

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, SEPTEMBER 8, 2008
1:30 PM

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

ATTENDING THE MEETING WERE:

Mayor Susan Whelchel
Deputy Mayor Peter R. Baronoff
Council Member M. J. Mike Arts
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 Hagerty

1. BOARD INTERVIEWS:

- a) Builders' Board of Adjustment & Appeals – one (1) vacancy.

Angelo Gasparri interviewed for the position.

- b) Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy.

James Wood interviewed for the position.

- c) Code Enforcement Board – three (3) vacancies.

Angelo Gasparri and Jeff Evans expressed interest in reappointment.

- d) Community Appearance Board – five (5) vacancies.

Larry Cellon, Linda Baumann, Joe Peterson, Juan Caycedo, and Grant Thornbrough expressed interest in reappointment. Krsto Stamatovski also interviewed for a position on the Board.

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

No one came forward to interview.

2. PUBLIC REQUESTS:

Lenore Wachtel stated that a Council member had made personal attacks against her and then outlined what she termed her successes as a civic activist within the City. Ms. Wachtel also spoke in opposition to the proposed downtown design guidelines and then urged Council to support an educational summer program for children.

3. REVIEW OF REGULAR AGENDA ITEMS:

- a. Questions relating to the agenda.

(Consent Agenda Item No. 3.b.2. – Wastewater Biosolids Hauling and Disposal) Council Member Haynie questioned when the biosolids pelletization plant would be up and running, which would then eliminate this hauling fee. Mr. Ahnell advised that an answer would be forthcoming tomorrow night.

(Consent Agenda Item No. 3.b.1. - Staff Augmentation Services for Information Technology) Council Member Hager asked how the City is doing, in general, in terms of remaining contemporary with technology. The City Manager stated that, due to the diversity of its operations, the City has to keep up with many different levels of information technology; however, the City has a great IT staff and, given the resources available, is doing an outstanding job.

(Consent Agenda Item No. 3.c. – Resolution No. 103-2008 / Agreement with CorVel Corporation for Third Party Administrative services for the workers' compensation program) Council Member Hager noted that this was a flat fee contract and questioned whether the third party administrator would work hard enough for the City in settling claims and be fair in the process. Mr. Ahnell indicated that staff would monitor the process as a form of checks and balances.

(Consent Agenda Item No. 3.m. – Resolution No. 115-2008 / Work Order Number Three with Urban Design Associates for development of a Pattern Book for downtown design guidelines) Council Member Baronoff confirmed with the City Manager that this item was simply a continuation of Ray Gindroz' plans related to the downtown.

(Consent Agenda Item No. 3.a.1. – Supply and Install Vehicle Graphics) Council Member Baronoff referred to the police cars that have new black and white colors and questioned whether other options were considered in terms of color. The City Manager explained that the choice came down to black and white with an option to use gold or silver; it was decided to put silver on the cars instead of gold. Mr. Ahnell added that public comment has been favorable; citizens have mentioned that the police cars are much more noticeable now.

(Consent Agenda Item No. 3.c. – Resolution No. 103-2008 / Agreement with CorVel Corporation for Third Party Administrative services for the workers' compensation program) Council Member Arts questioned whether this is the first time the City had gone out to contract for third party administrative services for workers' compensation. Mr. Ahnell answered in the negative and advised that this item replaced a contract that was bid out previously.

- b. Ordinance Nos. 5045 & 5040 (*Regular Agenda Item Nos. 4 & 5*), amending the City Code to provide for supplemental regulations for nonresidential structures and uses in single-family residential zoning districts and multifamily zoning districts; and amending the City Code relating to Places of Public Assembly and Places of Worship, respectively.

Development Services Director Jorge Camejo gave the PowerPoint presentation. He explained that uniform and consistent treatment of Places of Public Assembly was embodied in Ordinance No. 5040; supplemental regulations, developed by staff as a result of public input, was contained in Ordinance No. 5045.

Specifically, Ordinance No. 5040 provided that Places of Public Assembly would be a permitted use in Business and Commercial Districts, a conditional use in Single-Family Districts, and a permitted use in Multi-Family Districts. Mr. Camejo then turned attention to non-concurrent parking, which was the topic of discussion on many occasions. He advised that the requirement for a functional and operational analysis had been deleted from the earlier version of the parking section, due to input from the public. Examples of hypothetical non-concurrent parking situations were then provided in connection with a Place of Worship, an elementary school, and a gymnasium, all located on the same parcel; details were provided. He noted that the greatest parking requirement, or maximum parking demand, would determine the number of spaces required for the parcel.

Mr. Camejo advised that the Planning and Zoning Board heard Ordinance No. 5040 at their June 19, 2008 meeting; at that meeting, several issues were raised by the public, which related to development standards such as parking, landscaping, placement of dumpsters, and traffic controls in connection with Places of Worship in single-family residential areas. Based on the Board's direction, staff created Ordinance No. 5045, which provides supplemental regulations including landscaping requirements, dumpster location requirements, and limitations on direct vehicular access from arterial and collector roads for non-residential uses in residential zoning districts.

The Planning and Zoning Board recommended approval of the two ordinances and included two advisory recommendations. First, a public forum was to be scheduled, inviting all affected parties that staff might address any issues. The forum was held September 2, 2008, at 5:30 p.m. in the Community Center and the following issues were raised: 1) Ordinance No. 5040 should be modified to address non-assembly use areas that could be included as ancillary to Places of Public Assembly at a reduced parking rate of 1 space per 50 square feet for those non-assembly uses; 2) Ordinance No. 5045 should be modified to include provisions allowing for access from local streets under certain circumstances; 3) grandfathering provisions addressing nonconforming locations created as a result of the adoption of these ordinances should be included; the provisions should clearly state how these locations will be treated and to what extent they may be modified or expanded; and 4) parking demand created by activities that exceed normal parking demand anticipated by the City Code for nonresidential uses in residential areas should be addressed. Mr. Camejo indicated that this last item related to special events that some churches might engage in, such as flea markets, garage sales, or family-oriented affairs like a carnival.

In conclusion, staff recommended approval of Ordinance Nos. 5040 and 5045 as presented. Mr. Camejo then answered questions from Council related to grandfathering provisions, nonconformity, and technical deviations for parking. Mr. Ahnell and Ms. Frieser provided additional information in regard to the above as well. The City Attorney briefly reviewed a nonconformity provision found in Ordinance No. 5045, explaining that, generally, existing Places of Public Assembly that do not currently have access via arterial and collector roads would be grandfathered in and allowed to remain. They are also allowed to expand; however, they cannot have new driveways accessing non-arterial or non-collector roads. She then spoke to concerns stated at the forum that focused more on the general provisions of the City Code, which are very broad and commonly found in other municipal codes, regarding the ability to rebuild. Ms. Frieser advised that staff was researching the impacts of the "50% rule" on the redevelopment potential and planned to bring forward a policy to address same.

The City Attorney responded to a question from Council regarding the vulnerability of the City should language be adopted regarding limitations on technical deviations. She explained the City's process for obtaining a technical deviation, advising that the presumption is the property owner is not entitled to same. She concluded her comments by recommending against an upfront limitation on technical deviations.

Responding to additional queries from Council, Ms. Frieser explained that "Places of Worship" is a subcategory, or subcomponent, of "Places of Public Assembly." She also explained that, in connection with a letter received from Siemon & Larsen, there are currently different parking requirements in the City Code for different Places of Public Assembly, such as theaters, lodges, and private clubs. Ordinance No. 5040 attempts to group all Places of Public Assembly together into one category to provide for one parking requirement. Ms. Frieser and Mr. Camejo then provided additional information as requested related to parking calculations and the meeting that took place with the Federation of Homeowners.

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

There were no items for consideration.

5. CITY MANAGER REPORTS:

The City Manager had nothing to report at this time.

6. CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Hager advised that he liked the new black and white police vehicles.

Council Member Haynie referred to correspondence received related to a recent boatlift issue and asked for clarification as to appeals to certain Boards. Ms. Frieser brought Council up to date on the Limegrover/Scanlon case and explained that Mr. Scanlon filed an appeal of the decision made by the Builders' Board of Adjustment and Appeals (BBAA) through the appellate court since, at the time, City Code did not provide Council with the jurisdiction to hear appeals of BBAA decisions; that procedure was subsequently amended but it was not retroactive. She noted that Mr. Scanlon's appeal is currently pending.

Ms. Frieser then explained that she received a letter from Mr. Scanlon's counsel, Mr. Hrivnak, advising her that Mr. Scanlon had conversations with Council Members, who would direct the City Attorney's Office to seek a stay of the appeal. Based on her conversations with Mr. Hrivnak, Ms. Frieser advised that he appears to be seeking a procedural basis upon which he can return to the Builders' Board of Adjustment and Appeals to have the variance reconsidered; details were provided. Ms. Frieser stated again that Mr. Scanlon's appeal is pending before the court and advised Council that there is no administrative remedy available to Mr. Scanlon in terms of allowing the BBAA to rehear the request for variance.

Council Member Hager commented on the media's focus regarding the Republican Vice Presidential candidate.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:33 p.m. on Monday, September 8, 2008.

Vanessa Hines, Assistant City Clerk