

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JULY 26, 2005
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 Hager gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member Peter R. Baronoff
Council Member Bill Hager
Council Member Susan Haynie

AMENDMENTS TO THE AGENDA:

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to amend the agenda to add Resolution No. 130-2005 to the Consent Agenda. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to add Ordinance No. 4886 under "Part V – Introduction to Ordinances." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

MINUTES:

Minutes of the Goal Setting Sessions of May 5, 2005 and May 6, 2005
Minutes of the Regular Workshop Meeting of June 27, 2005
Minutes of the Regular Meeting of June 28, 2005

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

PRESENTATION:

There were no presentations.

PROCLAMATIONS/RECOGNITIONS:

National Night Out – August 2, 2005

The proclamation was accepted by Harry Whittle on behalf of Citizens' Crime Watch.

Town Center at Boca Raton Month – August 2005

The proclamation was accepted by Linda Rinaldi, Director of Marketing for Town Center at Boca Raton.

Fire Explorers – National Fire Emergency Services Conference Awards

Mayor Abrams and Fire-Rescue Services' Public Information Officer Frank Corregio recognized the achievements of Boca Raton's Fire Explorers, an organization that prepares young people for possible careers in firefighting and/or as paramedics.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Builders' Board of Adjustment and Appeals – one (1) vacancy (Electrical Contractor), for a term expiring 02/15/05.

There were no applicants.

- b. Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy, due to resignation of Scott G. Borchers, whose term expires 01/12/08.

There were no applicants.

- c. Library Advisory Board – two (2) vacancies, due to term expirations of Florence L. Mangus and Kathleen M. Murdoch, whose terms expire 8/10/05

Motion was made by Council Member Haynie, seconded by Deputy Mayor Whelchel, to reappoint Florence L. Mangus and Kathleen M. Murdoch to the Library Advisory Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

Ms. Mangus and Ms. Murdoch were reappointed to the Board.

- d. North Federal Highway Steering Committee – one (1) vacancy (Large-scale business owner in the North Federal Highway corridor), due to resignation of Thomas Salzman.

Diane Heinz, a member of the North Federal Highway Steering Committee, spoke on behalf of Ken Lebersfeld, who was interested in serving on the Committee but was unable to attend the meeting.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to appoint Ken Lebersfeld to the North Federal Highway Steering Committee in the category of "Large-scale business owner in the North Federal Highway corridor." Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

Mr. Lebersfeld was appointed to the Committee.

- e. Parks and Recreation Board – three (3) vacancies, due to term expirations of Ronald L. Betters, Henry S. Kreh, and Donna M. Virostek, whose terms expire 7/31/05.

Eric Anderson expressed interest in serving on the Board.

Seeing no one else come forward to interview, nominations were then opened. Council Member Haynie nominated Donna Virostek; Council Member Hager nominated Ronald Betters, Henry Kreh and Dawn McCormick. Nominations were then closed without objection.

In the voting: Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff and Hager voted for Mr. Betters, Mr. Kreh and Ms. McCormick; Council Member Haynie voted for Mr. Betters, Ms. McCormick and Ms. Virostek.

Mr. Betters and Mr. Kreh were reappointed, and Ms. McCormick was appointed to the Board.

2. Responses to Workshop Information Requests:

The City Manager advised that responses to questions from yesterday's workshop would be covered in tonight's presentations.

3. Consent Agenda:

Mayor Abrams referred to Item No. 3.j., Resolution No. 128-2005, and clarified that while the goals have been established, if there is any change to the goals or should priorities shift over the course of the year, the issue would come back to Council and it would be added collectively to the list. He then suggested that the goals could be published on the City's website in order to keep the community apprised of Council's goals and progress on same

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

a. Sealed Bid

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|----|---|-------------|
| 1) | Lincoln Court Infrastructure Improvements
Requested by Municipal Services
Petro Hydro Inc. | \$1,658,755 |
| 2) | Patch Reef Park Asphalt Tennis Court Resurfacing
Requested by Recreation Services
Accurate Tennis Courts, Inc. | \$85,000 |
| 3) | Spanish River Boulevard Widening-Phase II
Requested by Municipal Services
Hardrives, Inc | \$9,155,457 |
| 4) | Irrigation Services for Camino Real Beautification
Requested by Recreation Services
Windmill Sprinkler, Co., Inc. | \$123,665 |
| 5) | Debris Removal
Requested by Utility Services
Waste Management of Palm Beach | \$44,000 |

b. Exempt

- | | | |
|----|--|----------|
| 1) | Children's Science Explorium Exhibits
Requested by Recreation Services
Exploratorium | \$35,500 |
|----|--|----------|

c. Resolution No. 120-2005

A resolution of the City of Boca Raton authorizing the submission of a Five Year Consolidated Plan for Program Years 2005-06 through 2009-10, including an Annual Consolidated Action Plan for Program Year 2005-06, 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

d. Resolution No. 121-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Local Agency Program (LAP) Agreement with the Florida Department of Transportation for the purpose of the design and construction of a shared use pathway along the El Rio Canal between Yamato Road and the L-40 Canal; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 122-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Maintenance Memorandum of Agreement with the State of Florida Department of Transportation for the purpose of Glades Road Beautification (State Road 808), from Mile Post 6.388 to Mile Post 7.126 in the vicinity of the 13th Street intersection; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 123-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a combined Mutual Aid Agreement with The Sheriff's Office of Broward County for the purpose of providing shared law enforcement assistance; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 125-2005

A resolution of the City of Boca Raton amending Resolution No. 168-2004 to authorize the cost of the agreement with Siemens Financial Services, Inc. not to exceed \$612,078.51 for the purpose of leasing telephone switching equipment; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 126-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute three Revocable License Agreements with the Boca Raton Airport Authority for the purpose of placing noise monitoring towers and related equipment in City right-of-way of N.W. 5th Avenue, N.W. 55th Street and the El Rio Canal; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 127-2005

A resolution of the City of Boca Raton authorizing the City Manager to apply for a Florida Urban Community Forestry Grant from the Florida Department of Agriculture and Consumer Services for damages to the urban tree canopy as a result of the 2004 hurricanes; authorizing the acceptance of said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 128-2005

A resolution of the City of Boca Raton approving and adopting the Goal Setting Session Report of May 5 and 6, 2005, and the Strategic Plan 2005-2010-2020 Update (including the Action Agenda for 2005-2006); providing for severability; providing for repealer; providing an effective date

k. Receive and File Board Minutes – July 26, 2005

- 1) A1A Landscape Task Force
June 8, 2005
June 22, 2005
- 2) Citizen's Pedestrian & Bikeway Advisory Board
May 9, 2005
- 3) Community Appearance Board
June 14, 2005
June 21, 2005
June 28, 2005
- 4) Community Relations Board
May 16, 2005
- 5) Education Advisory board
May 23, 2005
- 6) Executive Employees' Retirement Plan
April 20, 2005
- 7) Financial Advisory Board
April 18, 2005
- 8) Historic Preservation Board
May 17, 2005
- 9) Library Advisory Board
May 18, 2005
- 10) North Federal Highway Steering Committee
June 7, 2005
- 11) Physically and Mentally Challenged Board
June 2, 2005
- 12) Planning and Zoning Board
May 19, 2005
- 13) Special Master
May 25, 2005

I. Resolution No. 130-2005

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Second Amendment to Memorandum of Understanding with Boca Technology Center, LLC ("BTC"), and assignees of BTC, Boca Village, LLC, Shoppes of Blue Lake I, Inc., Shoppes of Blue Lake II, LLC, Stiles/BLP, LLC and BRE/Boca Corporate Center L.L.C.; providing for severability; providing for repealer; providing an effective date

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

Responding to Mayor Abrams, Mr. Ahnell provided the status of the landscaping issue in regard to Resolution No. 118-2005, saying that the Boca Bath and Tennis subdivision has been working with U.S. Epperson to resolve same. He is to keep Council updated as events occur.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to approve the Quasi-judicial Consent Agenda. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

4. Resolution No. 117-2005

A resolution of the City of Boca Raton accepting and approving the final plat known as the Calusa Estates subdivision plat, and authorizing the Mayor and City Clerk to execute the plat, providing for severability; providing for repealer; providing an effective date (SUB 04-10)

5. Resolution No. 118-2005

A resolution of the City of Boca Raton granting tentative plat approval to the proposed U.S. Epperson subdivision plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (SUB-05-02)

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

6. Resolution No. 99-2005

A resolution of the City of Boca Raton authorizing the City Manager to execute the Consent to Termination of Declaration of Covenants and Restrictions for Lots 12 and 13, Block 16, Boca Raton Hills Section 2, located at 1865 N.W. Boca Raton Boulevard, as more specifically described herein; providing conditions for termination; providing for severability; providing for repealer; providing an effective date (SC-05-02)

Mayor Abrams advised that quasi-judicial procedure would be followed for this public hearing; the City Clerk administered the oath to those who indicated they wished to speak on this petition.

The City's Property Appraiser/Specialist, Lynn Bodor, gave the PowerPoint presentation. She explained that the former owner of the property received site plan approval to add a furniture showroom to an existing commercial building, subject to the restriction that the land only be used for a retail furniture facility; a Declaration of Covenants and Restrictions was recorded on the property that contains said restriction. However, the showroom was never constructed and the land was subsequently sold. The new owner plans to demolish the current building and obtained approval from the Planning and Zoning Board to construct a medical office building on the same site. This approval contained a condition requiring termination of the Declaration of Covenants and Restrictions. Ms. Bodor advised that both the Development Services and Municipal Services Departments agree to the termination; she then concluded her presentation.

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 Resolution No. 99-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

7. Resolution No. 116-2005

A resolution of the City of Boca Raton granting approval for the proposed Milan at Town Center master plan, subject to conditions; providing for severability; providing for repealer; providing an effective date (SC-04-08)

Mayor Abrams advised that quasi-judicial procedure would be followed for this public hearing; the City Clerk administered the oath to those who indicated they wished to speak on this petition.

Development Services Planner Daryl Johnson gave the PowerPoint presentation, stating that this was a request for an eight-story office building with a parking garage, known as the Milan at Town Center and located at 5295 Town Center Road. The site currently contains a mixed-use development including the Don Carter Bowling Lanes, a gym, and a multi-story office building. Acreage, location, and County land use designation was provided. The proposed building would comprise approximately 53,700 square feet to include 52,300 square feet of office space and 1,200 square feet for a drive-in bank. Parking and vehicle access was delineated.

The City's Traffic Engineer reviewed existing traffic volumes and the project's build-out volumes and, after analysis, staff concluded that a southbound right-turn lane should be constructed. The petitioner would be required to reconfigure the parking area adjacent to the Military Trail/Town Center Road to accommodate the turn lane. The Palm Beach County Traffic Engineer has also reviewed this project and found that it meets the concurrency criteria of their traffic performance standards.

Speaking to the question raised at yesterday's workshop regarding lake maintenance, Mr. Johnson advised that the issue would be resolved via a lake maintenance agreement that would require the owner and his/her successors to maintain the lake in a pollution-free and nuisance-free wholesome condition in perpetuity; details were provided. Mr. Johnson concluded his presentation by advising that staff recommended approval with the conditions stated in the resolution. He then answered questions from Council.

Glenn Gromann, representing the petitioner, provided additional information regarding the lake. He explained that his client did not own the lake property; it is owned by the property owners' association. Mr. Gromann advised that the association had taken remedial efforts to clean the lake; details were provided. He added that his client hoped to lease the lake property in order to take care of it properly. Mr. Gromann provided additional information to Council as requested.

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

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Resolution No. 116-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

8. Ordinance No. 4881

An ordinance of the City of Boca Raton amending Section 2-328; Code of Ordinances, relating to the annual consumer price index adjustment of the user fees for the Boca Raton Municipal Cemetery and Mausoleum; providing for severability; providing for repealer; providing for codification; providing an effective date

Recreation Services Deputy Director Joe Cogley gave the presentation, explaining that this item would change the time period for adjustment of the City's user fee schedule from September 1 through August 31, to August 1 through July 31, to be effective October 1 of each year. This would provide more time between the availability of the Consumer Price Index data and the deadline for staff's submittal of annual user fee changes.

This ordinance would also provide for adjustment of the \$10 rounding figure as follows: 1) round to the nearest \$10 for amounts \$1,000 and above, 2) round to the nearest \$5 for amounts \$100 to \$999.99, and 3) round to the nearest \$1 for amounts below \$100.

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

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Haynie, to adopt Ordinance No. 4881. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

9. Ordinance No. 4882 (First of two required public hearings – no vote will be taken.)

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to adult entertainment establishments ("Regulated Uses"); adding Regulated Uses to the list of permitted uses in W-1 and M-3 zoning districts; deleting Regulated Uses from the list of permitted uses in R-B-1, B-1, B-2, B-4, or C-1 zoning districts; amending definitions related to Regulated Uses; establishing intent and purpose and regulations related thereto; providing for severability; providing for repealer; providing for codification; providing an effective date

Mayor Abrams advised that this was the first of two required public hearings; therefore, no vote would be taken. The City Attorney then gave the presentation, explaining that substantial material, comprised of many studies, was distributed to Council and made available to the public for purposes of review, as this is a complicated area and subject to many regulations. Ms. Frieser advised that the legislative findings made by Council and the subsequent regulations adopted must be based on the studies provided.

The ordinance before Council would eliminate the existing adult use regulations, which had not been reviewed for approximately 20 years, and create a new regulation in its place. Ms. Frieser stated that the ordinance was self-explanatory; all revisions had been shaded in the text of the ordinance provided to Council.

Attention was given to a letter from Dr. Thomas Laird, dated July 12, 2005, which was distributed at the dais. Ms. Frieser advised that the questions raised in Dr. Laird's letter would be addressed; however, those issues had not been incorporated into any of the revisions. She then concluded her presentation.

Dr. Thomas Laird, President of South Congress Industrial Center Property Owners Association, Inc., acknowledged that the City could not keep out these types of businesses and then requested a separation of 400 feet, instead of 300 feet, between adult entertainment establishments and schools, gymnastic centers, and dance studios. He explained that because of the size of some of the buildings in the industrial park, it would be possible under the 300-foot minimum to have a children's gymnastic school at one end and an adult use establishment at the other end of the same building. Dr. Laird voiced concern over the quality of the establishments, the potential for growth due to the location, and that a regional impact might be created since people could get to these businesses quickly via arterial roadways. Last of all, he suggested making the establishments as "high-end" as possible, stating that the owners might then have more interest in policing their own facilities. Additional information was provided to Council as requested.

Sheila Jaffe, a business owner, was opposed to placing these establishments in the industrial park, voicing concern over the possibility of diminished property values, the proposed hours of operation, and whether alcohol would be served. She then answered questions from Council.

Seeing no one else come forward to speak, the public hearing was continued to the next regular meeting of the City Council, scheduled for August 9, 2005.

10. Ordinance No. 4883

An ordinance of the City of Boca Raton amending Section 23-361, Code of Ordinances, regarding the voting requirement for minor modifications; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Attorney explained that this ordinance simply codifies the present practice of requiring 6 out of 7 (6/7) votes, patterned after the 4/5 Council vote, as it relates to actions of the Planning and Zoning Board on matters involving conditional land use Comprehensive Plan amendments. Ms. Frieser then answered questions from Council. Attention focused on whether it was realistic to expect a 6/7 vote of the Planning and Zoning Board membership, since members of that Board sometimes recuse themselves due to conflicts of interest. In addition, if a member is ill or out of town, this requirement, as written, could create a problem; discussion followed.

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

Motion was made by Council Member Haynie, seconded by Mayor Abrams, to adopt Ordinance No. 4883.

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to amend Ordinance No. 4883 to change the requirement for an affirmative vote to not less than 5/7th of the Planning and Zoning Board membership. Motion carried 4-1; Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes. Mayor Abrams voted no.

The vote on the main motion to adopt Ordinance No. 4883, as amended, carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

11. Resolution No. 119-2005

A resolution of the City of Boca Raton adopting an amended Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing an effective date

Development Services Director Jorge Camejo gave the presentation, explaining that this resolution was brought forward to provide incentives and a means to reduce the cost for City property owners to prepare their properties for hurricane mitigation. Staff proposed a flat fee for hurricane mitigation measures such as hurricane shelters, impact-resistant windows, emergency generators, and garage doors; details were provided.

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

Motion was made by Council Member Haynie, seconded by Council Member Baronoff, to adopt Resolution No. 119-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

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

12. Resolution No. 124-2005

A resolution of the City of Boca Raton authorizing the settlement of a Workers' Compensation Claim for Alejandro Rodriguez, a Plant Mechanic in the Utility Services Department, providing for severability; providing for repealer; providing an effective date

Risk Manager Pam Gardner provided details related to the settlement of this case and recommended approval of the resolution.

Motion was made by Deputy Mayor Whelchel, seconded by Council Member Hager, to adopt Resolution No. 124-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

13. Resolution No. 129-2005

A resolution of the City of Boca Raton authorizing the settlement of a claim, Valeria Ramos vs. David Drayton and the City of Boca Raton, Fifteenth Judicial Circuit Court Case No. 502004CA003164XXXMB "AF" and City Case No. AL00-0017-PS; providing for severability; providing for repealer; providing an effective date

Risk Manager Pam Gardner provided details related to the settlement of this case and recommended approval of the resolution.

Motion was made by Council Member Baronoff, seconded by Council Member Hager, to adopt Resolution No. 129-2005. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Baronoff, Hager and Haynie voting yes.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

14. Ordinance No. 4884

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 0.36 acres, more or less, located at 2351 N.W. Boca Raton Boulevard, as more specifically described herein, from Residential Low (RL) to Commercial (C); amending Ordinance No. 3929 which amended the Future Land Use Element of the Comprehensive Plan for a certain property consisting of 1.0 acres, more or less, located at 2401 N.W. Boca Raton Boulevard, providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-05-01/SC/ZC/SPA)

The ordinance was introduced by Council Member Haynie.

15. Ordinance No. 4885

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 0.36 acres, more or less, located at 2351 NW Boca Raton Boulevard, as described more particularly herein, from R-1-D to B-1; providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-05-01/SC/ZC/SPA)

The ordinance was introduced by Deputy Mayor Whelchel.

16. Ordinance No. 4887

An ordinance of the City of Boca Raton providing for the vacation and abandonment of N.E. 4th Avenue between Yamato Road and N.E. 49th Street, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-02-01)

The ordinance was introduced by Council Member Baronoff.

17. Ordinance No. 4888

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Public Utility Easement, located at 5001 N.E. 4th Avenue, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-05)

The ordinance was introduced by Council Member Haynie.

18. Ordinance No. 4889

An ordinance of the City of Boca Raton authorizing the sale of a parcel of land consisting of approximately 0.0247 acre and located adjacent to 2555 N.W. Boca Raton Boulevard; providing for severability; providing for repealer; providing an effective date (SC-04-19)

The ordinance was introduced by Deputy Mayor Whelchel.

19. Ordinance No. 4890

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Drainage Easement, located at 5255 Deerhurst Crescent Circle, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-05-03)

The ordinance was introduced by Council Member Baronoff.

20. Ordinance No. 4891

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a Drainage Easement, located at 1099 Spanish River Road, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-05-02)

The ordinance was introduced by Council Member Hager.

21. Ordinance No. 4892

An ordinance of the City of Boca Raton providing for the vacation and abandonment of Dock Street located south of S.W. 18th Street at the El Rio and Hillsboro Canals, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-05-01)

The ordinance was introduced by Council Member Haynie.

21.a. Ordinance No. 4886

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the business of adult entertainment establishments; adding definitions related to adult entertainment establishments; establishing requirements and regulations related to individuals managing, operating or working in adult entertainment establishments; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Baronoff.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Douglas Reagan referred to tickets he had received for parking on the street in his neighborhood and suggested that the ordinance governing same be changed. He added that other neighbors parking on the same street did not receive tickets. Suggestions were made that he park on the swale or modify the driveway to accommodate another car; he was advised to speak with Development Services Director Jorge Camejo regarding the permitting process to enlarge the driveway.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

22. Millage Notification to the Property Appraiser and Tax Collector

Mr. Ahnell advised that Council's action tonight would set the maximum millage rate that could be charged; however, Council could decide to reduce same at a later date. He then stated that the proposed operating millage is 3.38 mills per \$1,000; the debt service millage is .3462 per \$1,000, the proposed rollback rate is 2.8589 per \$1,000, and the current year proposed rate, as a percentage change of rollback rate, is 18.23%. The date scheduled for the tentative budget hearing is September 12, 2005, at 6:00 p.m. in the Council Chamber.

Motion was made by Deputy Mayor Whelchel, 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 Baronoff, Hager and Haynie voting yes.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

Deputy Mayor Whelchel confirmed with the City Manager that consideration of names for the dog park should take place at the next Council meeting. She then asked if the outcomes of the City's Board meetings (minutes) could be posted on the City website. Last of all, Ms. Whelchel asked Council to prepare a statement supporting Debra Nash-Utterback's appeal to the School Board for a "delay of acceptance," as she had been unable to obtain a location for the proposed IB K-3 charter school by the deadline. There were no objections to the Mayor preparing and sending a letter.

Council Member Hager provided an update on the proposed land swap between Boca Raton Community Hospital and Florida Atlantic University (FAU) land.

Council Member Baronoff provided commentary on: 1) his recent trip to Europe with Friends of the Unicorn, a group that assists with education, awareness, and research on behalf of children with communication and learning disorders; 2) his support for a full-time education advocate; 3) the fiscal brochure recently mailed to City residents; 4) his support for moving forward on L.I.R.P. review, as discussed in the goal setting sessions; 5) his support of the downtown pedestrian spine; 6) the rescheduling of the General Growth Properties (GGP) presentation before the CRA; 7) support for fast-tracking permits for generators and other items needed in the event of a hurricane; and 8) e-mails received regarding the Boca Inlet. Municipal Services Director Bob DiChristopher gave an update on the Inlet, advising that permits had been obtained; the City must now conform to advertising requirements, then put the work out for bid and, hopefully, award same in November.

Council Member Haynie questioned why the Tri-Rail station was not yet completed. Municipal Services Director Bob DiChristopher and the City Manager explained the operational issues faced by Tri-Rail, which included difficulties with change orders, double-tracking, and bus connections. Discussion turned

to the commercial element of the Tri-Rail station and whether that was expected to become a reality. Ms. Haynie then provided positive commentary on the recent inaugural concert of the Boca Raton Community Chorus at the Willow Theater.

Deputy Mayor Whelchel brought forward the subject of yesterday's presentation on the I-95 interchange for FAU and voiced concern that FAU was moving forward sooner than expected with the proposed stadium, which would bring a great deal more traffic into Boca Raton. Mayor Abrams explained that FAU put the proposal out to determine the feasibility of obtaining a developer willing to build the stadium; he advised that FAU President Frank Brogan has pledged to work with the City. Mayor Abrams asked the City Manager to obtain a copy of the stadium Request For Proposal (RFP).

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 8:10 p.m. on Tuesday, July 26, 2005.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk