing to drop the logo and color and use plain white letters. He provided additional information to Council as requested.

Attorney Mitch Kirschner, representing the building owner, spoke in support of the variance.

Motion was made by Council Member Hager, seconded by Council Member Freudenberg, to adopt Resolution No. 33-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Haynie, Council Members Freudenberg, Hager and Hanson voting yes.

REGULAR BUSINESS - PART VIII - PUBLIC HEARINGS/APEAL OF BOARD DECISIONS:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had nothing to report at this time.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Deputy Mayor Haynie reminded those present of the free blood pressure and cholesterol screenings being offered by the City this Friday, February 14, 2003, at Fire Station 5, 2333 West Glades Road.

Deputy Mayor Haynie commented on proliferation of "Beachfest" signs in the City's rights-of-way and questioned whether appropriate permits had been obtained to display same. Mr. Ahnell stated that the signs were illegal; the City had already confiscated approximately 500 and would continue to do so.

Council Member Hanson mentioned that, should funding be allocated in the upcoming budget for Fire/Rescue dress uniforms, consideration should also be given to funding of dress uniforms for the police department.

Council Member Hanson commented on a recent news article, and the current "level orange status," and suggested that the City provide information to residents on actions to take in response to this increased threat level. She explained that citizens should prepare themselves in the same way as they would for a hurricane, such as laying in a 3-day water supply, stocking up on needed medications, purchasing duct tape and additional batteries for use in flashlights and radios, stocking up on canned goods, and making preparations for pets and those individuals with special needs. Ms. Hanson suggested including this information on Channel 20. It was also noted that residents should report any suspicious behavior or circumstances to the police.

Mayor Abrams distributed a draft letter of support regarding continuance of the City's SHIP program. Should Council concur, this letter would be signed by him and directed to the City's State representatives.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:35 p.m. on Tuesday, February 11, 2003.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk