

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JUNE 13, 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 Baronoff gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

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

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Arts, seconded by Council Member Hager, to amend the agenda to correct Consent Agenda Item No. 3.j. to read Resolution No. 73-2006 instead of 86-2006; add Resolution No. 94-2006 to the Consent Agenda; remove Item No. 11, Resolution No. 93-2006, from the agenda; and add the Proclamation for National Recreation and Parks Month. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

MINUTES:

Minutes of the Goal Setting Sessions of April 20, 2006 and April 21, 2006
Minutes of the Joint Meeting of City Council and
The Greater Boca Raton Beach & Park District – May 9, 2006
Minutes of the Regular Workshop Meeting of May 22, 2006
Minutes of the Regular Meeting of May 23, 2006

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

PROCLAMATIONS/RECOGNITIONS/AWARDS:

National Recreation and Parks Month – July 2006

Recreation Services Deputy Director Buddy Parks accepted the proclamation.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Advisory Board for the Physically & Mentally Challenged – one (1) vacancy, due to resignation of Joan C. Daly whose term expires 01/23/09.

Motion was made by Council Member Arts, seconded by Council Member Baronoff, to appoint Richard Middlebrook to the Advisory Board for the Physically & Mentally Challenged. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Mr. Middlebrook was appointed to the Board.

- b. Builders' Board of Adjustment & Appeals – one (1) vacancy, due to resignation of Andrew Conger (At-large) whose term expires 02/15/08.

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to appoint Nicole Flier to the Builders' Board of Adjustment & Appeals. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Ms. Flier was appointed to the Board.

- c. Citizens' Pedestrian & Bikeway Advisory Board – two (2) vacancies, due to resignations of Anita Pearson and Ed Rowan whose terms expire 01/12/07 and 01/12/09, respectively.

Motion was made by Council Member Arts, seconded by Council Member Hager, to appoint Antonio Quesada to the Citizens' Pedestrian & Bikeway Advisory Board to serve the term expiring 01/12/09. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Ms. Quesada was appointed to the Board.

- d. Community Relations Board – two (2) vacancies, due to term expirations of Karen J. Posner and Deborah A. Carman whose terms expire 07/25/06.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to reappoint Deborah Carman, and appoint Connie Packman, to the Community Relations Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Ms. Carman was reappointed to the Board, and Ms. Packman was appointed.

- e. Education Advisory Board – four (4) vacancies, three due to term expirations of Kim Parker, Joan U. Upshaw, and Jeraldine K. Traxler whose terms expire 07/28/06; one due to resignation of Layla Amjadi (student ex-officio member).

Fred Schwartz interviewed for a position on the Board; Jeraldine Traxler expressed interest in reappointment.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Robert Murstein to the Education Advisory Board as a student ex-officio member. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Mr. Murstein (student ex-officio member) was appointed to the Board.

Nominations were then opened for the remaining positions. Council Member Hager nominated Jeraldine Traxler, Joan Upshaw, and Fred Schwartz; Council Member Arts nominated Jan Johnson. Nominations were then closed without objection.

In the voting: Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Hager voted for Ms. Traxler, Ms. Upshaw, and Mr. Schwartz; Council Member Arts voted for Ms. Traxler, Ms. Upshaw, and Ms. Johnson.

Ms. Traxler and Ms. Upshaw were reappointed to the Education Advisory Board; Mr. Schwartz was appointed.

- f. Elder Affairs Advisory Board – one (1) vacancy, due to resignation of Sarah Bialy whose term expires 2/14/08.

Council Member Arts nominated Will Mercier; Deputy Mayor Whelchel nominated David Levy. Nominations were then closed without objection.

In the voting: Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Hager voted for Mr. Levy; Council Member Arts voted for Mr. Mercier.

Mr. Levy was appointed to the Elder Affairs Advisory Board.

- g. Historic Preservation Board – four (4) vacancies, due to term expirations of Howard McCall (A1A), Merle Haber (At-large), Donald Curl (At-large), and Kathleen Altizer (At-large) whose terms expire 07/01/06.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to reappoint Howard McCall (A1A) to the Historic Preservation Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Mr. McCall was reappointed to the Board.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Camille Mohaupt, and to reappoint Donald Curl and Kathleen Altizer, to the Historic Preservation Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Ms. Mohaupt was appointed to the Board; Mr. Curl and Ms. Altizer were reappointed.

- h. Library Advisory Board – two (2) vacancies, due to term expirations of Robert C. Keltie and Elizabeth E. Grinnan whose terms expire 08/10/06.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to reappoint Robert Keltie and Elizabeth Grinnan to the Library Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Mr. Keltie and Ms. Grinnan were reappointed.

- i. Parks & Recreation Advisory Board – four (4) vacancies, due to term expirations of Joseph Good, Gordon J. Gilbert, Peter W. Boylan, and Edward D. Adams, Jr. whose terms expire 07/31/06.

Joseph Good expressed interest in reappointment; Dennis Frisch and Trudi Stevens interviewed for positions on the Board. Seeing no one else come forward, nominations were then opened.

Deputy Mayor Whelchel nominated Trudi Stevens; Council Member Hager nominated Dennis Frisch, Peter Boylan, and Joseph Good; Mayor Abrams nominated Gordon Gilbert. Nominations were then closed without objection.

In the voting: Mayor Abrams, Deputy Mayor Whelchel, and Council Member Arts voted for Mr. Good, Mr. Gilbert, Ms. Stevens, and Mr. Boylan. Council Member Baronoff voted for Mr. Good, Mr. Gilbert, Ms. Stevens, and Mr. Frisch. Council Member Hager voted for Mr. Boylan, Mr. Good, Ms. Stevens, and Mr. Frisch.

Mr. Good, Mr. Gilbert, and Mr. Boylan were reappointed to the Parks & Recreation Advisory Board; Ms. Stevens was appointed.

- j. Telecommunications Advisory Board – one (1) vacancy, due to resignation of Neil D. Eisner whose term expires 09/08/08.

Timothy Andrasek interviewed for a position on the Board. Seeing no one else come forward, the nominations were opened.

Council Member Hager nominated Timothy Andrasek; Deputy Mayor Whelchel nominated Joseph Orze. Nominations were then closed without objection.

In the voting: Mayor Abrams and Council Member Hager voted for Mr. Andrasek; Deputy Mayor Whelchel, Council Members Arts and Baronoff voted for Mr. Orze.

Mr. Orze was appointed to the Telecommunications Advisory Board.

2. Responses to Workshop Information Requests:

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

3. Consent Agenda:

Mayor Abrams provided an opportunity for the public to comment on any Consent Agenda item. No one came forward to speak.

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

a. Competitive Sealed Proposals

- 1) Overhead Door, Gate and Operator Maintenance Requested by Municipal Services Recreation Services Electronic Door Lift, Inc. \$42,630

2)	Generator Services for Emergency & Stand-by Units Requested by Utility Services All Power Generator Corp., Power Pro-Tech Service, Inc.	\$71,835
b.	<u>Intergovernmental Agreements</u>	
1)	Backflow Prevention Devices Requested by Utility Services Ferguson Enterprises, Inc., d/b/a Ferguson Waterworks	\$39,871
2)	Road Construction Materials Requested by Municipal Services Recreation Services Utility Services Austin Tupler Trucking Hardrives of Delray	\$70,000
3)	By-Pass Pumps-New Requested by Utility Services Acme Dynamics, Inc.	\$106,241
4)	Fire Hydrants Requested by Utility Services Ferguson Enterprises, Inc., d/b/a Ferguson Waterworks	\$121,200
5)	Automobiles and Light Trucks (Replacement) Requested by Municipal Services Don Reid Ford, Duval Ford, Maroone Chrysler-Jeep, Orville Beckford Ford	\$182,354
6)	Recycling Trucks (Replacement) Requested by Municipal Services Container Systems & Equipment Company	\$778,090
c.	<u>Sole Source</u>	
1)	Solinet/OCLC (Online Computer Library Center) Services Requested by Recreation Services Southeastern Library Network, Inc.	\$34,882
2)	Traffic Video Detection Equipment (Replacement) Requested by Municipal Services Iteris Inc.	\$35,539
3)	Emergency Care Simulator Requested by Fire-Rescue Services Medical Education Technologies, Inc. (METI)	\$39,603

4) Illuminated Street Name Signs Upgrade
Requested by Municipal Services
Temple Inc. \$40,000

d. Emergency

1) Tarps
Requested by Municipal Services
Grainger \$134,950

e. Resolution No. 81-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 5 with Camp Dresser & McKee Inc. for the purpose of providing technical services on an as-needed and periodic basis related to the Water Treatment Facility; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 82-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Construction Access, Usage and Maintenance License to PD Boca Raton, LLC, for use of portions of City-owned property located at 400 NW Boca Raton Boulevard; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 83-2006

A resolution of the City of Boca Raton approving and accepting Easement Deeds from Suzanne Siegler and Gregory K. Talbott, over certain lands located at 190 N.E. 5th Avenue and 250 N.E. 5th Avenue, respectively; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 84-2006

A resolution of the City of Boca Raton approving and accepting an Easement Deed from Boca Town Partners, LLC, over certain lands located within the Boca Village Master Plat; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 85-2006

A resolution of the City of Boca Raton approving and adopting the Goal Setting Session Report of April 20 and 21, 2006, and the Strategic Plan 2006-2011-2021 Update (including the Action Agenda for 2006-2007); providing for severability; providing for repealer; providing an effective date

j. Resolution No. ~~86-2006~~ 73-2006

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

k. Resolution No. 87-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 21 with Coastal Planning and Engineering, Inc. for the purpose of engineering services for the Department of Environmental Protection requirements for the implementation of the Central Boca Raton Beach Nourishment Project Post-Construction Biological Monitoring Plan; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 88-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 22 with Coastal Planning and Engineering, Inc. for the purpose of engineering services for the Department of Environmental Protection requirements for the implementation of the South Boca Raton Beach Nourishment Project Biological Monitoring Plan; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 89-2006

A resolution of the City of Boca Raton approving various technical revisions to the Local Housing Assistance Plan for Fiscal Years 2004-07; authorizing the Mayor and City Manager to execute any required documents and certifications related to the revised Local Housing Assistance Plan; authorizing the City Manager or designee to approve expenditures of funds in accordance with the Local Housing Assistance Plan; authorizing the Community Improvement Administrator to submit the revised Local Housing Assistance Plan to the Florida Housing Finance Corporation; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 90-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a Public Transit Service Development Program Grant from the Florida Department of Transportation for shuttle systems; 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

o. Resolution No. 91-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Ion Wave Technologies, Inc., for the purchase of a license for E-bid Procurement Software; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 92-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement for professional services with Appraisal and Acquisition Consultants, Inc. for the purpose of providing professional real estate appraisal services; providing for severability; providing for repealer; providing an effective date

q. Receive and File Board Minutes – June 13, 2006

- 1) Community Appearance Board
May 2, 2006
May 9, 2006
May 16, 2006
- 2) Community Relations Board
April 17, 2006
- 3) Elder Affairs Advisory Board
April 5, 2006
- 4) General Employees' Pension Board
March 16, 2006
- 5) Historic Preservation Board
April 18, 2006
- 6) Planning and Zoning Board
April 20, 2006
- 7) Special Master
January 25, 2006
April 12, 2006
April 26, 2006

r. Resolution No. 94-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Orders No. 5 and 6 with Harvard Jolly, Inc., for the purpose of providing professional construction administration services for the Spanish River Library; providing for severability; providing for repealer; providing an effective date

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

Mayor Abrams provided the public with an opportunity to comment on the Quasi-Judicial Consent Agenda; no one came forward to speak.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to adopt the Quasi-Judicial Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

4. Resolution No. 76-2006

A resolution of the City of Boca Raton accepting and approving the final plat known as the Boca Center Subdivision Plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB 04-02)

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

5. Resolution No. 77-2006

A resolution of the City of Boca Raton granting a Planned Unit Development with a master plan for the proposed Lago Mar Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-05-03)

a. Resolution No. 78-2006

A resolution of the City of Boca Raton approving a tentative plat for the Lago Mar Planned Unit Development, subject to conditions; providing for severability; providing for repealer; providing an effective date (PUD-05-03/SUB)

Mayor Abrams advised that quasi-judicial procedure would govern this hearing; the City Clerk administered the oath to those who indicated they wished to speak on this matter. There were no ex parte disclosures.

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation on the above resolutions. She advised that this was a request to develop six single-family homes, located at 950 Lago Mar Lane, and provided information related to acreage, zoning, and land use designations, advising that existing structures currently on the site would be removed. The proposed site plan was then reviewed; details were provided. Attention focused on access to Lago Mar Lane and a controversial sidewalk proposed along NE 24th Street. Ms. Simon then reviewed the architectural design of the units, including elevations and materials.

The petitioner was also requesting modifications to the PUD development parameters as follows: 1) modification to the building setbacks and perimeter landscaping setbacks requirements, and 2) modification to the open space requirements. Ms. Simon then cited what is allowable by Code and referred to a table outlining the specific modifications requested by the petitioner. Ms. Simon also advised that replatting of the property was a requirement of the PUD Master Plan process; consequently, a review of the tentative plat followed.

The Palm Beach County School District reviewed the project and determined that it complies with the adopted level of service for schools. The Environmental Advisory Board and the Planning and Zoning Board also reviewed the project and unanimously recommended approval of same with the conditions provided in the resolutions. It was noted that a condition was added to include a six-foot solid wall along the west property line north of Lago Mar Lane. Ms. Simon provided closing comments and advised that staff also recommended approval, with the conditions listed in the resolutions; she advised that the condition related to the sidewalk was not included in the resolution, as that decision was being left up to the City Council. Ms. Simon then answered questions from Council regarding neighborhood access to Lago Mar Lane, the requested setbacks, the architectural design – front and rear – of the units, and what else could be built at that location.

Derek Vander Ploeg, the architect for the project, provided background information related to the site in question and advocated creation of single-family units at that location. He also spoke to deed restrictions and access, and the requested setbacks in relation to the pools. He then answered questions from Council.

George Scott Obler and Marilyn Myers advised that they were in favor of improving the area but voiced opposition to this specific project, due to issues related to access and the requested setbacks. Ms. Simon addressed the setback issue and provided information related to easements and deed restrictions as well. Ms. Myers also asked that a proposed lift station be relocated and parking on the swale be prohibited. Seeing no one else come forward to speak, the public hearing was closed.

Responding to Council, Mr. Vander Ploeg stated that the lift station has been moved and he confirmed the proposed construction of the wall. He then spoke to the ownership of the streets, advising that a new property line had actually been created; details were provided. Additional information was provided including beach access, parking on the swale, sidewalks, and pedestrian gates.

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

Motion was made by Council Member Baronoff, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 77-2006.

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to amend Resolution No. 77-2006 to add two new conditions, specifically, Condition Nos. 7 and 8 under Section 2., using language generally consistent with the following: "(7) The lift station shall be relocated just south of the gate to be installed;" and "(8) Parking shall be prohibited along the swale abutting NE 24th Street." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

The vote on Resolution No. 77-2006, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Motion was made by Council Member Baronoff, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 78-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

6. Resolution No. 79-2006

A resolution of the City of Boca Raton granting the petition of 5295 Center Realty Associates, LLC, for modifications to the approved Milan at Town Center Master Plan, subject to conditions; providing for severability; providing for repealer; providing an effective date (SC-06-01)

Mayor Abrams advised that quasi-judicial procedure would govern this hearing; the City Clerk administered the oath to those who indicated they wished to speak on this matter. There were no ex parte disclosures.

Development Services Planner Daryl Johnson gave the PowerPoint presentation, advising that this was a request to modify the master plan to construct a restaurant. Background information was provided in regard to the master plan, which was approved in July 2005. Acreage, location, and zoning were reviewed. Mr. Johnson advised that, until such time as either the City or the property owner amended the land use designation and rezoned the property, it would retain the County's land use and zoning designations. The proposed restaurant would be comprised of 7,500 square feet; the remaining 55,700 square feet would consist of the approved office space, a drive-in bank, and storage. Vehicular access was then reviewed; Mr. Johnson advised that, pursuant to a condition of the previous approval, the petitioner has agreed to construct a southbound right turn lane off of Military Trail. Details related to parking were outlined. The Planning and Zoning Board reviewed this petition and unanimously recommended approval of same, as did staff.

Glenn Gromann, representing 5295 Center Realty Associates, spoke in support of the resolution. Referring to an issue that arose during consideration of the master plan approval, Mr. Gromann noted that his company had leased the lake and agreed to landscape the entire area, including a fountain to be located in the middle of the lake and continuation of Royal Palms and canopy trees along the length of Military Trail.

