

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
WEDNESDAY, MAY 28, 2003
6:00 PM

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

INVOCATION:

Council Member Freudenberg gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

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

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 Resolution No. 97-2003 to the Consent Agenda. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

PROCLAMATIONS/PRESENTATIONS:

There were no proclamations or presentations.

AWARDS/RECOGNITIONS:

There were no awards or recognitions.

MINUTES:

Minutes of the Regular Workshop Meeting of May 12, 2003
Minutes of the Regular Meeting of May 13, 2003

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

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

There were no vacancies to consider.

2. Responses to Workshop Information Requests:

The City Manager explained that all responses would be covered in the presentations this evening.

3. Consent Agenda:

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

a. Sealed Bid

- | | | |
|----|--|-----------|
| 1) | Site Preparation, Fire Rescue Station #8
Requested by Fire-Rescue Services
Hardrives, Inc. | \$467,400 |
|----|--|-----------|

b. Competitive Sealed Proposals

- | | | |
|----|---|----------|
| 1) | Large Turf Equipment (Replacement)
Requested by Recreation Services
Hector Turf | \$45,580 |
| 2) | Police Motor Boat (Replacement)
Requested by Police Services
Intrepid Southeast, Inc. | \$93,000 |

c. Intergovernmental Agreements

- | | | |
|----|---|----------|
| 1) | Utility Tractor (Replacement) and Aerator (New)
Requested by Recreation Services
John Deere Company | \$33,390 |
| 2) | Traffic Signal Retrofit Kits (Replacement)
Requested by Municipal Services
Temple Inc. | \$26,360 |

d. Resolution No. 91-2003

A resolution of the City of Boca Raton accepting and approving the final plat known as the 101 North Federal Highway subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB 03-01)

e. Resolution No. 92-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 8 with Coastal Planning and Engineering Inc. for preliminary engineering and geotechnical services for the North Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 94-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Declaration of Canal Easement for canal purposes, over certain lands located at Lake Wyman Park; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 95-2003

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the U.S. Department of Justice for a Community Oriented Policing Services (COPS) Universal Hiring Program grant; 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

h. Resolution No. 96-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a telecommunications system rights-of-way use agreement with Brasil Telecom of America Inc. for the purpose of the use of public rights-of-way for telecommunications purposes; providing for severability; providing for repealer; providing an effective date

i. Receive and File Board Minutes – May 28, 2003

- 1) Builders' Board of Adjustment and Appeals
December 3, 2002
- 2) Community Appearance Board
April 15, 2003
April 22, 2003
- 3) Education Advisory Board
March 24, 2003
- 4) Environmental Advisory Board
February 27, 2003
March 20, 2003
April 24, 2003
- 5) Parks and Recreation
April 1, 2003
- 6) Physically and Mentally Challenged Board
April 3, 2003
- 7) Special Master
March 12, 2003
- 8) Telecommunications Advisory Board
March 3, 2003

j. Resolution No. 97-2003

A resolution of the City of Boca Raton urging the United States Conference of Mayors to support efforts to find a cure for Parkinson's Disease, to increase awareness and understanding of Parkinson's Disease, and to promote education, awareness, and improved quality of life for patients and caregivers; providing for severability; providing for repealer; providing an effective date

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

4. Resolution No. 90-2003 (*Quasi-judicial*)

A resolution of the City of Boca Raton granting conditional use approval for a substance abuse treatment facility on a parcel of land located at 7601 North Federal Highway, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-05)

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petition. Under ex-parte disclosures, Deputy Mayor Whelchel stated that she had spoken with Bill Smith and Charles Putman. Council Members Freudenberg, Haynie and Hager each indicated that they had spoken with Bill Smith. Mayor Abrams said that he had submitted his ex-parte disclosures.

The court reporter identified herself as Susan Kruger from Royal Palm Reporting in West Palm Beach, Florida; she was retained on behalf of the petitioner.

Development Services Planner Daryl Johnson gave the PowerPoint presentation. He provided zoning information and stated that the Alternatives in Treatment (AIT) substance abuse treatment facility had operated at the same location for the past 13 years. It occupies approximately 4,000 square feet on the first floor of the Valley Executive Center, Building B, and is fully licensed by the State and the City. Mr. Johnson then briefly reviewed Ordinance No. 4649, adopted by Council in May 2002, which created minimum criteria for substance abuse treatment facilities. He explained that Council had recently amended this ordinance (see Ordinance No. 4701) to clarify the definition of "substance abuse treatment facility" and extend the required compliance date to a time uncertain. In the interest of compliance, the petitioner was requesting a conditional use approval, since AIT is located in an R-B-1 zoning district. It was noted that, in all other respects, AIT had met the criteria established by Ordinance No. 4649. Mr. Johnson provided additional information related to services provided by the facility, hours of operation, and the number of people on-site at any time, and stated that there were no residential accommodations. He then explained that the nearest substance abuse treatment facility was approximately 2,500 feet away from this facility.

Upon further research, staff determined that two conditions, which would prohibit residential use of the facility and limit the total gross floor area, should be added to the resolution. Mr. Johnson then concluded his presentation.

Bill Smith, representing Alternatives in Treatment, spoke in support of the resolution and stated that his client agreed with the conditions as proposed by staff.

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. 90-2003.

The City Attorney clarified with Mr. Johnson that the condition related to prohibiting residential use of the facility was already included in the resolution as Condition #2. Therefore, only one amendment was needed to add a Condition #4, related to the total gross floor area of the facility.

Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to amend Resolution No. 90-2003 to add Condition #4, using language generally consistent with the following: "The total gross floor area of the substance abuse treatment facility shall be limited to a maximum of 4,000 square feet. Any expansion of the use beyond this amount shall be subject to conditional use approval." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

The vote on the main motion to approve Resolution No. 90-2003, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

Mayor Abrams explained that the public hearings for the following two ordinances and resolution would be conducted together. However, each item would be voted on separately.

5. Ordinance No. 4706

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 5.36 acres, more or less, located at 7901 North Federal Highway, as more specifically described herein, from C (Commercial) to RM (Residential Medium); providing for the appropriate revisions of the Future Lane Use Map; providing for severability; providing for repealer; providing an effective date (UC-02-04SC/ZC/SPA/SUB)

6. Ordinance No. 4707 (Quasi-judicial)

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 5.36 acres, more or less, located at 7901 North Federal Highway, as described more particularly herein, from R-B-1 (Motel Business) and B-4 (General Business) to R-3 (Multifamily Residential); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-02-04SC/ZC/SPA/SUB)

7. Resolution No. 83-2003

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Tropic Gardens Luxury Townhome Community Subdivision Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-02-04SC/ZC/SPA/SUB)

The City Attorney stated that the quasi-judicial procedures that were previously explained were still in effect. The City Clerk administered the oath to those who indicated they wished to speak on the petitions. Under ex-parte disclosures, Council Member Freudenberg indicated that he had submitted same. Council Member Haynie stated that she had spoken with Mel Urban.

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation. He stated that the property fronted both Federal Highway and Dixie Highway and consisted of approximately 5.36 acres. Surrounding buildings were identified and current zoning information was provided. The petitioner proposed to rezone the property from R-B-1 and B-4 to R-3, to allow for development of a 41-unit townhome community, and to change the Future Land Use Map designation from Commercial to Residential Medium. Mr. Zurita noted that the R-3 zoning district allows for 9.5 dwelling units per acre, i.e. an allowable density of 50 units; however, the petitioner was proposing 7.65 dwelling units per acre, which equates to 41 units. The applicant would also convey a .36-acre parcel (50 feet) to the City for the widening of North Dixie Highway. While the proposed development excluded this 50-foot right-of-way expansion from the site plan, the allowable density would still remain at 50 units. Again, 41 units are proposed.

Mr. Zurita explained that the requested amendment to the Future Land Use Map of the Comprehensive Plan met the statutory conditions for a small-scale development. Following one required public hearing, the petition would be forwarded to the Department of Community Affairs.

Staff evaluated the amendment to determine consistency, compatibility, and concurrency with the City's Comprehensive Plan. Staff established that the project met concurrency requirements related to potable water, sanitary sewer, solid waste, roads, parks, and stormwater management. Trip generations were reviewed; a total of 287 trips per day were estimated and would result in 3,976 fewer daily trips than what is allowed under the current zoning designation. It was noted that a land dedication fee of \$79,663 was also approved by the Parks and Recreation Board. Mr. Zurita then provided details regarding compatibility. He added that the proposed development would not negatively impact public schools, mass transit facilities, or natural and historic resources, and no technical deviations were requested.

The site plan was detailed, along with information regarding ingress and egress. Brick pavers would be provided along driveways and sidewalks; peripheral walkways would be constructed for pedestrian circulation and landscaping would be evident in both private and common areas. Each unit would have a private yard with either a pool and/or a spa and a two-car garage. Property frontages, perimeter setbacks, landscape buffering, and building separations were also reviewed. Mr. Zurita then explained that five different unit types would be offered and combined in eight separate two-story buildings. Square footage of the units range from 2,313 square feet to 3,256 square feet. Regarding parking, 82 spaces are required; 91 spaces would be provided.

On the issue of the tentative subdivision plat, Mr. Zurita explained that it would provide for the subdivision of the property into fee simple lots. The plat would provide for 41 individual lots, delineate common areas, require easements for the entire property, and provide for the .36-acre parcel to be transferred to the City for the future widening of North Dixie Highway.

Mr. Zurita concluded his presentation by stating that the Planning & Zoning Board unanimously recommended approval of this petition; the Development Services staff also recommended approval, with the conditions listed in the two ordinances and the resolution. He then answered questions from Council.

Mel Urban, the developer/petitioner, spoke in support of the project and introduced Courtney Williams, from RendArch Multimedia, who provided a "virtual" video of the proposed development. In response to Council Member questions, he confirmed that the Dixie Highway driveway was designed as exit only and the project provides for 25% greenspace.

During the public hearing, Frank Feiler came forward in support of the project.

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

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Ordinance No. 4706. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4707. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 83-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

8. Ordinance No. 4703

An ordinance of the City of Boca Raton, Florida, authorizing the issuance of not exceeding \$19,800,000 general obligation bonds, in one or more series, of the City of Boca Raton, Florida; authorizing the use of the proceeds therefrom for the purposes described in Resolution No. 71-2003; providing the form and terms of the bonds; providing for the payment of the bonds from a tax on all taxable property in the City of Boca Raton; providing for the rights, remedies and security of the holders of the bonds; providing for certain other matters deemed necessary and proper in connection with the issuance of the bonds; and providing for an effective date.

a. Resolution No. 71-2003

A resolution relating to the issuance of General Obligation Bonds (Multiple Series) (Library Projects), of the City of Boca Raton, Florida in the aggregate principal amount of not exceeding \$19,800,000 authorized under Ordinance No. 4703 for the purposes of financing the costs of constructing, equipping and furnishing of a new Library in the western part of the City and a new Library in replacement of the City's existing downtown Library; providing for the terms and payment for said bonds; incorporating by reference the terms and provisions of Ordinance No. 4703; establishing the parameters by which to establish the maturity schedule in connection therewith; authorizing the City Manager or the Director of Financial Services of the City to publish a summary notice of sale and to receive bids with respect to each series of bonds pursuant to a competitive sale of said bonds and award the sale of said bonds to the responsive bidder offering the lowest true interest cost to the City which shall not exceed the then Bond Buyer Index – 20 bond go index plus 100 basis points; approving the execution and delivery of said bonds and appointing a Bond Registrar and Paying Agent; approving and ratifying the preparation and use of an Official Notice of Bond Sale and Bid Form, a Preliminary Official Statement and Final Official Statement; providing for the rights, remedies and security of the holders of said bonds; providing for certain other matters in connection therewith; authorizing the proper officers to do all things necessary and advisable; and providing for an effective date.

Financial Services Director Mervyn Timberlake gave the PowerPoint presentation, explaining that the bonds were approved by the voters on March 11, 2003 by 71%. He stated that these bonds would be used for construction, equipping and furnishing of a new library in the western part of the City and a new library in replacement of the City's existing downtown library. The anticipated debt service millage for this bond issue is .14 mills. Consequently, a homesteaded residence could expect an annual increase in property taxes of \$23 to pay for the bonds.

Two installments are expected, as it will take several years to build both libraries; construction of the downtown library will not begin until after completion of the western library. The first installment of \$10,000,000, which would fund the western library and the architect for the replacement of the downtown library, is to be sold by July 2003. The projected total debt service on the first installment is expected to be \$14,427,900.

Mr. Timberlake stated that this ordinance would authorize the issuance of the bonds, provide for 20-year general obligation bonds, provide for payment from property taxes, and provide for multiple issues of the bonds. The resolution establishes procedures for sale and award of the bonds, authorizes the City manager and the Financial Services Director to accept competitive bids if the interest rate is below the Bond Buyer Index, and approves the Official Statement and other necessary documents for the bond sale. Mr. Timberlake concluded his presentation by stating that the City had received bond ratings of AAA on this bond issue from all three rating agencies.

No one wished to speak at the public hearing.

Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to adopt Ordinance No. 4703. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

Motion was made by Council Member Freudenberg, seconded by Council Member Haynie, to adopt Resolution No. 71-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

9. Ordinance No. 4708 (As revised May 13, 2003)

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

Office of Management and Budget Director Linda Davidson gave the presentation and briefly reviewed Sections 1 through 4 of the ordinance, which reflected revenues and expenditures in the General Fund, the Law Enforcement Trust Fund (LETF), the Capital Improvements Fund, and the Fire/Library Improvement Fund. Ms. Davidson concluded her presentation by stating that the total of additional revenues and expenditures of the Second Quarterly Budget Amendment Ordinance was \$9,827,200.

No one wished to speak at the public hearing.

Motion was made by Council Member Haynie, seconded by Council Member Freudenberg, to adopt Ordinance No. 4708, as revised. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

10. Ordinance No. 4709

An ordinance of the City of Boca Raton creating Sections 23-38 and 23-39, Code of Ordinances; establishing procedures and standards for approval of transportation concurrency exemptions for not-for-profit medical facilities that promote public transportation; providing for severability; providing for repealer; providing for codification; providing an effective date

Municipal Services Transportation Planning Engineer Luanna Deans gave the PowerPoint presentation. She provided background information, explaining that Council had amended the Comprehensive Plan to allow transportation concurrency exemptions for not-for-profit medical facilities, which promote public transportation, in January 2000. That amendment created a new policy in the Transportation Element, Policy TRAN 1.3.15, which outlines the criteria a facility must meet in order to qualify for an exemption. This ordinance would bring the City Code into compliance with the Comprehensive Plan. Ms. Deans then outlined the criteria in the Comprehensive Plan and this ordinance, stating that the proposed development must be a not-for-profit medical facility located outside the Coast High Hazard Area and be larger than 20 acres and create more than 2,000 jobs. Currently, the only development meeting these requirements is the Boca Raton Community Hospital. Design requirements include promoting transit and other modes of transportation, development and implementation of a Transportation Demand Management (TDM) plan, and a conditional use approval. Ms. Deans concluded her presentation by stating that staff recommended approval of the ordinance.

No one wished to speak at the public hearing. As this was the first of two required public hearings, no vote was taken.

11. Ordinance No. 4710

An ordinance of the City of Boca Raton relating to the height of buildings and structures (specifically public utility poles) in single-family residential districts; amending Section 28-2, Code of Ordinances, Definition, "Height Of Building"; amending Section 28-342, "Building Height", Code of Ordinances; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager gave the presentation, explaining that this ordinance would amend the zoning code governing single-family residential districts to exclude public utility poles from district height restrictions and eliminate the requirement for public utility poles exceeding the district height regulation to obtain Conditional Use Approval. Essentially, this ordinance provides an exemption for Florida Power & Light (FPL). Mr. Ahnell provided background information, stating that an ordinance was adopted approximately 18 months ago in regard to a cell tower, which was to be constructed at a church on Camino Real. A few months later, an FPL issue arose relating to transmission lines in excess of 50 feet, which would have been installed in residential districts. Currently, FPL has proposed a new route along Military Trail. Using an overhead, Mr. Ahnell outlined the new route. He explained that, as the City's liaison to FPL, he researched this route and found that 75 homes and three schools would be affected by it. Consequently, Mr. Ahnell spoke with FPL and questioned whether any options existed to modify the route. FPL expressed a willingness to modify the route, if the City would be willing to: 1) provide an exemption to the 50-foot height restriction, and 2) provide the appropriate easements in order to construct the route. Mr. Ahnell then outlined the modified route as shown on the overhead and reported that 22 homes (and no schools) would be impacted. In conclusion, approval of the ordinance was recommended. Mr. Ahnell and the City Attorney then answered questions from Council. Concern focused on what guarantees were available to the City that FPL would follow through with the newly-modified route, should this ordinance be adopted.

Elizabeth Winston, Larry Stone, and Bill Kramer opposed the ordinance and FPL, voicing concern over electromagnetic fields and the downed poles causing a possible evacuation impediment during hurricanes. Margaret Sarcie asked Council to table the ordinance until FPL had the opportunity to review a transmission line route proposed by FAIR (Fighting Against Illogical Routes). Charles Luciano, President of The Preserve Homeowners Association, supported the ordinance on the condition that FPL would abide by the modified route, as outlined by Mr. Ahnell. Carl Jacobs voiced that, when FPL upgrades electric poles, the utility company does not remove the old poles; consequently, 2 and 3 electric poles can be found at the same location. He also expressed that residents should be notified when these poles are installed. Anne Marie Voutsinas thanked Council for extending assistance in the past and asked for help in moving the transmission line route away from homes. Tim Day was in opposition to the ordinance.

Seeing no one else come forward to speak, the public hearing was closed. As this was the first of two required public hearings, no vote was taken.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

12. Ordinance No. 4711

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of platted right-of-way for Isabel Road Este, located at 1100 S.W. 21st Lane, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-02-03)

The ordinance was introduced by Council Member Freudenberg.

13. Ordinance No. 4712

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.17 acre and located at 201 N.W. Spanish River Boulevard; providing for severability; providing for repealer; providing an effective date (SC-01-12)

The ordinance was introduced by Council Member Haynie.

14. Ordinance No. 4713

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 0.275 acres, more or less, located at 2501 North Ocean Blvd., as described more particularly herein, from R3E Residential District to R5 Residential District; providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-02-02/ZC/PUD/SPA)

The ordinance was introduced by Mayor Abrams.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Carl Jacobs spoke on several topics. Using a zelar, he voiced concern that signs notifying the public that City property was being irrigated with reclaimed water were unreadable. He also opined that the City's water system was not being flushed often enough to eradicate bacteria; in addition, the City's backflow equipment was not being tested often enough.

Brenda Starkey, Patricia Mathis, Lisa Jane, Lynn Jane, Teresita Reoyo, Jorge Gonzales, Glen Reoyo and Mary Gray all expressed opposition to the possible donation of the two City-owned lots that are located on the south side of Spanish River Boulevard to Habitat for Humanity.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

**QUASI-JUDICIAL PUBLIC HEARING/REQUEST FOR VARIANCE
FROM CHAPTER 24 – SIGN CODE:**

15. Resolution No. 93-2003

A resolution of the City of Boca Raton granting a variance from the provisions of Section 24-78(b), Code of Ordinances, to construct one (1) freestanding sign that exceeds 7 feet in height at 5099 NW 5th Avenue; providing for severability; providing for repealer; providing an effective date (SCV-03-02)

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petition.

Development Services Senior Planner Alejandro Zurita gave the PowerPoint presentation. Zoning information, acreage, and location was provided; the subject property, 5099 NW 5th Avenue, is situated near the I-95 off ramp for Yamato Road. As a security measure to discourage street crossing at off-ramp locations, the adjacent Florida Department of Transportation (FDOT) property contains a 6-foot-high fence and landscaping. Consequently, the petitioner's 7-foot-high sign currently in place is virtually unreadable, since only one foot of the sign is visible. In order to rectify the situation, the petitioner was requesting a variance to construct a freestanding sign with a maximum height of 11 feet, which is three feet higher than what is allowed by Code. Mr. Zurita concluded his presentation by stating that staff had contacted FDOT to request that the fence be removed or modified, but to no avail.

No one wished to speak at the public hearing.

Motion was made by Council Member Freudenberg, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 93-2003. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Freudenberg, Hager and Haynie voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

Mr. Ahnell reminded those present that a workshop meeting was scheduled tomorrow night at 6:00 p.m. on the subject of citrus canker and the recently-imposed quarantine. The meeting is sponsored by the Florida Department of Agriculture and will be held in the Royal Palm Room at the Community Center, located next to City Hall.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Haynie reported on the most recent Metropolitan Planning Organization (MPO) meeting. She stated that a \$200,000 study would be funded in the 2004 – 2008 Transportation Improvement Program for Dixie Highway, north of Yamato Road.

Council Member Haynie reported that, at the last Airport Authority meeting, dollars were allocated to construct and extend Airport Road in conjunction with the City's Airport Road project.

Council Member Freudenberg followed up on Ms. Haynie's comment related to the study for Dixie Highway. He stated that Commissioner Mary McCarty had indicated that funding, which had been allotted for a County project for Jog Road, could possibly be transferred to Dixie Highway. Mr. Ahnell is to follow up with Ms. McCarty.

Deputy Mayor Whelchel requested that the City Manager follow up on the concerns voiced by Carl Jacobs during Public Requests, particularly in relation to signage regarding reclaimed water. Mr. Ahnell provided Ms. Whelchel with a brief history of the City's relationship with Mr. Jacobs over the last few years and stated that, since the City has been found to be in compliance with applicable law regarding the City's water system, it appeared as though Mr. Jacobs had some personal issues with the City. However, he would follow up on the issue of the signs.

Deputy Mayor Whelchel asked that the City Manager continue to monitor the state of affairs with Florida Power & Light (FPL) and the latest proposed transmission line route. Some discussion followed. Mr. Ahnell assured Council that he would keep them apprised of the situation.

Mayor Abrams referred to the recent designation of "Blue Wave Beaches" in Broward County and requested information regarding requirements for attaining that designation.

Mayor Abrams referenced "Part V – Introduction of Ordinances" on the agenda and clarified that sponsorship of an ordinance is not indicated by introduction of same

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 8:23 p.m. on Wednesday, May 28, 2003.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk