

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, FEBRUARY 11, 2008
1:30 PM

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

ATTENDING THE MEETING WERE:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member M. J. Mike Arts
Council Member Peter R. Baronoff
Council Member Bill Hager (absent - excused)

Also attending the meeting were:

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

PROCLAMATIONS: Love Your Library Month – February 2008

Lynn Holloway and Shilo Perlman accepted the proclamation on behalf of the City's Library Services staff.

Mayor Abrams stated that Public Requests would be taken up at this time, as the presentations were expected to be somewhat lengthy. Another opportunity to speak would also be provided after the presentations.

2. PUBLIC REQUESTS:

Christopher Knapp, representing Boca Raton Charter School, spoke to the lack of school district space for charter schools and the high cost of rent currently paid by Boca Raton Charter School; he then asked that City property be provided for the school's use, advising that he was open to other suggestions as well. Responding to Council, Mr. Knapp read a letter from Chief of Facilities Management for the Palm Beach County School District Joseph Sanches, dated 2/11/08, which indicated that the County had no space available. Mayor Abrams advised that the City Manager would contact Mr. Knapp in an effort to be of assistance with this issue.

Dave Freudenberg spoke to valet parking and parking in general, stating that County laws (in terms of the annexed areas) and City laws should be re-examined, opining that the Citywide parking situation is bad. He advocated creation of a uniform code to address the issue of parking.

PRESENTATIONS:

a) Simon Group

Tim Earnest, Senior Vice President of Simon Property Group, representing Town Center Mall, stated that questions brought forward at the January 7, 2008, Council Workshop meeting would be answered today. He also assured Council that decisive action had been taken in light of the incidents that occurred at the mall to ensure a safe and comfortable environment. There followed an overview of communication, information gathering, and actions taken by the mall in response to each incident. It was noted that security enhancements were planned and being implemented even before these incidents took place; details were provided. Mr. Ernest advised that Simon Group had developed a strategy to combat violent crime at the mall and referred to creation of a task force. He then introduced Al Lenhardt, President and CEO of the National Crime Prevention Council (NCPC), indicating that Simon Group had joined forces with this organization that the NCPC might guide in the development, training, and content of a public/private partnership to build awareness and provide education in terms of crime prevention. Mr. Lenhardt provided information related to his organization and then answered questions from Council.

At this time, Mr. Ernest indicated that the first workshop of the task force would be held in approximately two or three weeks; an update would be provided to Council after that meeting. He then introduced Lydia

Gilmore, Portfolio Vice President for Simon Group in Florida, who provided a PowerPoint presentation that focused on questions raised by Council, security enhancements, and additional plans under consideration and/or being implemented by the mall. Topics discussed included, but were not limited to, a police substation, proposed to open in April; a security command center; parking (valet and otherwise); security services; a surveillance plan; a parking for parents program; and a shuttle service. Ms. Gilmore concluded her comments by advising that Simon Group was committed to ensuring that Town Center Mall was a safe and comfortable environment. She then answered questions from Council. Additional comments were made regarding Simon Group's initiatives for educating their tenants in regard to security issues and services versus their efforts to educate the public about same.

b) Land Use and Urban Form Summary of Findings – Glatting Jackson

Peter Seckler, a principle with Glatting Jackson in Orlando, Florida, gave an extensive PowerPoint presentation on the Northwest Subdistrict Land Use and Urban Form Study, which is part of the Multi-Modal Transportation District (MMTD) initiative. Focus was given to transportation, urban design, and land use planning for the northwest subdistrict. Meticulous details were provided on many topics, ranging from planning objectives and the project schedule to the past, present, and future of the northwest study area, itself.

