

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, DECEMBER 10, 2007
1:30 PM

The Workshop Meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Abrams at 1:30 p.m.

ATTENDING THE MEETING WERE:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member M. J. Mike Arts
Council Member Peter R. Baronoff
Council Member Bill Hager

Also attending the meeting were:

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

Council recognized FAU (Florida Atlantic University) football player, Jarrod Smith, starting offensive lineman, who was in attendance this afternoon.

1. BOARD INTERVIEWS:

- a. Boca Raton Advisory Board for People with Disabilities – one (1) vacancy.

Joseph Bensmihen interviewed for the position.

- b. Citizens' Pedestrian and Bikeway Advisory Board – five (5) vacancies.

Judith Teller Kaye and Herbert Levin expressed interest in the positions.

- c. Elder Affairs Advisory Board – one (1) vacancy.

No one came forward to interview.

- d. Pearl City Blue Ribbon Committee – one (1) vacancy.

No one came forward to interview.

2. PUBLIC REQUESTS:

John Stetz advised that he almost had an accident at the intersection of Glades Road and NW 2nd Avenue, due to the markings for the left turn lane (heading south onto NW 2nd Avenue, which he had commented on at the last Council workshop meeting. He then again advocated windfarm generators and a desalinization plant to conserve water. In regard to the lane markings, the City Manager advised that FDOT (Florida Department of Transportation) had been notified of the incorrect striping.

Robert DuKate, representing Save Boca Raton Green Space, reported on arsenic contamination found on property located adjacent to the Boca Teeca (Ocean Breeze) golf course and spoke to cancer concerns. He asked Council how this would be addressed and corrected in order to protect the public health. Mayor Abrams advised that the City was aware of the environmental report, and it would be addressed in both the Ocean Breeze presentation this afternoon and tomorrow evening.

3. REVIEW OF REGULAR AGENDA ITEMS:

- a. Questions relating to the agenda.

(Consent Agenda Item No. 3.k. – Resolution No. 147-2007 / Requiring that members of the Boca Raton Housing Authority file an annual statement of financial disclosure) Deputy Mayor Whelchel confirmed with the City Manager that the City would require this annual financial disclosure, although it is no longer required by the State.

(Consent Agenda Item No. 3.l. – Resolution No. 150-2007 / Work Order No. 7 with Mathews Consulting for the design of an off-site reclaimed water storage and pumping facility) Deputy Mayor Whelchel asked for the location of the off-site facility. Mr. Ahnell explained that it would be on the west side of I-95, directly south of Spanish River Boulevard. Ms. Whelchel then asked how much area was needed for the facility. The City Manager advised that, since a pumping station is included, about three acres was necessary.

(Consent Agenda Item No. 3.b.1. – Property Insurance) Deputy Mayor Whelchel confirmed with the City Manager that this increase was a direct result of the 6500 Building (Congress Avenue) coming on line.

- b. Resolution Nos. 143-2007 & 142-2007 (Consent Agenda Item Nos. 3.f. & 3.g.), approving the City's Year 2008 Federal and State Legislative and Funding Priorities.

Deputy City Manager George Brown gave the PowerPoint presentation and provided a brief outline of many priorities, at both the Federal and State levels, that the City either supported or opposed; details were provided. Overlapping major priorities included transportation initiatives funding, I-95 Interchange funding, disaster preparedness funding, beach nourishment funding, sober house legislation, and homeland security funding. Mr. Brown noted that one of the priorities at the State level related to receipt of a proportionate share of gas tax funds. Council indicated that the MPO (Metropolitan Planning Organization) was also weighing in on this issue and suggested that it be awarded major priority status.

- c. Ordinance Nos. 4987, 4988, 4989, 4990, 4991, Resolution No. 152-2007, and Resolution Nos. 90-2007, 91-2007, 92-2007, and 93-2007 (Regular Agenda Item Nos. 4 – 12), related to the project known as Ocean Breeze, located at 5800 NW 2nd Avenue.

Development Services Principal Planner Jennifer Simon gave the PowerPoint presentation, briefly explaining each ordinance and resolution. She advised that on September 11, 2007, City Council voted to send the petitions to DCA (Department of Community Affairs), the State's planning agency. On November 30th, an ORC (Objections, Recommendations, and Comments) report was received by the City from DCA, which evaluated the proposed amendments to the City's Comprehensive Plan to ensure consistency with the State Statutes. The City must address and correct each objection made by the DCA, prior to resubmission of the plan to DCA upon adoption. Three objections were raised; all related to the requirement for additional analysis based on the maximum development potential requested under the proposed Future Land Use Map Amendment rather than the maximum development potential requested under the Universal Conditional Approval. Specifically, the DCA required additional analysis in regard to the City's ability to provide potable water and transportation capacity. Regarding the issue of potable water, the City will provide an analysis of its ability to serve Ocean Breeze through 2012. In addition, the petitioner has updated the traffic report to comply with the DCA analysis; details were provided in regard to all of the above. Ms. Simon advised that changes were made to the ordinances to reflect the DCA's requests.

The Boca Raton Airport Authority also reviewed the petition and asked that a condition be added related to the recording of an aviation easement over the entire property; this condition was incorporated into the PUD (Planned Unit Development) resolution.

Ms. Simon then referred to a study conducted by an environmental consultant, retained by Save Boca Raton Green Space, which reported on environmental hazards associated with golf course uses. Upon learning of this report, the Palm Beach County Health Department suggested that a Phase II Environmental Audit be conducted prior to redevelopment of the golf course. Consequently, staff added the condition that an audit be performed and sent to the DEP (Department of Environmental Protection) for review and that the City should not issue any residential townhome building permits until DEP responded to the City, in writing, in regard to the audit.

There followed a brief summary of the application. Location and a brief history of the Boca Teeca Master Plan were provided. Ms. Simon noted that, in 2002, the name of the golf course, clubhouse and inn was changed to the Ocean Breeze Golf and Country Club (Ocean Breeze property), while the residential buildings maintained the Boca Teeca name (Boca Teeca property). The proposed PUD Master Plan consists of approximately 213 acres of the original 360-acre site and does not include any of the existing single-family homes and condominiums that were approved as part of the Boca Teeca Master Plan. Information on the Ocean Breeze property was also provided, which currently includes three 9-hole championship golf courses, a tennis center, clubhouse, a maintenance facility, and an existing inn. Ms. Simon explained that a deed restriction limiting the use of the property to a golf course facility was lifted in February 2006 by a majority vote of the Boca Teeca residents, for that portion of the golf course wherein townhomes would be constructed, provided that proceeds from the sale of the 211 townhomes be re-invested in the Ocean Breeze Golf and Country Club, as proposed in this petition. Ms. Simon noted that lifting of the deed restriction for this portion of the property is contingent upon the approval of the Ocean Breeze redevelopment project.

Specifically, the project provides for conversion of one of the golf courses to allow construction of 211 townhomes, reconstruction of the remaining area into a new 9-hole golf course, renovation and expansion of the existing clubhouse to incorporate a new social center, and renovation and expansion of the existing inn; details were provided. Ms. Simon then advised that the roadway capacity of NW 2nd Avenue is expected to fall below the accepted level of service standard, as a result of increased traffic generated by the proposed townhomes. Therefore, an interim level of service standard is being proposed. Ms. Simon explained that this interim measure was being suggested in anticipation of the adoption of the City's MMTD (Multimodal Transportation District) ordinance, which attempts to address, among other things, roadway capacity and congestion. The MMTD ordinance would eliminate roadway concurrency and incorporate pedestrian, bicycle, and transit, in addition to urban design standards, to create a new multimodal level of service standard. The proposed interim level of service standard would provide flexibility while the City prepares for adoption of the MMTD ordinance, which is expected for consideration in August 2008.

The Planning and Zoning Board reviewed this petition and recommended approval of same with amendments to Ordinance No. 4991, which sets the interim level of service for constrained roadways. The amendments were included in a mitigation agreement, which is attached to Resolution No. 92-2007 (the PUD resolution). Ms. Simon concluded her presentation by stating that staff recommended approval.

- d. Ordinance No. 4992 (*Regular Agenda Item No. 13*), amending the Housing Element and the Future Land Use Element of the Comprehensive Plan to support a Workforce Housing Program.

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation. He explained that on September 11, 2007, Council voted to transmit this ordinance to DCA (Department of Community Affairs) for review. On Friday, the ORC (Objections, Recommendations, and Comments) report was received from DCA. Mr. Annunziato clarified that the only portions of the report that the City is obligated to respond to relate to those portions that raise objections to the City's Comprehensive Plan Amendment; the recommendations and comments are for the City's consideration. He then reviewed the DCA's objections, which were as follows: 1) to continue to identify housing opportunities for all income groups, 2) to develop a methodology to calculate the level of developer contribution to the affordable/workforce housing trust fund, 3) to establish the fund, itself, and express what the fund would be used for, 4) to include conversion factors as part of the policy, and 5) use of the word, "may," as opposed to "shall" in drafting the policies. In response to these objections, staff prepared a number of proposed amendments to address same, which Mr. Annunziato reviewed; details were provided. He advised that these amendments were incorporated into the draft ordinance. Regarding the use of the word "may," instead of "shall," Mr. Annunziato explained that it was staff's opinion that the proposed workforce housing program is optional and provides a potential for addressing workforce housing. Therefore, staff did not recommend changing the wording at this point.

Council then questioned the consequences of not making the change in wording, whereupon Mr. Annunziato explained the process that would be followed. The City Attorney provided additional information related to the process and possible outcomes. Responding to Council, Mr. Annunziato stated

that this is an optional program; if the language is changed, per DCA's objection, the program becomes mandatory. Ms. Frieser added that the City might adopt a mandatory program as part of its Land Development Regulations, once more analysis and information are obtained; details were provided. Mr. Annunziato then fielded additional questions from Council. The City Manager commented that when the MMTD (Multimodal Transportation District) ordinance comes back, the workforce housing component would be incorporated into it.

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

a. Discussion of Permit Review Criteria - Community Appearance Board Chairman

It was noted that Community Appearance Board (CAB) Chairman Grant Thornbrough was in attendance at the request of Council to explain the reasoning behind the CAB's recent decision related to Town Center Mall's signage program; this decision was the subject of an appeal, which Council affirmed on the basis that the mall was following Palm Beach County's signage and land use regulations in accordance with an agreement made at the time of the 2003 annexation.

Mr. Thornbrough began by explaining that Town Center Mall's "Lifestyle Center" signage program included signage for tenants located on the second floor, which were for office use with no retail frontage. He provided examples of the types of signage utilized in the City for retail, commercial and office usage, indicating that signage is not provided on both the first and second floors of a building. He stated that the County has apparently approved many such second-story signs with the end result that the building starts to look like a billboard. Mr. Thornbrough then provided to Council pictures of various buildings with such signage, located in the County, in support of his assertion.

In regard to application of the County's code criteria to Town Center Mall, Mr. Thornbrough referred to Palm Beach County (PBC) Code information, which was provided to the CAB at the time of annexation. Specifically, Mr. Thornbrough cited PBC Sign Code, Chapter E, Section 3, Paragraph D, "Conditions of Approval," stating that, per the language, Board members felt they had leeway and a basis for attempting to keep the City's criteria and standards consistent throughout the annexed area with the rest of the City. Mr. Thornbrough added that CAB review is bound by the CAB's criteria for the entire City, which is overlaid with the criteria for the Downtown, and also overlaid with the County's criteria for the annexed areas. He concluded his comments by stating that the Board believes the County Code does provide some leeway for the CAB to use its criteria in review and decision-making.

5. CITY MANAGER REPORTS:

The City Manager had nothing to report at this time.

6. CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Deputy Mayor Whelchel confirmed with the City Manager that staff would attend the Palm Beach County (PBC) Commission meeting of January 22, 2008, in West Palm Beach, in order to present information on the proposed MMTD (Multimodal Transportation District) program. It was also noted that the PBC Commissioners would be meeting with the Broward County Commissioners on January 11, 2007 to discuss the University Drive issue.

Mayor Abrams referred to the boat parade and the City's lack of funding, due to State-mandated budget cuts. He stated that some individuals have indicated they would be willing to help privately fund the parade next year. Mr. Ahnell advised that four or five people have contacted the City to express interest in sponsorship; staff will follow up with them in January.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:43 p.m. on Monday, December 10, 2007.

Vanessa Hines, Assistant City Clerk