

MINUTES OF THE REGULAR MEETING  
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY  
MONDAY, JULY 27, 2009  
1:30 P.M.

The Regular Meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Scott at approximately 1:30 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Chairman Constance Scott  
Vice Chairman Anthony Majhess  
Commissioner Susan Haynie  
Commissioner Michael Mullaugh  
Commissioner Susan Whelchel

Also attending the meeting were:

Boca Raton City Manager Leif J. Ahnell, Agency Director  
Boca Raton City Attorney Diana Grub Frieser, Attorney to the Agency

**AMENDMENTS TO THE AGENDA:**

There were no amendments to the agenda.

**MINUTES:**

Minutes of the Regular Meeting of June 22, 2009

*Motion was made by Commissioner Haynie, seconded by Commissioner Mullaugh, to approve the minutes as presented. Motion passed unanimously; Chairman Scott, Vice Chairman Majhess, Commissioners Haynie, Mullaugh, and Whelchel voting yes.*

**REGULAR BUSINESS - PART I - QUASI-JUDICIAL & RELATED PUBLIC HEARINGS:**

There were no items for consideration.

**PUBLIC REQUESTS:**

Elizabeth Grinnan, representing the Committee to Support a New Downtown Library and Susan Sosin, representing Friends of the Library, provided a PowerPoint presentation regarding: 1) how to select a site for the new library, 2) the two sites currently under consideration (Library Commons and the former Cartoon Museum), 3) proposed criteria for the new library, and 4) how the two sites compare. Essentially, Ms. Grinnan and Ms. Sosin indicated support for the Library Commons area, which is next to the site of the current downtown library.

Michele Bellisari, Chair of the Downtown Advisory Committee, provided statements in support of placing the new downtown library in the former Cartoon Museum.

Bob Keltie, a member of the Library Advisory Board, spoke to potential parking problems, should the new downtown library be placed in the former Cartoon Museum, and then relayed comments made by fellow Board member, Dr. Robert Huckshorn, who is also a former Vice President of Florida Atlantic University.

Lenore Wachtel spoke favorably of a tour she took of the Cartoon Museum building and opined that, with so many rumors floating around, any information the City has regarding the new library should be made available to residents since many people do not understand the "setup" in Mizner Park. At this point,

Mr. Ahnell explained that, should Council provide the direction to place the library in the Cartoon Museum building, it can happen; however, money is another issue. The City would have to acquire a lease from GGP (General Growth Properties) to put the library in that building, which means value would need to be established and money exchanged. Consequently, staff is conducting research now in order to bring forward an overall library report to Council in September. Ms. Wachtel then turned to the issue of parking at the former Cartoon Museum, suggesting that the City purchase a few lots in the Sanborn Square area and build a crosswalk to the library, possibly with a pedestrian light; money from downtown special assessments could be put toward the purchase of these lots, as could proceeds from the sale of the Causeway Lumber site and the current library site. Last of all, Ms. Wachtel voiced concern over building height and density in connection with a proposed assisted living facility, located at 855 S. Federal Highway.

Jay Huebner, with HSQ Group in Boca Raton, questioned how SB 360 would impact the downtown. Chairman Scott explained that this bill was under advisement; legal counsel, as well as the League of Cities and other organizations, are currently studying the language in order to determine how it will affect the downtown, the CRA, and all development.

Lynne Novick, a member of the Downtown Boca Raton Advisory Committee, agreed with comments made by Ms. Bellisari and stated that the Committee needed to work more closely with the Friends of the Library. She also advised that huge parking lots for libraries in major cities are nonexistent and questioned whether a certain number of parking spaces were required for the downtown library. Mr. Ahnell explained that generally the Code requires one space per 1,000 square feet. (Later in the meeting, Mr. Ahnell referred back to this question and clarified that the Code requires one parking space per 200 square feet; therefore, a 30,000 square foot building would require 150 spaces.)

Martin Siml, Vice President of Windwood Homeowners Association, referred to a presentation given at a recent Federation of Homeowners meeting and opined that everyone at the meeting was appalled at the thought of putting the new library in the former Cartoon Museum, citing parking issues and access for the disabled.

William Bulla indicated that when a new downtown library was originally discussed, it was proposed for construction on the Causeway Lumber site, which is adjacent to the current downtown library. He then voiced opposition over placing the library in the former Cartoon Museum building, citing problems with parking and security. Chairman Scott confirmed with the Executive Director that when the library bond referendum was passed, the City did not own the Causeway Lumber site and was, in fact, considering the current downtown site. Mr. Ahnell added that the City did not obtain the Causeway Lumber site until approximately two years after the referendum passed; at that time, the current library site was also being considered as a location for the new library. Chairman Scott clarified that a library site was not voted on by residents in the library bond referendum; consequently, neither the CRA nor the Council was changing a voted-upon venue but simply continuing to investigate available options.

## **DIRECTOR'S REPORT:**

### 1. Presentation - Banners & Signs in the Downtown

Manager of Administrative Services for Development Services Ruby Childers gave a PowerPoint presentation regarding a proposed Mizner Park Comprehensive Banner Program. She explained that the program would include banners for the Museum of Art, the Centre for the Arts, General Growth Properties along Plaza Real, General Growth Properties along Federal Highway, and Mizner Park Cultural Arts Association (MPCAA); details were provided as to the number of banners, purpose, and placement of same. It was noted that a total of 78 banners would be located within Mizner Park.

Ms. Childers then reviewed a request by the Cultural Consortium for a banner program to highlight 18 of the organization's members, including the City; they proposed to locate 22 banners on lamp posts throughout the downtown. The proposal recommended sharing banner use with the City and following the City's current schedule as to when banners are put up. Costs were then reviewed. Banners would be made at each entity's own expense; City staff would handle installation and removal at no cost to the Consortium, provided that the City's existing schedule is followed. If there are additional installations to the schedule, it would cost \$100 per post for a total cost of \$2,200. If the Consortium goes with a private

contractor, the installation cost would be the same at \$2,200; however, they would also need to purchase a general liability insurance policy. Ms. Childers then reviewed the locations of the lamp posts as well as the banners proposed in Mizner Park and noted that, between the two programs, there would be a total of 100 installations. Ms. Childers concluded her presentation on banners and asked for direction from the CRA. Members appeared supportive of the programs and confirmed with Ms. Childers that there would be no duplications, nor additional banners beyond the total 100, which would be placed at existing locations; the Agency also suggested that an ordinance be prepared regulating same.

At this time, Ms. Childers indicated that some downtown merchants expressed interest in using freestanding sandwich signs, also known as sidewalk or A-frame signs. She stated that City Code prohibits this signage. However, after researching other cities, she advised that a few do allow sandwich signs on a restricted basis; details were provided. Ms. Childers then outlined the benefits to merchants as well as concerns the City has, suggesting that the signage could be restricted to the downtown on a limited basis. In addition, research should be conducted to determine the impact on business outside the downtown. Specifically, staff suggested that this issue be addressed through the Transportation Design for Livable Communities process.

Generally, the CRA expressed support of sandwich signs with an eye to regulating appearance and locations. Chairman Scott then opened the floor for public comment.

Charles Siemon suggested including a banner program for East Palmetto Park Road and then advocated support for banners in Mizner Park. He also suggested the private sector could use banners for new openings and advised that other areas might benefit from same, such as North Federal Highway. Last of all, he supported sandwich signs with appropriate regulations.

Lenore Wachtel indicated a cautious support of banners, advising that sandwich signs can be tacky; she advocated finding a proper balance.

Russell Spadaccini questioned whether the City was paying \$10,000 per year for the current banners. Ms. Childers explained that \$2,200 was only for the 22 lamp posts that the City currently installs. The requests from Mizner Park are handled by those entities in Mizner Park or GGP (General Growth Properties), not the City. Responding to another query from Mr. Spadaccini, Mr. Ahnell provided additional information as to the installation cost of the banners. Mr. Spadaccini, who lives in Ft. Lauderdale, then provided information as to how the City might make money from the banner program and concluded his comments by advocating billboards and banners on light poles, opining that they work.

Lynne Novick referred to the issue of sandwich signs and provided details regarding a program used in Royal Palm Plaza, which she believed would provide consistency in the signage and revenue for the City. She then provided commentary on branding and suggested forming a committee for same. Last of all, Ms. Novick referred to the proposed assisted living facility at 855 N. Federal Highway, which was discussed by Lenore Wachtel during Public Requests, and questioned whether any building guidelines had been approved using Urban Design Associates (UDA) data. Mr. Ahnell explained that interim design guidelines had been adopted; final guidelines had not. Responding to Ms. Novick, he clarified that, ultimately, developers would have the choice of going with the new final UDA design guidelines (once adopted) or the old 4035 design guidelines; details were provided.

## **REGULAR BUSINESS - PART II – RESOLUTIONS AND REGULAR PUBLIC HEARINGS:**

### **2. Resolution No. 2009-09-CRA**

A resolution of the Community Redevelopment Agency approving and authorizing the Chairman to execute a license agreement providing for a monument sign for Uncle Julio's in Mizner Park; providing for severability; providing for repealer; providing an effective date

Manager of Administrative Services for Development Services Ruby Childers gave a PowerPoint presentation, advising that this proposed monument sign is consistent with Mizner Park's integrated graphics program; there followed a review of existing monument signs located in Mizner Park. Ms. Childers then explained the Code requirements in connection with the distance required between signs located on the same parcel; details were provided. Attention turned to the license agreement

between the CRA and Crocker Downtown Development Associates, which outlines the terms for allowing the monument sign. She noted that the license is non-assignable and limited to the subject area only. The Community Appearance Board reviewed the sign permit and approved same in February 2009. Ms. Childers added that approval of this agreement is required before the permit may be issued and then concluded her presentation by advising that staff recommended approval. Responding to Chairman Scott, Ms. Childers advised that the formal request for this sign was received by staff in April.

Charles Siemon, the attorney representing Uncle Julio's, made himself available for questions.

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

*Motion was made by Commissioner Haynie, seconded by Commissioner Whelchel, to adopt Resolution No. 2009-10-CRA. Motion carried unanimously; Chairman Scott, Vice Chairman Majhess, Commissioners Haynie, Mullaugh, and Whelchel voting yes.*

3. Resolution No. 2009-10-CRA

A resolution of the Boca Raton Community Redevelopment Agency recommending approval of an interlocal agreement for funding of the Black Box Theater located on the second floor of the Mizner Park Cultural Arts Association building in Mizner Park; providing for severability; providing for repealer; providing an effective date

Susan Saxton, Assistant to the City Manager, gave the presentation, explaining this agreement not only provides for acquisition of the funds for the black box theater but also provides that the City oversee the disbursement and receipt of \$1,550,000 in construction grant funds. Ms. Saxton advised that this is a three-party agreement between the City, the County and the Mizner Park Cultural Arts Association (MPCAA); the funding originated from a \$50 million Palm Beach County recreation and cultural facilities bond referendum passed in 2002. The resolution is necessary since: 1) the cultural arts center where the theater will be built is in the downtown and the CRA owns that land; 2) the term of the agreement is for 30 years - 14 years longer than the life of the CRA, which is scheduled to sunset in 2025; and 3) the City is the logical partner to administer the grant funds.

Charles Siemon, President of the Mizner Park Cultural Arts Association, voiced support.

Jay Huebner questioned whether the location for the black box theater was the same location being considered for the library. Chairman Scott advised that it was the same building; the library would be complementary to the theater and a restaurant. Mr. Ahnell added that the existing building is 90,000 square feet, indicating that there would be sufficient room for a 30,000 square foot library expandable to approximately 50,000 square feet; there is an additional 40,000 to 45,000 square feet in the building.

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

*Motion was made by Commissioner Whelchel, seconded by Commissioner Mullaugh, to adopt Resolution No. 2009-10-CRA. Motion carried unanimously; Chairman Scott, Vice Chairman Majhess, Commissioners Haynie, Mullaugh, and Whelchel voting yes.*

4. Resolution No. 2009-11-CRA

A resolution of the Boca Raton Community Redevelopment Agency finding and determining there will not be a deficiency in the amounts on deposit in the Sinking Fund for the Mizner Park Bonds for the Fiscal Year 2009-2010 as provided for in the interlocal agreement with the City of Boca Raton; providing for severability; providing for repealer; providing an effective date

Mr. Ahnell advised that each year there is a requirement to report whether there's a deficiency in the Mizner Park bonds, which is the amount of money needed to pay off the debt service and explained that there are enough revenues to pay off the debt service next year.

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

*Motion was made by Commissioner Haynie, seconded by Commissioner Whelchel, to adopt Resolution No. 2009-11-CRA. Motion carried unanimously; Chairman Scott, Vice Chairman Majhess, Commissioners Haynie, Mullaugh, and Whelchel voting yes.*

**OTHER BUSINESS:**

There were no items for consideration.

**DIRECTOR'S REPORT (continued):**

The Director advised that he had no additional reports.

**ATTORNEY'S REPORT:**

The City Attorney had nothing to report at this time.

**COMMISSIONERS' REPORTS:**

Commissioner Whelchel provided commentary related to the proximity of the Spanish River Library and the downtown library to one another.

Commissioner Haynie encouraged people to visit the main downtown Broward County library, advising that a walkway connects a large parking structure with the library's upper floors and it appears to work very well. She concluded by indicating that the CRA/Council was still waiting for all information to be presented related to the new downtown library that an informed decision might be made.

Vice Chairman Majhess asked Mr. Ahnell to bring back an old study for revamping the library on the existing site and concluded by advising that the City should build the best library it can and evaluate all sites objectively.

Chairman Scott reported that the first of three live jazz events would take place on Thursday, July 30, 2009, at 6:30 pm at Plaza Real South; Jesse Jones, a saxophone player will be performing. She asked everyone to come out and show support to the merchants, noting that there would be food, beverages, and even an outdoor sculpture show.

Commissioner Whelchel provided additional commentary related to the downtown library and potential sites.

**ADJOURNMENT:**

*Motion was made by Vice Chairman Majhess, seconded by Commissioner Haynie, to adjourn the meeting. Motion carried unanimously on a voice vote; Chairman Scott, Vice Chairman Majhess, Commissioners Haynie, Mullaugh and Whelchel voting yes.*

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 3:25 p.m., Monday, July 27, 2009.

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Constance Scott, Chairman

ATTEST:

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Sharma Hagerty, City Clerk