Greg Logan, with Robert Charles Lesser & Company, reviewed a market analysis, which provided quantitative and qualitative aspects of demand for land uses that might be appropriate for future development within this subdistrict. Many subjects were touched on including, but not limited to, current land use conditions, concepts regarding the ideal workplace, evolution of business centers and metro cores, and walkable urbanity related to highest value real estate locations; details were provided. At this time, Mayor Abrams indicated that he and Council were in agreement as to providing more flexibility and, in fact, had already done so in terms of loosening LIRP restrictions, adopting a workforce housing ordinance, and regularly considering requests for hotel approvals. Consequently, he questioned what conditions Glatting Jackson representatives were ultimately suggesting.

At this point, Mr. Seckler continued the presentation by providing a summary of six strategies, which were as follows: 1) ease office land use restrictions, 2) adopt a livable, diverse approach to transportation, 3) provide housing choices for the workforce, 4) increase access to neighborhood commercial, 5) feature the open space and public realm, and 6) image, appearance and development form; details were provided in each category.

The last speaker, Frances Chandler, Director of the Regional Planning Group, outlined land use map changes that would need to be implemented, should Council agree with the vision presented. In addition, she advised that specific policies would need to be created to regulate the different framework elements that were also presented. Details were provided on all of the above.

Responding to Council, the City Manager advised that all the items identified in the presentation were coming together concurrently. He indicated that staff would also bring forward the necessary Comprehensive Plan amendments and the land use regulations to ensure that guidelines would be available for Council's reference so that as projects come along, they could fit into the overall vision. Mr. Ahnell added that five main areas of the City had been identified as subdistricts, in terms of the MMTD, and plans were being created and/or finalized for various areas; details were provided. In response to Council, the City Manager explained that the changes made to the LIRP several months ago dovetails into what Glatting Jackson presented today and the long-term vision for the City.

1. BOARD INTERVIEWS:

There were no positions to consider.

2. PUBLIC REQUESTS: (Continued)

No one came forward to speak.

3. REVIEW OF REGULAR AGENDA ITEMS:

- a. Questions relating to the agenda.

(Consent Agenda Item No. 3.j. – Accepting the Downtown Boca Raton Master Plan Update as a framework for an updated vision for Downtown Boca Raton and designating the Downtown Boca Raton Advisory Committee as the Downtown Master Plan Steering Committee) Council Member Arts advised that he planned to pull this item from the Consent Agenda tomorrow night that the City Manager might provide more detail.

- b. Resolution No. 15-2008 (*Regular Agenda Item No. 4*), considering conditional use approval for the Bova Ristorante outside dining area on a parcel of land located at 1450 North Federal Highway.

Development Services Principal Planner Jim Bell gave the PowerPoint presentation, explaining that this was a request to construct a 588 square-foot outside dining area with technical deviations. Location, acreage, zoning, and land use designation were provided and surrounding properties and uses identified. Mr. Bell then reviewed the proposed site plan, advising that, if approved, the total square footage of the restaurant would be a little over 7,000 square feet. There followed a brief history of the original restaurant that was approved on the subject site, with emphasis placed on the customer service area. Mr. Bell indicated that the Code uses customer service areas for restaurants in determining parking requirements. With the additional dining area, 99 spaces are required; 86 are being provided on site. Another 13 valet spaces are being proposed at the Miracle Car Wash site, located to the south of this parcel. Consequently, the applicant is requesting technical deviations from Chapter 23 (Off-Street Parking Facilities) and Chapter 28 (Off-Street Parking Spaces). Mr. Bell noted that valet parking cannot count toward required parking; additional details were provided related to the technical deviations.

Since the site is adjacent to single-family residential areas to the north and east, staff recommended extending an existing 6-foot wall on the eastern boundary. In addition, a future cross access connection to the Miracle Car Wash site, at a location to be determined by Public Works Review staff, was also being recommended. The traffic analysis was then briefly reviewed; a slight increase in peak hour trips is anticipated. At this time, Mr. Bell advised that the applicant has agreed to provide a bus shelter at the northern portion of the site.

The Planning & Zoning Board reviewed the petition and unanimously recommended approval of the site plan with the technical deviations and the conditional use. Staff also recommended approval subject to conditions. Mr. Bell and Mr. Ahnell then provided information related to the bus shelter, as requested by Council.

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

There were no items for consideration.

5. CITY MANAGER REPORTS:

- a. Parking Issue Update

Development Services Director Jorge Camejo referred to his memorandum to the City Manager, dated February 5, 2008, and gave a PowerPoint presentation in regard to same, advising that staff was attempting to identify how the City handles business and commercial parking issues, specifically as they relate to valet parking. He stated that the City Code currently provides standards and criteria in order to determine the number of required parking spaces needed for any given use. However, valet operations are not specifically addressed in the Code. Mr. Camejo then referred to Section 28-1651, advising that it is unlawful to restrict access to any required parking that is mandated under City Code as it pertains to any particular use. It was noted that staff has addressed valet parking in such a way that it can be accommodated, provided that required parking is not being set aside by the valet nor is access to parking being restricted; if excess parking is available beyond what is required by Code, then the valet use can be

accommodated. Mr. Camejo added that the valet operation cannot impede the flow of traffic as contemplated in the original approval for any given site.

The criteria used by staff to determine whether a valet service is operating lawfully are as follows: 1) Is the valet segregating or limiting availability of required parking in order to facilitate their operation? 2) Is the valet interfering with the normal function of the site as contemplated and designed in the approved site plan? 3) Is the valet creating a hazard to public safety?

Mr. Camejo then referred to the annexed areas, advising that different standards apply to those areas since they were subject to Palm Beach County regulations at the time of annexation; details were provided. At this time, Mr. Camejo answered questions from Council, as did the City Attorney. Ms. Frieser explained that, per Statute, when an area is annexed, the regulations in place – in this case, the Palm Beach County regulations – remain in effect until such time as the City adopts new Comprehensive Plan categories and regulations; details were provided.

There followed a review of two options, relating to unrestricted spaces and partially restricted spaces, respectively, that could be utilized to regulate valet operations. The primary difference between the two sets of standards was found in Option Two, specifically, valet operations would not restrict access to required parking spaces beyond a certain percentage (50% - 25%) of the required parking. Responding to Council, Mr. Camejo indicated that, beyond a Business Tax License, there is nothing else required of a valet operation at this time; details were provided.

In conclusion, staff recommended that monitoring of the valet issue continue on a Citywide basis and that enforcement action also be continued. However, Council's direction was requested on several issues: 1) Should a percentage of required parking, if any, be set aside for valet use? 2) Should there be a fee for valet use? 3) Should valet use be accommodated at all? Mr. Camejo advised that staff could bring forward an ordinance outlining the regulations and approval process to be followed for Council's future consideration. The City Manager provided additional information as to the direction staff was seeking.

Charles Siemon stated that the problem is that the City didn't have a set of rules and the parking code was outdated; additional commentary was provided. He advocated valet parking, stating that with proper regulations, the problem would go away. He suggested bringing in business and commercial owners to work with staff to resolve the problem.

Mr. Ahnell responded to comments made by Mr. Siemon, advising that staff was already working on a study regarding required parking; he also noted that the City has consultants on board at this time, working with the public to resolve parking issues. Council generally agreed that they wished to hear from people in the industry before coming to any decision.

6. CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Mayor Abrams commented on the success of the Allianz golf tournament and extended compliments to Council Member Arts and all those involved with the event, as did Deputy Mayor Whelchel, who advised that the proceeds of the event, which brought in \$16 million, would be given to Boca Raton Community Hospital. Council Member Baronoff stated that the Golf Channel showcased great parts of the City and then advised that the next big event is the Festival of the Arts. Council Member Arts commended staff for their efforts in making the golf tournament a success.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 4:06 p.m. on Monday, February 11, 2008.

Vanessa Hines, Assistant City Clerk