

MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
CITY OF BOCA RATON, FLORIDA  
TUESDAY, AUGUST 8, 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 Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to add Ordinance Nos. 4953 and 4954 as Item Nos. 11 and 12 under, "Regular Business – Part V – Introduction of Ordinances." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, and Council Members Arts, Baronoff and Hager voting yes.*

**MINUTES:**

Minutes of the Regular Workshop Meeting of July 24, 2006  
Minutes of the Regular Meeting of July 25, 2006

*Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to approve the minutes of July 25, 2006 as presented and the minutes of July 24, 2006, as amended on Page 3, Paragraph 2, Line 5, to read, "...City discussed providing \$10 million, which is the value of the parcel of land north of Spanish River Boulevard." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

**PROCLAMATIONS/RECOGNITIONS/AWARDS:**

There were no proclamations, recognitions, or awards.

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:

There were no positions advertised.

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

a. Sealed Bid

- |    |   |           |
|----|---|-----------|
| 1) | Street Resurfacing Program<br>Requested by Municipal Services<br>Weekley Asphalt Paving, Inc. | \$815,835 |
|----|---|-----------|

b. Sealed Bid Renewal

- |    |  |           |
|----|--|-----------|
| 1) | Hauling & Disposal of Spent Lime-Renewal<br>Requested by Utility Services<br>Stanford & Sons Truck Corp. | \$126,001 |
|----|--|-----------|

c. Emergency

- |    |   |           |
|----|---|-----------|
| 1) | Emergency Rehabilitation of Lift Station 215<br>Requested by Utility Services<br>W. Jackson & Sons Construction Co. | \$83,740  |
| 2) | Rental of Emergency Power Generators<br>Requested by Utility Services<br>Sunbelt Rentals, Inc.                      | \$76,954. |

d. Waiver of Procurement Procedures

- |    |  |           |
|----|--|-----------|
| 1) | Diesel and Unleaded Fuel<br>Requested by Municipal Services<br>Amerada Hess Corporation & BV Oil | \$878,400 |
|----|--|-----------|

e. Resolution No. 112-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the FIRST Amendment to Agreement 03PB1 with the Florida Department of Environmental Protection for the purpose of reimbursable funding for the design and permitting of the North Boca Raton Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 114-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement for consulting services and authorizing Work Order Number One with the Renaissance Planning Group for the purpose of providing consulting services related to the Evaluation and Appraisal Report; providing for severability; providing for repealer; providing an effective date

g. Receive and File Board Minutes – August 8, 2006

- 1) Community Appearance Board  
July 11, 2006  
July 18, 2006
- 2) Elder Affairs Advisory Board  
June 7, 2006
- 3) General Employees' Pension Board  
May 17, 2006
- 4) Library Advisory Board  
June 21, 2006
- 5) North Federal Highway Steering Committee  
June 6, 2006
- 6) Physically and Mentally Challenged  
June 1, 2006
- 7) Planning and Zoning Board  
June 8, 2006

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

There were no items for consideration.

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

4. Ordinance No. 4944

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 0.89 acres, more or less, located at 5440 Glades Road, as described more particularly herein, from Palm Beach County Neighborhood Commercial (CN) to Palm Beach County General Commercial (CG); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-05-03/ZC/CA)

a. Resolution No. 110-2006

A resolution of the City of Boca Raton granting conditional use approval for the BP Amoco gas station on a parcel of land located at 5440 Glades Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (UC-05-03/ZC/CA)

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 Jim Bell gave the PowerPoint presentation. Acreage, land use designation, and zoning information were provided. Mr. Bell explained that the land use and zoning on the property would remain under the Palm Beach County designations until such time as the City amended the Comprehensive Plan to include the annexed areas; details were provided.

The applicant wished to redevelop the site, which currently houses an existing gas station with eight pump islands and a 3,400 square foot convenience store, to accommodate a new gas station and convenience store with food service. The existing uses would be demolished and 16 new pump islands and a 4,200 square foot convenience store with a small accessory restaurant would be constructed. Mr. Bell then focused attention on three variances related to additional right-of-way dedications as required by the Florida Department of Transportation; details were provided. He noted that the Zoning Board of Adjustment reviewed these variance requests and voted to approve same. Mr. Bell then outlined the proposed site plan, the right-of-way dedications, and parking. He concluded his presentation by advising that the Planning and Zoning Board also reviewed this request and recommended approval, as did City staff, and then answered questions from Council regarding the possibility of more crowded conditions at the already-busy gas station, what type of food service would be provided, and whether a generator was included in the plans.

The petitioner, Paul Lingerfeldt, advised that BP Amoco leased 20 generators that are housed in Mobile, Alabama, and 20 generators that are stored in Orlando, Florida. They would be mobilized immediately after a disaster; details were provided. During discussion, Council expressed concern that a generator was not located on site and there would be delays involved in getting one into the City after a disaster. Conversely, it was noted that should the generator be located at the gas station and that site is destroyed, it does no one any good.

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 Ordinance No. 4944. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

*Motion was made by Council Member Baronoff, seconded by Council Member Hager, to adopt Resolution No. 110-2006.*

*Motion was made by Council Member Baronoff, seconded by Deputy Mayor Whelchel, to amend Resolution No. 110-2006 to modify Page 3, Condition (9), after the last sentence, adding language generally consistent with the following, **"In addition, a generator sufficient to meet the station's energy demands shall be permanently located within the City of Boca Raton, shall remain fully available for use at the site at all times, and be fully operational and ready for use at all times as may be required."** Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

*The vote on the main motion to adopt Resolution No. 110-2006, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

5. Ordinance No. 4945

An ordinance of the City of Boca Raton granting the petition of Camino Investments Holdings, LP, amending the Boca Raton Downtown Development of Regional Impact Development Order to permit the office allocation in Subarea E to be reduced by up to ninety percent (90%); determining that the revision does not constitute a substantial deviation requiring further Development of Regional Impact review, subject to conditions; providing for severability; providing for repealer; providing for an effective date (SC-06-06)

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.

Planning and Zoning Director Carmen Annunziato gave the presentation. He explained that this application would amend the Downtown Development of Regional Impact (DDRI) Development Order to overcome a technical issue in Subarea E that currently limits the ability of Phase II of the Via Mizner project to develop, consistent with the approval recently granted by the Community Redevelopment Agency (CRA). The change to the DDRI would allow the allocation of uses in Subarea E to be transferred or converted such that the office allocation in that subarea may be reduced by more than 50% but not more than 90%; approximately 80,000 office equivalent square feet would remain in the subarea.

Mr. Annunziato stated that passage of the ordinance would allow for: 1) construction of Phase II of the Via Mizner project, 2) greater flexibility in approval of projects in Subarea E, and 3) future transfers of development to other subareas. The Treasure Coast Regional Planning Council, Palm Beach County, the Florida Department of Transportation, and the Department of Community Affairs, as well as staff, reviewed this proposed amendment and determined that there are no additional regional impacts that have not already been addressed. In conclusion, the CRA and the Planning and Zoning Board also reviewed the amendment and recommended approval of same, as did staff. Mr. Annunziato then answered questions from Council.

The architect for Via Mizner, Derek Vander Ploeg, briefly provided additional information to Council. Seeing no one else come forward to speak, the public hearing was closed.

*Motion was made by Council Member Arts, seconded by Council Member Baronoff, to adopt Ordinance No. 4945. Motion carried unanimously; Mayor Abrams, Deputy Mayor Wheelchel, Council Members Arts, Baronoff and Hager voting yes.*

6. Ordinance No. 4950 (Revised 8/8/06)

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Special Purpose Utility Easement, located at 131 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-06-04)

a. Resolution No. 113-2006

A resolution of the City of Boca Raton accepting and approving the final plat known as the Summit Boca Raton subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; authorizing the Mayor and City Clerk to execute the contract for construction of required improvements; providing for severability; providing for repealer; providing an effective date (SUB-04-03)

The City's Property Specialist/Appraiser Lynn Bodor gave the presentation. She explained that the items above related to the Summit Boca Raton mixed-use project; details were provided. Approval of the ordinance would allow for the vacation and abandonment of 20-foot public utility easements that

currently conflict with that plan. She advised that City staff and the franchised utilities agreed to the abandonment, subject to the relocation of the utilities as outlined in the ordinance; staff recommends approval of same. Regarding the resolution, Ms. Bodor explained that all conditions contained in the tentative plat approval related to the final plat requirements have been satisfied. As such, staff also recommended approval of the resolution.

The public hearing was opened and, seeing no one come forward to speak, closed.

*Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4950 as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

*Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 113-2006. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

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

7. Ordinance No. 4947

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Non-Access Easement, located in Arvida Park of Commerce Plats 10 and 11, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-06-02)

The City's Property Specialist/Appraiser Lynn Bodor gave the presentation. In connection with the approval for the Office Depot headquarters, a request is being made to abandon a five-foot non-access easement that abuts Clint Moore Road and Military Trail in Arvida Park of Commerce Plats 10 and 11 since redevelopment of the land has created conflict with the existing easement. As the City's site plan review and approval process controls all future access, staff recommended approval of the abandonment as more fully described in the ordinance. Ms. Bodor then answered questions from Council.

The public hearing was opened and, seeing no one come forward to speak, closed.

*Motion was made by Council Member Baronoff, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4947. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.*

8. Ordinance No. 4949

An ordinance of the City of Boca Raton providing for the vacation and abandonment of all Platted and Deeded Public Utility Easements, located at 2100 N.W. 5<sup>th</sup> Avenue, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-06-01)

The City's Property Specialist/Appraiser Lynn Bodor gave the presentation. She referred to Council's prior approval of the Addison Park Townhouse project, advising that the petitioner was now requesting abandonment of all platted and deeded public utility easements since they conflict with the site plan. The abandonment is conditioned upon Council's approval of the final plat for the project, which will contain new replacement easements. Consequently, City staff and the franchised utilities did not object to the abandonment; staff recommended approval subject to the conditions outlined in the ordinance.

The public hearing was opened and, seeing no one come forward to speak, closed.

*Motion was made by Council Member Arts, seconded by Council Member Hager, to adopt Ordinance No. 4949. 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:**

9. Ordinance No. 4951

An ordinance of the City of Boca Raton amending the Future Land Use Element of the Comprehensive Plan; amending Policy LU.1.1.2: to provide for an intensity standard for neighborhood retail uses within the Residential High Future Land Use category; adding Objective LU.1.14.0 to promote the redevelopment of the East Palmetto Park Road Corridor as a seaside village; adding Policy LU.1.14.1 to permit neighborhood retail uses in the High Density Residential Future Land Use category located in the East Palmetto Park Road Corridor and make appropriate amendments to the land development regulations; providing for severability; providing for repealer; providing an effective date (SC-06-07)

Council Member Baronoff introduced the ordinance.

10. Ordinance No. 4952

An ordinance of the City of Boca Raton, Florida, providing for neighborhood retail as a conditional use within the R-5 zoning district adjacent to Palmetto Park Road east of the Intracoastal Waterway; providing for appropriate revisions to the sign regulations in the R-5 zoning district; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-05-07)

Council Member Arts introduced the ordinance.

11. Ordinance No. 4953

An ordinance of the City of Boca Raton related to solid waste collection services; amending Chapter 14, Code of Ordinances; to provide updated regulations and requirements for solid waste collection; creating Section 14-18, Code of Ordinances to provide regulations and requirements for an exclusive franchise for commercial solid waste collection service; amending Sections 2-92 and 2-113, Code of Ordinances, to provide that violations of provisions of Chapter 14, Code of Ordinances, shall be within the jurisdiction of the Special Master; providing for severability; providing for repealer; providing for codification; providing an effective date

Council Member Hager introduced the ordinance.

12. Ordinance No. 4954

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute an exclusive franchise agreement with Waste Management Inc. of Florida to provide commercial solid waste collection services; providing for severability; providing for repealer; providing an effective date

Deputy Mayor Whelchel introduced the ordinance.

**REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:**

Tri-County Humane Society

The following people, many of whom were members of Boca Raton Animal Lovers, spoke before Council, alleging that Tri-County Humane Society and its director, Jeanette Christos, were engaging in, among other things, misappropriation of funds, hoarding of animals, illegal employment procedures, discriminatory adoption practices, and failure to provide adequate medical care and sanitary conditions: Sid Moskin, Amy Rosen, James Cristello, Harold Friend, Karenanne Friend, Jennifer Weiner, Edwin Hubbard, Angela Gardella, Judith Fish, Moira Cristello, Hara Rosen, Jane Thomas, and Anne Casper; specific examples were provided. Attorney Barry Silver, representing Boca Raton Animal Lovers, requested that an investigation be conducted and advised that his clients were not interested in litigation but wanted what was best for the animals.

Jeff Brown, a member of the Tri-County Humane Society Board of Directors and the attorney for same, rebutted statements made by members of Boca Raton Animal Lovers. The following people also spoke in support of the facility and Ms. Christos: Mary Wells, Stephen Sanders, William Lowther, Nathalie Scharn, and Dave Freudenberg.

The City Manager was directed to investigate the allegations and report back to Council.

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

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:**

Council Member Baronoff referred to an email he received from Boca Aviation and advised that many insurance settlements for hurricane-related damages are being finalized at this time. While fees were, at one point, waived for those entities obtaining permits to effect repairs resulting from hurricane damage, it appeared that permit fees were now being charged again. He asked Mr. Ahnell whether the City would continue to charge these fees. The City Manager stated that if people can demonstrate that they have received settlement from insurance companies due to hurricane damage, the permit fees would be waived.

**ADJOURNMENT:**

*Motion was made by Mayor Abrams, 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 8:05 p.m. on Tuesday, August 8, 2006.

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

ATTEST:

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