

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, JUNE 27, 2005
1:30 PM

The regular workshop meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven L. Abrams at 1:30 p.m.

ATTENDING THE MEETING WERE:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member Bill Hager (absent)
Council Member Susan Haynie
Council Member Peter R. Baronoff (arrived at 1:38p.m.)

Also attending the meeting were:

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

1. BOARD INTERVIEWS:

- 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.

No one came forward to interview.

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

No one came forward to interview.

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

Robert D'Amore voiced interest in one of the positions, advising that he had previously served on this Board; Nancy Sneider expressed interest in reappointment.

Mayor Abrams referred to the four student positions on this Board and suggested that Council consider dropping the student membership down to two; Council had no objection.

- 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.

Joan Upshaw interviewed for one of the positions.

- 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.

Al Giachetti voiced interest in appointment to a position. Referring to a handout distributed at the meeting, Mayor Abrams noted that the Boca Raton Historical Society had submitted its recommendation for someone to represent them on this Board.

2. PUBLIC REQUESTS:

No one came forward to speak.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

(Consent Agenda Item 3.f. – Resolution No. 108-2005 / First Amendment to Agreement with Roasted Coffee Depot Co. regarding coffee and food service at the Boca Raton Public Library and City Hall) Council Member Haynie questioned whether this agreement would also provide for service at the new library when it opens. The City Manager explained that this agreement pertained only to the existing library and City Hall; a separate RFP (Request For Proposal) would be prepared for the new library at the appropriate time.

(Consent Agenda Item 3.i. – Resolution No. 114-2005 / Agreement with Florida Department of Transportation {FDOT} regarding a Transportation Management Initiative in Boca Raton) Council Member Haynie voiced support of this agreement and asked that Council note all the funding sources supporting this item. Mayor Abrams stated that the City would pay a third of the cost with the balance be funded by grants, but questioned how these funds would be used. The City Manager explained that an FDOT employee currently works part-time for the City; half of that employee's time is dedicated to working on Boca Raton projects because there are so many and the City is ahead of other communities in South Florida. FDOT is willing to retain that person as their fulltime employee and agree that this person would be dedicated to working fulltime on City of Boca Raton projects, as opposed to part time.

(Consent Agenda Item 3.k. – Board Resignations) Deputy Mayor Whelchel questioned whether the person who resigned from the North Federal Highway Steering Committee would be replaced. The City Manager answered affirmatively.

(Consent Agenda Item 3.g. – Resolution No. 109-2005 / Agreement with the U.S. Departments of Justice and Treasury regarding the Federal Equitable Sharing Program) Mayor Abrams questioned whether the City had any forfeiture claims pending with the Federal government. The City Manager is to follow up.

(Consent Agenda Item 3.j. – Resolution No. 115-2005 / Agreement with Robert J. Ruiz for independent inspector/contractor services for building inspection and plan review services) Mayor Abrams requested Mr. Ruiz' resume. He confirmed with Mr. Ahnell that the City has used this contractor before and found him to be very competent.

(Regular Agenda Item 14 – Resolution No. 112-2005 / Granting the appeal of Boca Village LLC regarding a sign design criteria program at 690 Yamato Road) Mayor Abrams read from the paperwork, which stated that, "The applicant submitted data and information to clearly define the basis for the issuance of sign permits in the future without additional Community Appearance Board review and approval," and questioned whether the City had done this in the past with other applicants. The City Manager will provide this information tomorrow night.

b. Resolution No. 106-2005 (*Regular Agenda Item No. 4*), granting the petition of Global Group Investments, Inc. for an extension to the buildout date for the Boca Commerce Center Development of Regional Impact.

Planning and Zoning Director Carmen Annunziato gave a PowerPoint presentation and explained that this was a request for a retroactive extension to the termination date for the Boca Commerce Center Development of Regional Impact (DRI). A brief history of the DRI, which expired in November 2004, was provided. The 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 addition 150,000 square feet of office development; details were provided. On November 13, 2004, the DRI expired and no further development is permitted. Consequently, the petitioner was requesting a retroactive approval to extend the buildout date, pursuant to the NOPC (Notice Of Proposed

Change) process, to September 30, 2009. This process requires that the petition be reviewed by various state, regional, and city agencies, with traffic being the prime determinant with this type of DRI. Mr. Annunziato outlined the findings by the project's Traffic Engineer and then advised that the Planning & Zoning Board recommended approval of this petition, subject to the conditions in the resolution. Staff also recommended approval and noted that requests for extensions of fewer than five years are not a substantial deviation.

- c. Ordinance No. 4876 and Resolution No. 98-2005 (Regular Agenda Item Nos. 5 & 6), providing for the rezoning of a parcel of land, located at 2100 NW 5th Avenue, and granting a Planned Unit Development with a master plan for the proposed Addison Park Townhomes Planned Unit Development.

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. He then provided information related to maximum allowable density, advising that the petitioner was asking for same 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 petitioner proposed to construct a 55-unit residential community comprised of three-story townhomes with private courtyard entries and two-car garages; vehicular access and parking was 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 5th Avenue. The project's Traffic Engineer conducted a queuing analysis of the proposed vehicle storage needed at the entrance, which showed that the proposed design is sufficient to serve the development on a daily basis. Consequently, the City's Traffic Engineer supports 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 he had previously distributed. He then concluded his presentation by advising that staff recommended approval of the petition with the conditions as outlined in the ordinance and resolution and answered questions from Council. In response to questions from Council, Mr. Johnson stated that residents of Caldwell Heights have voiced no objection to the design change and that the zoning change will provide for 11 more units. A query as to how the City would benefit will be answered in tomorrow's presentation.

4. FUTURE AGENDA MATTERS/ITEMS OF COUNCIL/PUBLIC CONCERN:

There were no items for consideration.

5. CITY MANAGER REPORTS:

There were no items for consideration.

6. CITY ATTORNEY REPORTS:

The City Attorney referred to the eminent domain decision rendered by the Supreme Court in regard to property in New London, Connecticut, saying it was a significant decision for local governments and she would submit a memo with a summary; however, a copy of the full opinion was also available for review. Ms. Frieser then reported that a revised Ordinance No. 4882, regarding adult use, would be forthcoming tomorrow night. She also advised that she would be asking for authorization to schedule an executive session in relation to the sober house litigation. Last of all, the City Attorney stated that she would ask Council to amend the agenda tomorrow night to include a clarification ordinance relating to the voting requirements for Planning & Zoning Board actions regarding minor modifications for Comprehensive Plan amendments.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Haynie referred to existing advertising on some bus shelters in the newly-annexed areas and questioned whether the City could terminate that advertising in order to be consistent with City standards. She then requested an update regarding the sale of the Schultz property located on Palmetto Park Road. Ms. Frieser advised that, per her conversation with Mr. Schultz' attorney, the sale is scheduled to close on July 1, 2005.

Council Member Baronoff reported he had received many positive comments with regard to the property taxes brochure that was mailed to City residents. He then noted that the City Manager planned to discuss taxes and the budget at the next meeting of the Federation of Homeowners, on July 5th; this meeting is open to public. He also stated that he looked forward to adopting the ordinance relating to predators tomorrow night and then requested an update on the fountain in Mizner Park. Mr. Ahnell explained that the City spoke with the new owner, General Growth Properties (GGP), and proposed to split the engineering cost to determine what's involved in repairing the fountain; GGP agreed. They will contract with an engineering firm out of Naples, Florida, and the City will reimburse them for half the cost. The matter is proceeding. Mr. Baronoff then voiced his desire to create an Elders Affairs Board and stated that he would bring this before Council when everyone returned from vacation. Last of all, Mr. Baronoff indicated that he would not be at the workshop meeting in July, as he would be traveling overseas with Friends of the Unicorn; Unicorn Children's Foundation, is an international, non-profit organization dedicated to education, awareness, and research on behalf of children with communication and learning disorders.

Deputy Mayor Whelchel referred to the property taxes brochure, which showed that 40% of Boca Raton property taxes go to pay the Palm Beach County School District. She then referred to the efforts of Debra Nash-Utterback, who is trying to locate a K-3 IB (International Baccalaureate) charter school inside the City's boundaries; she has a July 15th deadline to file an application. She added that Ms. Nash-Utterback has contacted area churches regarding a temporary location for the school, but has encountered City Code issues. Responding to Council, Planning and Zoning Director Carmen Annunziato advised that this issue is one of conditional use approval; schools in most places of worship are located almost exclusively in single-family residential districts, and schools require conditional use approvals in that district, whether they are associated with the place of worship or not. He advised that he had spoken many times with Ms. Nash-Utterback; they had reviewed many development orders and none of them related specifically to a school. Mr. Annunziato stated that there are explicit requirements related to schools through the City's conditional use process, such as concurrency, safety on the grounds, and separating children from parking lots. He advised that the City is continuing to review this matter in an effort to be of assistance. Much discussion followed. In response to a question from Council Member Haynie, Mr. Annunziato confirmed that the R-3-D zoning district allows schools as a permitted use, which approval might be easier to obtain than going through the conditional use approval process. Council agreed that the City would contact Ms. Nash-Utterback to obtain more specific information. At that point, Council would be in a better position to provide assistance.

Ms. Whelchel referred to the Boca Raton Inlet and the information received from Representative Hasner and asked for an update. The City Manager advised that a request was received from the State for more information; the engineers are working on that now. Staff met with State officials in Tallahassee last week and obtained positive feedback. The project will get done; however, it is a question of timing. Ms. Whelchel concluded her comments by asking that the Federation of Homeowners meeting, mentioned previously by Council Member Baronoff, be taped and shown on Channel 20.

Mayor Abrams referenced the Glades Road improvements and asked whether staff was satisfied that the projects would be coordinated in such a way as to cause minimal disruption; he also suggested a workshop to outline these projects. The City Manager advised that the City would attempt to coordinate the projects, which include a large project being handled by FDOT. The improvements are scheduled to start January 2006 and will take almost all year to complete. Much of the work will be done at night to help minimize the disruption; signal change equipment should be installed by then as well.

Mayor Abrams referred to a National Transportation Safety Board (NTSB) report on two planes that crashed over Deerfield Beach approximately two years ago. He noted that the NTSB found that a causative factor was that the Boca Raton control tower, which is operated by a private company, did not communicate properly with the two planes that evening. Mayor Abrams had two questions for the Airport Authority, the body overseeing the control

tower: 1) what, if any, action can be taken to correct the problem? 2) What is the status of the controller who was in the tower at that time? The City Manager is to follow up.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:26 p.m. on Monday, June 27, 2005.

Vanessa Hines, Assistant City Clerk