

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JULY 25, 2006
6:00 PM

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

INVOCATION:

Council Member Baronoff gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member M. J. Mike Arts
Council Member Peter R. Baronoff
Council Member Bill Hager

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 by adding Resolution No. 111-2006 to the Consent Agenda and to remove Regular Agenda Item No. 16, Resolution No. 109-2006. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, and Council Members Arts, Baronoff and Hager voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of June 12, 2006
Minutes of the Regular Meeting of June 13, 2006

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

PROCLAMATIONS/RECOGNITIONS/AWARDS:

National Night Out – August 1, 2006

Harry Whittle accepted the proclamation on behalf of CrimeWatch; Police Chief Dan Alexander also provided commentary.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy, due to resignation of Anita Pearson whose term expires 01/12/07.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Arts, to appoint Richard Fauteck to the Citizens' Pedestrian and Bikeway Advisory Board to finish the term expiring 01/12/07. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, and Council Members Arts, Baronoff and Hager voting yes.

Mr. Fauteck was appointed to the Board.

- b. Community Relations Board – one (1) student vacancy, due to resignation of Doug Haskins.

There were no applicants.

- c. Education Advisory Board – two (2) student vacancies, (1) due to resignation of Alara Aktan; (1) due to open position.

Jason Ivey expressed interest in serving on the Board.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Arts, to appoint Kevin McGinnis and Jason Ivey as student members to the Education Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, and Council Members Arts, Baronoff and Hager voting yes.

Mr. McGinnis and Mr. Ivey were appointed to the Board.

- d. Pearl City Blue Ribbon Committee – one (1) vacancy, due to resignation of Molly Rich from the Housing Authority, whose term expires 01/23/07 (Housing Authority representative).

Motion was made by Council Member Arts, seconded by Council Member Hager, to appoint Marjorie O'Sullivan to the Pearl City Blue Ribbon Committee to finish the term expiring 01/23/07 (Housing Authority representative). Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, and Council Members Arts, Baronoff and Hager voting yes.

Ms. O'Sullivan was appointed to the Committee.

2. Responses to Workshop Information Requests:

The City Manager advised that answers to questions from yesterday's workshop meeting would be forthcoming in memo form or included in tonight's presentations.

3. Consent Agenda:

Mayor Abrams provided an opportunity for the public to comment on any Consent Agenda item. No one came forward to speak.

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

a. Sealed Bids

- | | | |
|----|--|-----------|
| 1) | Ammonia Feed Systems-Replacement
Requested by Utility Services
Water Treatment & Controls Company | \$68,160 |
| 2) | Emergency Medical Supplies
Requested by Fire Rescue Services
Alliance Medical Inc., Boundtree Medical
LLC, Emergency Medical Supplies, Matrix
Medical Inc.-A Henry Schien Co., Moore
Medical LLC, Southeastern Emergency
Equipment, Tri-Anim Health Services, Inc. | \$210,803 |
| 3) | Tree Stump Removal Service
Requested by Recreation Services
The Growing Concern, Inc., Superior
Landscaping & Lawn Service, Tri Brothers
Tree Landscaping, Inc. | \$400,000 |
| 4) | Bulk Quicklime
Requested by Utility Services
Carmeuse Lime Sales Corporation | \$992,640 |

b. Sealed Bids - Renewals

- | | | |
|----|--|-----------|
| 1) | Tennis Balls - Renewal
Requested by Recreation Services
Wilson Racquet Sports | \$39,600 |
| 2) | Original Equipment Manufacturer (OEM)
Parts for Chevrolet, Chrysler, Ford and GMC
Vehicles - Renewal
Requested by Municipal Services
Maroone Chevrolet of Delray, Maroone Dodge
of Delray, Delray Lincoln Mercury | \$60,000 |
| 3) | Original Equipment Manufacturer (OEM) Labor
Rates for Chevrolet, Chrysler, Ford and GMC
Vehicles - Renewal
Requested by Municipal Services
Maroone Chevrolet of Delray, Maroone Dodge
of Delray, Maroone Ford of Delray | \$70,000 |
| 4) | Fence Install, Replace & Repair -Renewal
Requested by Recreation Services
Municipal Services
Hartzell Construction, Inc., Clipco Inc. d.b.a.
Anything in Fence, Accurate Tennis Courts, Inc. | \$106,476 |