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

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 79-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

7. Resolution No. 80-2006

A resolution of the City of Boca Raton granting the petition of the Trustees of Advent Lutheran, Inc., for modifications to the approved Advent Lutheran Church Master Plan, subject to conditions; providing for severability; providing for repealer; providing an effective date (SC-06-04)

Mayor Abrams advised that quasi-judicial procedure would govern this hearing; the City Clerk administered the oath to those who indicated they wished to speak on this matter. There were no ex parte disclosures.

Development Services Planner Daryl Johnson gave the PowerPoint presentation. Background information was provided in regard to the original approval, which included an abandonment. He noted that the abandonment had not been perfected and the plan, at the time of approval, had excluded a residential lot located at 499 NE 49th Street. Zoning, land use designation, location, and the site plan were reviewed. The requested modification would incorporate 499 NE 49th Street into the master plan. The lot would be used for additional parking; details were provided. The proposal was reviewed and unanimously approved by the Planning and Zoning Board; staff also recommended approval.

Kevin Wrenne, the business administrator for Advent Ministries, spoke in support of the resolution and advised he was available for questions.

Frank Leopoldo voiced concern in regard to the following issues: 1) the possibility that construction could extend over a period of years; 2) whether or not the proposed gate at NE 4th Avenue would be built prior to private and construction vehicles using that location as an access point; and 3) whether construction would be sequenced (or phased) to accommodate parking for construction workers and their vehicles.

Responding to the above concerns, Mr. Wrenne stated that Advent Lutheran proposed to effect the abandonment around the middle of July and, at that time, to erect a fence and a gate at the intersection of 4th Avenue and 49th Street; a barrier would be built around the entire site to restrict access and control the traffic from within the construction site. He acknowledged that, while the permanent gate would not be built until near completion of the project, Advent intended to fence off the area with the closing of NE 4th Avenue. In addition, once the area is fenced off, all the parking (construction and otherwise) would be contained within their site.

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

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to adopt Resolution No. 80-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

8. Ordinance No. 4941 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 23.0 acres, more or less, located at 5051 Broken Sound Boulevard, as more specifically described herein, from Light Industrial (IL) to Residential Medium (RM); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-05-02)

Development Services Senior Planner Chris Kerr gave the PowerPoint presentation, stating that this was the transmittal hearing for the proposed Blue Lake residential development. He advised that the petitioner wished to create a 172-unit development on the site and provided a summary of the request for Universal Conditional Approval, which included a large-scale Future Land Use Map Amendment, a rezoning, a PUD Master Plan approval, a Tentative Subdivision Plat, and Site Plan Approval with a Technical Deviation. An easement abandonment and an NOPC (Notice of Proposed Change) for the Boca Technology Center (BTC) DRI (Development of Regional Impact) was also included. Mr. Kerr then reviewed aerial photographs of the site and provided information related to the current and proposed land use designations and zoning.

Mr. Kerr spoke to the NOPC request, which would: 1) decrease the allowable office and industrial component of 600,000 square feet, 2) permit the specific development of the 172 units on the 23-acre parcel, and 3) extend the build-out date from November 30, 2006 to November 30, 2008. An outline of the site plan followed; 140 townhomes and 32 single-family homes are proposed for a total of 172 dwelling units. Attention turned to site improvements, including a traffic roundabout (circle) at the intersection of Broken Sound Blvd. and Telecom Drive, which was originally proposed by staff for the Office Depot site plan. When the residential project came about, the roundabout was included in those plans as well; details were provided.

Council voiced concern over the safety and efficiency of the traffic roundabout. The City's Traffic Engineer Douglas Hess initially provided information related to the traffic circle proposed for Office Depot. Turning attention to the residential project, he stated that two options existed for the intersection: 1) a two-way stop controlled intersection, with stop signs on the east/west approaches, or 2) a roundabout intersection. Under either scenario, Level-Of-Service A would result. He then spoke to morning peak hour traffic and advised that the roundabout option would result in fewer accidents. Mr. Hess provided additional information to Council as requested, regarding the expected reduction in traffic, the expected number of daily trips generated, and the single access into the development.

Mr. Kerr resumed his presentation, speaking to the three preserve areas (two private and one County); he advised that a six-foot wall would be constructed around the development for mitigation purposes. Attention was then given to the easement abandonment. The petitioner proposed to abandon a 100-foot area of the easement, located along the southern property line and bordering the lake. Improvements would be made within the easement area, including lighting, bench areas, pavement, and full landscaping. Mr. Ahnell provided additional information related to walkways and paths that would ultimately connect the western library with the preserve areas, and provide complete circulation around the lake. Responding to Council, Mr. Kerr also provided information regarding a private road and fence proposed by the petitioner for construction along the easement.

Mr. Kerr reviewed Land Use Element Policy 1.9.4 and then advised that the application was reviewed by the Environmental Advisory Board, which recommended approval with conditions primarily related to the preserve areas; those conditions were included in the Development Order. Palm Beach County Environmental Resources Management (ERM) also reviewed the plan and provided four recommendations, which were all included in the approval. In addition, the Planning and Zoning Board reviewed the project; at that time, the applicant volunteered to make an additional \$500,000 contribution for off-site improvements to the lakefront promenade (i.e. the area around the remainder of the lake, down to the library parcel to the south). The Planning and Zoning Board unanimously recommended approval and included an advisory letter to Council that summarized concerns regarding affordable housing and how it relates to this particular project; details were provided.

A summary of the contributions volunteered by the applicant were reviewed and include the following: off-site esplanade improvements for \$500,000; on-site esplanade improvements for approximately \$411,000, and \$49,000 for the median beautification fund, totaling \$960,000 in contributions. Referring to questions tendered at the workshop meeting, Mr. Kerr used a chart to evaluate the impact of the proposed amendment in regard to the recently-completed analysis for the Scripps proposal; details were provided. Essentially, even with the amendment, there would still be over 10 million square feet of vested lands available for biotechnology and research uses. Mr. Kerr provided additional information to Council as

requested and then reviewed the schedule for the Comprehensive Plan Amendment process; the anticipated adoption hearing is August 22, 2006.

Dennis O' Shea, representing Stiles Development, provided a handout to Council and expounded on the proposed project. He provided additional information as to the contributions volunteered by Stiles and advised that Stiles was also willing to make a contribution to an affordable housing fund. Mr. O'Shea then answered questions from Council related to the proposed private road along the lake, the proposed improvements to the public easement and beyond, and the proposed fence. He indicated that Stiles wished to aesthetically merge the public and private areas.

Responding to Council, the City Attorney read a proposed new condition (Condition 35) into the record, advising that Condition 35 would be renumbered to Condition 36. The new language was as follows:

"The applicant has voluntarily proffered a payment of \$2,975,000 to be paid to the City. The City shall place said funds in a workforce housing fund to be utilized by the City to effectuate its workforce housing goals and objectives. These funds shall be paid to the City as follows: 20% of the total amount, which is \$595,000, shall be paid prior to the first main use building permit. The balance of the payment, 80% or \$2,380,000, shall be paid to the City as follows: upon the sale and closing of each individual unit by the developer to a party an amount equal to the proportionate share of the 80% balance based upon the total number of units constructed. For example, \$2,380,000 divided by 172 total units equals \$13,837.21 per unit. The voluntary proffer is based upon a per unit workforce housing contribution of \$175,000 per unit, assessed against 10% of the total number of units to be built, rounded to the nearest whole number. In the event the City adopts a mandatory workforce housing fee, prior to completion of the project that, if applied to the project, would result in a smaller fee, then the voluntarily proffered fee shall be proportionately reduced and applied to any remaining units but in no event shall any refund be due and payable. This obligation shall be evidenced by an appropriate document approved by the City Attorney and recorded in the public records prior to the first main use building permit. The recorded instrument shall expressly affirm that any and all outstanding payments shall constitute a super priority lien in parity with liens from municipal taxes against all of the property that is subject to the approval, and said lien shall be enforceable in the same manner as liens for municipal taxes."

The City Attorney then provided information to Council, as requested, in regard to various scenarios and clarified the above information.

Chuck Luciano advised that he was asked by the President of The Preserve's homeowners association to speak in support of the project. Michael Mullaugh, President of Broken Sound, also spoke in support of the project and then answered questions from Council. Seeing no one else come forward to speak, the public hearing was closed.

Responding to Council, Planning and Zoning Director Carmen Annunziato answered questions related to the extension of the DRI, advising that any property owners within the DRI geographical area could request an extension to the buildout date. Council confirmed with Mr. Annunziato that pulling a building permit by another property owner in the DRI would not further extend the DRI; additional questions were tendered to Mr. Annunziato, who provided extensive information related to vesting in the DRI and compatibility with biotechnology and research uses.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Arts, to transmit Ordinance No. 4941 to the Department of Community Affairs for review.

Discussion focused on rounding up the proposed contributions. Council confirmed with Mr. O'Shea that Stiles was amenable to rounding up the contributions to the workforce housing fund to \$3 million and the improvements, as reviewed earlier, to \$1 million.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to amend Ordinance No. 4941 to adjust the contribution to the workforce housing fund to reflect \$3 million. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

The City Attorney confirmed with those present that appropriate adjustments would be made to Conditions 33 and 34 and the condition regarding improvements in the public easement area to bring the total up to \$1 million.

The vote on the main motion to adopt Ordinance No. 4941, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

9. Ordinance No. 4942

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.02 acres and located adjacent to 375 East Royal Palm Road; providing for severability; providing for repealer; providing an effective date (SC-05-07)

The City's Property Appraiser/Specialist Lynn Bodor advised that she had given this same presentation yesterday when Council was sitting as the Community Redevelopment Agency and questioned whether they wished to hear it again. Since Council had no questions, the public hearing was opened forthwith. Seeing no one come forward to speak, the public hearing was then closed.

Motion was made by Council Member Hager, seconded by Council Member Arts, to adopt Ordinance No. 4942. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

10. Ordinance No. 4943

An ordinance of the City of Boca Raton amending Section 24-96, Code of Ordinances related to flat signs; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-06-01)

The ordinance was introduced by Deputy Mayor Whelchel.

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 HEARING – APPEAL OF BOARD DECISION:

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:

Workforce Housing

Deputy Mayor Whelchel offered the following motion related to workforce housing.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Baronoff, to direct the City Manager to move forward in establishing a mandatory workforce housing fee of \$175,000 per unit to be applied to 10% of all new housing units being built in the City. Staff should perform the necessary studies to confirm this fee and bring the necessary Comprehensive Plan amendments, ordinances, or resolutions to the July 25, 2006 meeting for Council's consideration and implementation.

Much discussion followed related to workforce housing and the proposed ordinance that was presented yesterday. Mr. Ahnell provided additional information to Council, as requested, advising that developers would not be prohibited from building workforce housing, instead of making a payment to the workforce housing fund, provided the land was zoned properly. Council agreed that this motion would allow the workforce housing issue to be immediately addressed; however, they appeared divided as to the feasibility of implementing the workforce housing ordinance, as presented yesterday. It was noted that the workforce housing fund could be tailored after the SHIP program, which is already in place at the City.

The vote on the motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Responding to Council, the City Manager advised that staff would define the parameters surrounding workforce housing and provide guidelines. He added that the workforce housing fund would serve multiple uses. For example, costs or fees could be offset to encourage workforce housing; in addition, existing housing stock could be taken advantage of immediately. Additional discussion followed; some Council Members voiced concern that details related to various workforce housing issues remained unclear and undefined, which is why there continued to be some support for the ordinance. Responding to Council, Mr. Ahnell advised that staff could present an outline of the workforce housing ordinance, as it pertains to the motion that was made, at the July meeting; the Comprehensive Plan amendment could be transmitted to the Department of Community Affairs (DCA) in August. Staff could refine the ordinance, itself, during the months of August, September, and October. At that time, the amendment would be returned to the City from the State; the Comprehensive Plan amendment and the ordinance could then be considered at the same time. Responding to Council, the City Attorney advised that it would be prudent to have a workforce housing policy included in the Comprehensive Plan.

Council agreed that the City Manager was to work on the motion and the issues that overlap with the motion that just passed and the ordinance that was presented yesterday. Once the results are presented to Council, a determination would be made as to whether work should continue on the workforce housing ordinance.

Gated/Walled Communities

Council Member Hager advised that he would not vote for gated/walled communities along the North Federal Highway Corridor, as that concept was not in keeping with the desires of the residents in that area.

City Goals and Objectives

Council Member Baronoff urged Council to review discussions that occurred, and decisions that were made, at the goal setting sessions and stated that he would continue to push for development of the pedestrian spine.

Mayor Abrams referred to the bed tax and asked staff to research how the dollars are distributed.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 9:10 p.m. on Tuesday, June 13, 2006.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk