

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, MARCH 23, 2009
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
Council Member M. J. Mike Arts
Council Member Bill Hager
Council Member Susan Haynie
Council Member Michael Mullaugh

Also attending the meeting were:

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

PRESENTATION:

Marshall Leeds – Boat Parade Sponsor

Mayor Whelchel and Community Resources/Affairs Specialist Emily Lilly presented a plaque to Marshall Leeds in recognition of his contributions in making the City's 2008 Boat Parade a success.

1. BOARD INTERVIEWS:

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

No one came forward to interview.

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

No one came forward to interview.

- c. Civil Service Board – one (1) vacancy.

No one came forward to interview.

- d. Financial Advisory Board – one (1) vacancy.

No one came forward to interview.

- e. General Employees' Pension Board – one (1) vacancy.

Lewis Duberman expressed interest in reappointment.

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

No one came forward to interview.

- g. Planning & Zoning Board – three (3) vacancies.

Steve Utrecht, Richard Coffin, and Arnold Sevell expressed interest in reappointment; Scott MacLaren also interviewed for a position on the Board.

h. Police & Firefighters' Pension Board – two (2) vacancies.

Merv Timberlake and Steven Tubbs advised that they wished to be reappointed.

i. Zoning Board of Adjustment – two (2) vacancies.

Jeffrey McDonough expressed interest in reappointment.

2. PUBLIC REQUESTS:

No one came forward to speak.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

(Consent Agenda Item No. 3.l – Resolution No. 44-2009 / Assignment of, and amendment to, an existing agreement with Vrchota Corp. for vehicle towing and storage services on a rotating basis) Council Member Arts indicated that the prior towing company had gone through a Code compliance review process; he questioned whether WestWay Towing had also gone through a similar review. The City Manager advised that he would follow up and report back.

(Consent Agenda Item No. 3.d.1. – Property Insurance Renewal with Beacon Group Insurance, Inc.) Council Member Haynie questioned how these rates compared with last year's rates. Mr. Ahnell explained that the cost was approximately \$200,000 higher than last year. Ms. Haynie then asked whether Citizens Property Insurance was providing some coverage. Mr. Ahnell stated that the City has staggered coverage with approximately six different insurance agencies providing coverage since no one company wants to take all the liability; details were provided.

would (Consent Agenda Item No. 3.e. – Resolution No. 37-2009 / Work Order No. 14 with CH2MHILL, INC. re: design and permitting of the Intracoastal Waterway Wastewater Force Main Crossings) Council Member Haynie requested the funding source for this improvement. The City Manager advised that this item provide for a redundant backup in the northern part of the City; a State grant would provide funding for the design. It was anticipated that, once this line is designed, an additional grant would be obtained to provide funding for the actual construction. Mayor Whelchel requested the total cost of this item and the portion being paid for via the State grant. Mr. Ahnell stated that the total cost was \$167,000 and the grant was for \$125,000.

about (Consent Agenda Item No. 3.d.1. – Property Insurance Renewal with Beacon Group Insurance, Inc.) Noting the fluctuation in prices from year to year, Council Member Mullaugh asked the City Manager the trend. Mr. Ahnell stated that the trend over time has been significantly upward, advising that it has more than quadrupled. He indicated that the City was trying to balance costs by self-insuring as well; details were provided.

must (Consent Agenda Item No. 3.c.1. – Bus Service for Summer Camp and GAP Programs) Mayor Whelchel asked the City Manager to breakdown the funding between the two programs. Mr. Ahnell explained that the summer programs are offered only during the summer; the GAP programs are offered throughout the year whenever school is out, such as Teacher Workdays. A venue is provided wherein parents, who still go to work, can bring their children; field trips are often scheduled, which is why a bus service is needed. He added that summer programs and GAP programs are reimbursed by the parents.

Mayor Whelchel then asked for an update on the possibility of instituting a summer reading program. Mr. Ahnell explained that he would follow up.

(Consent Agenda Item No. 3.i. – Resolution No. 41-2009 / Agreement with the Florida Department of Transportation re: entering into a Maintenance Memorandum of Agreement for Glades Road beautification from east of Corporate Way to west of Renaissance Way) Mayor Whelchel questioned whether there was a dollar figure for this item. Mr. Ahnell stated there is no dollar figure since FDOT will be performing repaving and will re-landscape those areas, which the City is already maintaining. He advised there is no additional cost to the City.

(Consent Agenda Item No. 3.k. – Resolution No. 43-2009 / Two grants from the State of Florida Department of Transportation for the Surface Transportation Program) Mayor Whelchel confirmed with the City Manager that these grants were for bike paths. It was indicated that the City would probably not receive both grants. Responding to Mayor Whelchel, Mr. Ahnell explained that the City indicated a preference, specifically, the Patch Reef bike trail; details were provided. Council Member Haynie indicated that the MPO, which is the entity that selects the applicants for approval, generally limit the enhancement dollars to \$500,000 for each jurisdiction.

the (Consent Agenda Item No. 3.o - Resolution No. 47-2009 / Third Amendment to Agreement 05PB3 with Florida Department of Environmental Protection re: reimbursable funding for the design and permitting, construction and monitoring of the South Boca Raton Beach Nourishment Project) Mayor Whelchel questioned whether this was a reimbursement or whether this item would fund the project. The City Manager advised that this item represented an extension of time to complete the project.

- b. Ordinance No. 5088 (*Regular Agenda Item No. 6*), amending the Code of Ordinances modifying the procedures, eligibility and calculations related to the requirement to set aside environmentally sensitive lands and the criteria for a payment in lieu of the environmental set aside.

Development Services Principal Planner Jennifer Hofmeister gave the PowerPoint presentation. She explained that staff brought forward a revised ordinance for review by the Planning and Zoning Board on March 5, which related to a new method of calculation for the payment in lieu of option; at that meeting, the Board unanimously recommended approval.

Following the Planning and Zoning Board meeting, staff made further refinements to the ordinance to clarify the payment in lieu of procedures should listed species be present on the land that qualifies for environmental set-aside and to correct a scrivener's error regarding the size of an environmental set-aside that has deteriorated due to poor management. Ms. Hofmeister indicated that the changes were before Council this afternoon.

It was noted that the ordinance essentially modifies the procedures, eligibility, and calculations related to the requirement to set aside environmentally sensitive lands and the criteria for a payment in lieu of the environmental set aside; details were provided. The ordinance shifts the basis for consideration of the payment in lieu of option from the size of the total property to the size of the area that contains environmentally sensitive plants and/or animals. In addition, before Council may consider a payment in lieu of option, the following requirements must be met:

- the land to be set aside is less than one acre,
- the land that qualifies for environmental set aside is not likely to support a viable ecosystem due to its location or other limiting factors,
- if listed species are present on the development site, the applicant must demonstrate that the proposed action will not preclude the continued survival and viability of the listed species or submit a relocation plan that shall be approved by the City and all applicable agencies prior to issuance of any permit or approval,
- the public interest will be better served, in certain circumstances, by a payment in lieu of the set aside of environmentally set aside lands, and
- the applicant must provide, at his/her own expense, an environmental assessment prepared by a qualified biologist that includes, at a minimum, information related to: the quality, rarity, size, and diversity of the native ecosystem(s); the presence of certain environmental species; the location of the ecosystem(s) on the development site; the effect of existing and proposed surrounding development on the portion that would otherwise be preserved; and the cost to recreate the native ecosystem(s) on land that would otherwise qualify as environmental set aside.

Ms. Hofmeister explained that this proposed ordinance would not apply to lands designated as Public Recreation (PR) or Conservation (N), and it would not permit previously-approved set asides of environmentally sensitive land, which have deteriorated due to poor management, to participate in the payment in lieu option. The amendment also establishes the application process, the methodology for calculating the payment, the timing of the payment to the City, and where the City deposits the funds. Additional information was provided as to the amount of the payment in lieu and how it is calculated.

The Environmental Advisory Board reviewed the ordinance and recommended approval, as did Development Services staff. Ms. Hofmeister then answered questions from Council related to the qualified biologist, whether the five elements outlined above for the assessment must be met, and how this amendment would affect the open space requirement.

- c. Ordinance Nos. 5089 & 5090 and Resolution Nos. 31-2009 & 32-2009 (*Regular Agenda Item Nos. 7-10*), which would, respectively, amend the Future Land Use Map of the Comprehensive Plan, provide for rezoning, approve a Planned Commercial Development with a Master Plan, and grant Tentative Plat Approval for the proposed Boca Commercial located at 4002 North Military Trail.

Development Services Principal Planner Jennifer Hofmeister gave the PowerPoint presentation, explaining that this was a request for Universal Conditional Approval to build a retail and office development at the corner of Military Trail and Spanish River Boulevard. Acreage, location, and surrounding properties were reviewed. The development would consist of a drive-through bank, a two-story office building, and two one-story retail buildings; information on square footage was provided. Ms. Hofmeister noted that the office building would serve as the new corporate headquarters for Kolter Communities. She then explained that the site was designed to meet the City's new MultiModal Transportation Initiative (MMTI) to encourage pedestrian access; details were provided. Additional information related to a traffic analysis and the imposition of a de minimus CRALLS impact fee, levied by Palm Beach County as a result of the proposed project's impact on an already-failing roadway link, specifically, Glades Road. The Planning and Zoning Board reviewed this project and unanimously recommended approval; they also drafted a letter to the Community Appearance Board, asking that special attention be given to landscaping along Spanish River Boulevard and Military Trail at the time of building permit. In conclusion, staff was recommending approval with the conditions provided in the accompanying resolutions and ordinances. Ms. Hofmeister then answered questions related to a request for a parking deviation, the de minimus CRALLS payment, and the link to the Tri-Rail station as well as the internal shuttle. Council also confirmed with staff that a failing link constitutes gridlock.

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:

Ms. Frieser referred to Council's adoption of legislation, which amended the regulations for LIRP (Light Industrial Research Park) land and the subsequent challenges to same. She advised that her office just received an Order on Friday upholding the City's ordinance and a determination by the Planning and Zoning Board, consistent with the Council's adoption of the use of 33% of LIRP land for general office.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Council Member Haynie advised that she received an email from a resident living adjacent to the Town Center Mall, complaining about noise coming from the Blue Martini and asked the City Manager to follow up.

Council Member Arts advised that the CRA would not meet today and then commented positively on Kolter Communities bringing their corporate headquarters into the City.

Mayor Whelchel provided positive commentary in regard to the recent Boat and Beach Bash held by the People with Disabilities Board (formerly known as the Physically and Mentally Challenged Board). She advised that she asked Board members to come to the next Council meeting and report on the event.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 2:30 p.m. on Monday, March 23, 2009.

Vanessa Hines, Assistant City Clerk