- c. Intergovernmental Agreements
- 1) Carbon Dioxide
Requested by Utility Services
Airgas Carbonic, Inc. \$33,750
 - 2) Dry Digital Printer
Requested by Police Services
Noritsu America Corporation \$39,754
 - 3) Automobiles and Light Trucks
(New & Replacement)
Requested by Municipal Services
Duval Ford, & Orville Beckford Ford \$69,648
 - 4) Bleachers at Patch Reef (New)
Bleachers for Various City Parks
(Replacement & Repairs)
Requested by Recreation Services
Seating Constructors USA, Inc. \$126,031

- d. Sole Source
- 1) Grit Collectors (Replacement)
Requested by Utility Services
Smith & Loveless, Inc. \$73,120

- e. Change Order
- 1) Spanish River Boulevard Widening -
Phase II, Change Order #1
Requested by Utility Services
Hardrives, Inc. \$186,030

- f. Exempt
- 1) Movie Film for Motion Based
Minidome Simulator Exhibit (New)
Requested by Recreation Services
Imagicon, Inc. \$50,000

- g. Resolution No. 96-2006
- A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a joint project agreement with Palm Beach County for the purpose of improving the intersection of Military Trail at Yamato Road by adding a southbound right turn lane; providing for severability; providing for repealer; providing an effective date

- h. Resolution No. 97-2006
- A resolution of the City of Boca Raton approving and accepting a warranty deed from Country Club Maintenance Association, Inc. over certain lands located within a portion of Section 11, Township 47 South, Range 42 East and within a portion of the Arvida Country Club Plat One of University Park; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 98-2006

A resolution of the City of Boca Raton approving and accepting an Easement Deed from James H. Batmasian and Marta Batmasian, over certain lands located at Royal Palm Plaza Phase II; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 99-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 24 with Coastal Planning & Engineering, Inc., for the purpose of Post-Construction Physical Monitoring Program; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 100-2006

A resolution of the City of Boca Raton authorizing the submission of an Annual Consolidated Action Plan for Program Year 2006-07 to the United States Department of Housing and Urban Development; designating the City Manager as the Chief Executive Officer for the purpose of the Community Development Block Grant Program; authorizing the City Manager to execute all applications, certifications and documents related to said program; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 101-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Interlocal Agreement with the City of Delray Beach for coordinated opposition to Palm Beach County's funding of County-Wide Fire Rescue Dispatch Services; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 105-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 23 with Coastal Planning & Engineering, Inc. for the purpose of Boca Raton Inlet North Jetty rehabilitation; construction, engineering and observation; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 106-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Ultimate Catering Inc. for the purpose of providing concession services to the City of Boca Raton Municipal Golf Course; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 107-2006

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with Mathews Consulting, Inc. for the purpose of providing professional engineering services for preliminary and final design, public participation meetings, permitting and bidding services for the Hidden Valley Water and Wastewater Improvements project; providing for severability; providing for repealer; providing an effective date

p. Board Resignations

- 1) Resignation of student member Alara Aktan from the Education Advisory Board.

q. Receive and File Board Minutes – July 25, 2006

- 1) Builders' Board of Adjustment
December 5, 2005 (Workshop Meeting)
- 2) Building Height Sub-Committee
January 27, 2006
February 9, 2006
- 3) Citizen's Pedestrian and Bikeway Advisory Board
February 13, 2006
March 13, 2006
- 4) Community Appearance Board
May 23, 2006
May 30, 2006
June 6, 2006
June 13, 2006
June 20, 2006
June 27, 2006
- 5) Community Relations Board
May 15, 2006
- 6) Elder Affairs Advisory Board
May 3, 2006 (Strategic Planning Meeting)
May 3, 2006
- 7) Financial Advisory Board
April 17, 2006
- 8) General Employees' Pension Board
April 24, 2006
- 9) Library Advisory Board
April 19, 2006
May 17, 2006
- 10) Marine Advisory Board
May 3, 2006
- 11) North Federal Highway Steering Committee
May 2, 2006
- 12) Parks and Recreation Board
May 2, 2006
June 6, 2006
- 13) Pearl City Blue Ribbon Committee
July 28, 2005
December 1, 2005

- 14) Physically and Mentally Challenged
April 6, 2006
May 4, 2006
- 15) Planning and Zoning Board
May 4, 2006
May 18, 2006
May 26, 2006 (Special Orientation Meeting)
- 16) Police and Firefighters' Pension Board
March 27, 2006
April 17, 2006 (Investment Committee Meeting)
April 19, 2006
- 17) Special Master
May 10, 2006
- 18) Zoning Board of Adjustment
April 27, 2006
May 11, 2006

3.r. Resolution No. 111-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Centre for the Arts at Mizner Park, Inc. for the purpose of providing a Festival of the Arts in Boca Raton; providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:

Mayor Abrams provided the public with an opportunity to comment on the Quasi-Judicial Consent Agenda; no one came forward to speak.

Motion was made by Deputy Mayor Welchel, seconded by Council Member Hager, to adopt the Quasi-Judicial Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Welchel, Council Members Arts, Baronoff, and Hager voting yes.

4. Resolution No. 102-2006

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Addison Park Townhomes subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-06-03)

5. Resolution No. 103-2006

A resolution of the City of Boca Raton accepting and approving the final plat known as the Ravella Townhomes subdivision plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB 05-05)

a. Resolution No. 104-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a contract for construction of required improvements with APK Homes, L.L.P., for the purpose of ensuring timely and complete construction of subdivision improvements to the Ravella Townhomes; providing for severability; providing for repealer; providing an effective date (SUB-05-05)

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

There were no items for consideration.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 4943

An ordinance of the City of Boca Raton amending Section 24-96, Code of Ordinances related to flat signs; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-06-01)

Development Services Director Jorge Camejo gave a PowerPoint presentation, explaining that a number of variances had been granted from this particular Code Section, which is why this amendment was being brought forward. He advised that the Code currently states that no flat signs are permitted if a parallel sign identifying the premises already exists. This ordinance would allow a second sign to be placed on the same building if it faces in the same direction as the ground sign, which is perpendicular to the frontage. In the event of two street frontages, a third sign would not be allowed on the building; however, the ordinance would allow for two identification signs on the building and two perpendicular signs to the street frontages on separate streets, if there is a double frontage lot configuration. Mr. Camejo added that this Code amendment was initiated by the Community Appearance Board and supported by both the Planning and Zoning Board and City staff.

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

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Ordinance No. 4943. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

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

There were no items for consideration.

Workforce Housing

Following discussion related to workforce housing and, in particular, Ordinance No. 4946, a majority of Council decided that a special meeting should be held.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Arts, to workshop Ordinance No. 4946 and any related items regarding workforce housing in a special meeting prior to the deliverance of the ordinance for introduction. Motion carried 3-2; Deputy Mayor Whelchel, Council Members Arts and Baronoff voting yes. Mayor Abrams and Council Member Hager voting no.

(Subsequent to this motion, Ordinance No. 4946 was introduced.)

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

7. Ordinance No. 4944

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 0.89 acres, more or less, located at 5440 Glades Road, as described more particularly herein, from Palm Beach County Neighborhood Commercial (CN) to Palm Beach County General Commercial (CG); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-05-03/ZC/CA)

The ordinance was introduced by Council Member Arts.

8. Ordinance No. 4945

An ordinance of the City of Boca Raton granting the petition of Camino Investments Holdings, LP, amending the Boca Raton Downtown Development of Regional Impact Development Order to permit the office allocation in Subarea E to be reduced by up to ninety percent (90%); determining that the revision does not constitute a substantial deviation requiring further Development of Regional Impact review, subject to conditions; providing for severability; providing for repealer; providing for an effective date (SC-06-06)

The ordinance was introduced by Council Member Baronoff.

9. Ordinance No. 4946

An ordinance of the City of Boca Raton amending the housing element of the Comprehensive Plan to support the provision of workforce housing; providing for severability; providing for repealer; providing an effective date (SC-06-05)

The ordinance was introduced by Council Member Hager.

10. Ordinance No. 4947

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Non-Access Easement, located in Arvida Park of Commerce Plats 10 and 11, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-06-02)

The ordinance was introduced by Deputy Mayor Whelchel.

11. Ordinance No. 4948

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Lake Easement, located within Parcel 2, Boca Technology Center Plat 1, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-05-05)

The ordinance was introduced by Council Member Hager.

12. Ordinance No. 4949

An ordinance of the City of Boca Raton providing for the vacation and abandonment of all Platted and Deeded Public Utility Easements, located at 2100 N.W. 5th Avenue, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-06-01)

The ordinance was introduced by Council Member Arts.

13. Ordinance No. 4950

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Special Purpose Utility Easement, located at 131 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-06-04)

The ordinance was introduced by Deputy Mayor Whelchel.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

NW 12th Avenue Road Widening

As a number of people were in attendance regarding the widening of NW 12th Avenue, staff was asked to provide a brief presentation on same prior to Council opening the floor for public comment.

Municipal Services Director Bob DiChristopher referred to several slides and described the proposed widening, which would provide for 6-foot sidewalks with 2-foot curb and gutter, two 11-foot "through" lanes, and a 20-foot median with significant areas for landscaping; he referenced the road widening on NW 2nd Avenue between City Hall and Glades Road, advising that the same design would be used for 12th Avenue. He then reviewed other designs that were contemplated by staff and explained the various reasons as to why those designs were discarded. Mr. DiChristopher indicated that one public meeting was held to provide a review of the design process and answer questions; over 400 notices were mailed out and approximately 40 people were in attendance. He added that the project was currently out to bid with the 20-foot median. Mr. DiChristopher then answered questions from Council related to traffic speed, advising that the median and the landscaping would aid in slowing down traffic.

Lee Williams stated that she was representing her neighbors on NW 12th Avenue, and adjoining streets, and that they opposed the project as presented. She opined that widening the road to four lanes would endanger children in the area, as there was no buffer between the sidewalk and the street, and it would also encourage speeding. In addition, traffic calming in adjacent areas had contributed to more traffic on 12th Avenue. Ms. Williams then referred to the proposed interchange for Florida Atlantic University (FAU) and proposed changes to Boca Raton Community Hospital, indicating that this would create even more congestion. She advocated creating one center turn lane as the most effective means of moving traffic; details were provided.

Mike Vincent also voiced opposition to the road widening and voiced concern over child safety.

Responding to Council, Mr. DiChristopher explained that NW 12th Avenue's current level-of-service (LOS) rating is F, which is the reason for the improvement that would allow for compliance with the City's Comprehensive Plan and improved safety. He stated that a three-lane road would not be in compliance with the Comprehensive Plan and referred again to NW 2nd Avenue, advising that traffic accidents have been significantly reduced. He added that, due to conflicts with opposing traffic and the number of driveways along this residential street, the three-lane design was not appropriate. In addition, a 4-foot bicycle lane would provide an added buffer between the sidewalk and the street. Mr. DiChristopher provided additional information to Council as requested, as did the City Manager. It was noted that NW 12th Avenue is a major arterial roadway, and Fire-Rescue Services uses that route to get to the hospital and would continue to do so. Also, center turn lanes are typically used for commercial areas; with the multiple driveways in this area, there would be a great potential for conflict.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to direct the City Manager and staff to revisit this matter and report back to the City Council at a subsequent point. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

14. Commercial Solid Waste Collection Franchise Agreement

Municipal Services Director Bob DiChristopher gave the presentation, explaining that the City was considering entering into an exclusive solid waste collection franchise for commercial entities. Pursuant to Florida Statute, certain requirements must be observed. One of those requirements is notification to all haulers currently doing business in the City; notice was provided and those entities, as well as the public, have an opportunity tonight to comment on this proposal. Mr. DiChristopher advised that a recommendation to enter into an exclusive solid waste franchise would be included on the agenda for the

second Council meeting in August; at that time, additional public input would be invited and Council action would be sought.

Robert Lang, a commercial property manager; Michael Mense, a sanitation consultant; Bill Smith, Phil Medeco, Government Affairs/Business Development Director for Southern Waste Systems; and Joanne Stanley, Sunburst Sanitation, a Republic service company, voiced opposition to this proposal, primarily citing a loss of market competitiveness and increased cost.

Mr. DiChristopher and Mr. Ahnell provided additional information to Council as requested regarding six different bid proposals requested prior, the Construction & Demolition (C&D) franchises, cost (which is proposed to be approximately 90% less than the current cost to commercial entities), and research conducted by staff to determine that an exclusive agreement was the best course of action. Responding to Council, Mr. DiChristopher advised that, once this competitive bid is brought before Council for award, a list of commercial entities polled by staff would be provided. He added that, in addition to revenue, administration of commercial waste haulers was another reason for bringing forward this proposal. Currently, there is no registration process and no way to determine who is picking up what in the City. Additional topics included future cost, hours of operation, and difficulty enforcing and implementing Code.

Mayor Abrams advised that this matter would be continued to the August 22, 2006 meeting, at which time the Council would consider awarding an exclusive franchise agreement to Waste Management following a public hearing.

Butch Carter, representing the potential franchisee, Waste Management, advised he was available to assist City staff in answering questions.

PUBLIC HEARING - REQUEST FOR REDUCTION IN CODE ENFORCEMENT LIEN

15. Resolution No. 108-2006

A resolution of the City of Boca Raton granting the application of James Calhoun and Julaine Calhoun for a reduction in the amount of the Code Enforcement Lien imposed in Special Master Case Number 04-3362; providing for severability; providing for repealer; providing an effective date

Code Compliance Supervisor Ken Massalone gave the presentation, advising that the fines were a result of a commercial vehicle being parked in a residential district. Staff recommended denial of the lien reduction, stating that the case was properly served; the tenant also had an opportunity to give testimony at the Special Master hearing. The Special Master ruled that an Order of Enforcement was warranted; for each day of violation after the compliance date of January 15, 2006, a fine was imposed. After that date, the commercial vehicle remained parked at the residence for eight days; the Code Compliance officer testified to same, under oath, at the Special Master hearing. Mr. Massalone provided additional information to Council as requested.

Tom Trento, representing the property owner, James Calhoun, and the tenant, Josh Biggs, rebutted Mr. Massalone's commentary. Mr. Trento admitted to some culpability; however, he stated that only one photograph existed, showing the commercial vehicle parked at the residence. In addition, the realtor had advised that it was acceptable to park a commercial vehicle in a residential area. He concluded by stating that they were willing to pay for an infraction of one day; it was unfair to pay for the other seven days.

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

Responding to Council, the City Attorney explained that, generally, photographic evidence is supplemental and not required; it simply helps to supplement the file. The testimony of the Code Enforcement officer is what is presented to the Special Master, and there was a full Special Master hearing on this matter. Mr. Massalone advised that the Code officer did observe and record the vehicle

on the days in question and did take digital photographs. However, due to a camera malfunction, those photos could not be produced. The City Attorney provided additional information to Council as requested.

Motion was made by Council Member Arts, seconded by Deputy Mayor Whelchel, to adopt Resolution No. 108-2006, including a fine reduction of 50%. Motion failed 2-3; Deputy Mayor Whelchel and Council Member Arts voting yes. Mayor Abrams, Council Members Baronoff and Hager voted no.

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

17. Millage Notification to the Property Appraiser and Tax Collector

Mr. Ahnell advised that Council's action tonight would set the maximum millage rate and provide notification of same to the Property Appraiser and Tax Collector. He then stated that the proposed operating millage is 3.30 mills per \$1,000; the debt service millage is .2886 per \$1,000, the proposed rollback rate is 2.8309 per \$1,000, and the current year proposed rate, as a percentage change of rollback rate, is 16.57%. The date scheduled for the tentative budget hearing is September 11, 2006, at 6:00 p.m. in the Council Chamber.

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to set the proposed millage for the City as stated by the City Manager. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

18. Fire Services Assessment Rate Notification to the Property Appraiser and Tax Collector

Mr. Ahnell advised that Council's action tonight would set the maximum Fire Services Assessment rate, which could be reduced at the future budget meetings but not increased. Notification of this rate would also be provided to the Property Appraiser and Tax Collector. He then stated that the maximum rate for residential properties would be \$25 per unit; the rate for commercial properties would range, depending on square footage, from \$51.75 up to \$2,226.76. Industrial properties would be a flat rate of \$354.73.

Motion was made by Council Member Baronoff, seconded by Deputy Mayor Whelchel, to set the proposed Fire Services Assessment rates as stated by the City Manager. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

19. Workforce Housing Update

Based on Council's decision tonight to schedule a special meeting dedicated to workforce housing, Mr. Ahnell did not provide the scheduled update.

20. Request to use the City Seal – Sally J. Ling

Mr. Ahnell explained that a request had been received to use the City Seal from Sally Ling, who is writing a book about the City of Boca Raton. He noted that the City has historically allowed non-profit organizations to use the City Seal. However since this is a for-profit venture, he recommended against the request to use the City Seal. Responding to Council, Mr. Ahnell advised that the City would not receive any profit.

Motion was made by Mayor Abrams, seconded by Council Member Arts, to allow the use of the City Seal. Motion failed 1-4; Mayor Abrams voting yes. Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voted no.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Assessment Fee

Council Member Arts referred to a June 2, 2006 article in the Sun-Sentinel, which reported that residents of the City of Tamarac sued that City over an assessment fee imposed for emergency medical services; the court upheld the lawsuit and the City of Tamarac must refund approximately \$3.7 million. He asked that the City Attorney take all necessary steps to ensure that Boca Raton does not encounter the same situation.

Broken Irrigation System

Council Member Baronoff referred to the exterior of the Broken Sound area on Yamato Road between Military Trail and Jog Road, stating that the landscaped area looks awful since the road widening, and asked for an update. Mr. Ahnell explained that the road was widened to six lanes and, at some point, an irrigation system on the north side of the road was broken; no one knows exactly who broke the system but the City's contractor offered to make repairs. It was then discovered that the Lake Worth Drainage District (LWDD) owns the land where this irrigation system has been located for years. However, LWDD advises that it never gave permission for the system to be located there and currently will not allow it on their property. Consequently, the entire system must be moved and the cost is upwards of \$100,000. The City is working with the Broken Sound community and the contractor to resolve the issue and bring the area back to the way it looked prior to the road widening; details were provided. Mr. Ahnell noted that the contractor is prepared to regrade the area in the next few weeks.

Appeal - Broken Sound Entrance

Council Member Baronoff referred to the appeal that was removed from tonight's agenda and thanked David Siegel, a Broken Sound resident, who was instrumental in mediating the matter.

Boca Raton Community Hospital

Council Member Hager advised that an historic agreement was reached between Boca Raton Community Hospital (BRCH) and Florida Atlantic University (FAU), which provides for a new BRCH facility to be located on the FAU campus. He stated that, ultimately, this facility would become a teaching hospital and a magnet for high quality medical care and advocated Council support for same as this endeavor moves forward.

Workforce Housing Impact Fees

Mayor Abrams provided commentary regarding workforce housing impact fees and advised that he would not be in favor of levying fees on projects that are already financed; the City Attorney responded to his concerns. It was determined that this issue would be addressed at the special meeting regarding workforce housing.

Torrey Pines Institute

Mayor Abrams advised that, as of this afternoon, this project would not come to fruition.

Project Checkmate

Mayor Abrams referred to the IBM/Scripps joint venture to fight pandemic disease and put forward the following motion. The City Attorney clarified that this motion was an expression of intent.

Motion made by Council Member Arts, seconded by Deputy Mayor Whelchel, that the City Council endorse Project Checkmate and pledge its support to the expansion of the effort including committing City resources on an in-kind basis, as determined to be appropriate by the City, that will contribute to the success of this venture. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff and Hager voting yes.

Global Warming

Mayor Abrams suggested that an upcoming City newsletter focus on simple steps residents could take to conserve energy and provide information as to what the City is doing to conserve energy and reduce carbon emissions, such as using hybrid cars and “smart signals.”

Annual Report

Mayor Abrams stated that it was very well received and suggested putting it on the City’s website.

Elder Affairs Advisory Board

Mayor Abrams referred to the minutes of this Board wherein the members voted to obtain badges for themselves and advised that he was not in favor of same, stating that badges should be limited to law enforcement; Council concurred.

South Florida Business Journal

Mayor Abrams advised that, according to this publication, Boca Raton residents have the highest education level of any city in South Florida and the second highest education level in the State.

Money Magazine

Mayor Abrams advised that, according to this publication, Boca Raton ranks 30th as the best place to live in the United States; details were provided as to criteria used.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 8:06 p.m. on Tuesday, July 25, 2006.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk