

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JULY 22, 2008
6:00 PM

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

INVOCATION:

Council Member Arts gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

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

AMENDMENTS TO THE AGENDA:

Motion was made by Council Member Hager, seconded by Council Member Arts, to amend the agenda to move Item No. 6 (Ordinance No. 5040) for consideration immediately following Item No. 4 (Resolution 83-2008). Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager, and Haynie voting yes.

MINUTES:

Minutes of the Regular Workshop Meeting of June 9, 2008
Minutes of the Regular Meeting of June 10, 2008

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

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Proclamation - National Night Out - August 5, 2008 (Citizens Crime Watch)

Harry Whittle and Linda Williams accepted the proclamation on behalf of Citizens Crime Watch.

Proclamation - Firefighter Appreciation Month – August 2008 (Muscular Dystrophy Assn)

This proclamation was postponed to the August 26, 2008 Council meeting.

Recognition - Paramedic of the Year (Fire/Rescue Services)

Lt. Jamie Smith of Fire-Rescue Services was honored with this recognition.

Recognition - Heart Ready City Award (American Heart Association)

Mayor Whelchel accepted the award on behalf of the City from Richard Gold, Executive Vice President of Hospital Operations for Promise Healthcare.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

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

There were no applicants.

- b. Elder Affairs Advisory Board – one (1) vacancy.

No one came forward to interview. Nominations were then opened. Council Member Haynie nominated Nancy Nyren; Council Member Arts nominated Howard Schubert; Mayor Whelchel nominated Mil-Jean Bennett. Nominations were then closed without objection.

In the voting: Deputy Mayor Baronoff, Council Members Arts and Hager voted for Mr. Schubert; Mayor Whelchel voted for Ms. Bennett; and Council Member Haynie voted for Ms. Nyren.

Howard Schubert was appointed to the Elder Affairs Advisory Board.

- c. Financial Advisory Board – three (3) vacancies.

Motion was made by Council Member Haynie, seconded by Council Member Arts, to reappoint John Cappelletti, Arnold Straus, and Andrew Vissicchio, Jr. to the Financial Advisory Board. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager, and Haynie voting yes.

Mr. Cappelletti, Mr. Straus, and Mr. Vissicchio were reappointed to the Board.

- d. Historic Preservation Board – one (1) vacancy.

Motion was made by Council Member Hager, seconded by Council Member Arts, to appoint Merle Haber to the Historic Preservation Board. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager, and Haynie voting yes.

Ms. Haber was appointed to the Board.

- e. Library Advisory Board – two (2) vacancies.

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

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

- f. Parks and Recreation Board – four (4) vacancies.

Lesley Sanatan and Trudi Stevens expressed interest in serving on the Board.

Motion was made by Council Member Hager, seconded by Mayor Whelchel, to reappoint Peter Boylan, Gordon Gilbert, Joseph Good, and Trudi Stevens to the Parks and Recreation Advisory Board. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager, and Haynie voting yes.

Mr. Boylan, Mr. Gilbert, Mr. Good, and Ms. Stevens were reappointed to the Board.

- g. Pearl City Blue Ribbon Committee – two (2) vacancies.

Motion was made by Council Member Haynie, seconded by Council Member Arts, to appoint Roy Nyren to the Pearl City Blue Ribbon Committee. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager, and Haynie voting yes.

Mr. Nyren was appointed to the Committee.

2. Responses to Workshop Information Requests:

(Consent Agenda Item No. 3.a.1. – Traffic Calming Program Update) A memo was provided. Mr. Ahnell advised that 23 neighborhoods had been completed; construction was expected to commence shortly in five more neighborhoods; and 11 other neighborhoods were currently going through the process to obtain traffic calming.

(Consent Agenda Item No. 3.a.2. – Street Resurfacing Schedule) A map reflecting those streets to be resurfaced was provided; Mr. Ahnell explained that portions of Boca Bay Colony, Country Club Village, and Conference Lake Estates, would experience street resurfacing next year.

(Consent Agenda Item No. 3.b.3 – Location of Lift Stations) An email was provided, which delineated the locations of two lift stations; one is generally located off the intersection of Federal Highway and Spanish River Boulevard near Walgreens, and the other is located in Boca Raton Hills, east of Second Avenue.

3. Consent Agenda:

Mayor Whelchel provided an opportunity for any member of the public to comment on the Consent Agenda; no one came forward to speak.

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

a. Sealed Bids

- | | | |
|----|--|-------------|
| 1) | Annual Traffic Calming, Bus Shelter, Sidewalks and
Minor Road Construction
Requested by Municipal Services
Total Quality Construction | \$1,280,000 |
| 2) | Street Resurfacing (Asphalt)
Requested by Municipal Services
Community Asphalt Corporation | \$499,906 |
| 3) | Pipeline Extension Broken Sound East
Golf Course, Phase I
Requested by Utility Services
Ric-Man Construction, Inc. | \$1,010,361 |

b. Intergovernmental Agreements

- | | | |
|----|--|-----------|
| 1) | Garbage Truck (Replacement)
Requested by Municipal Services
Nextran Truck Center | \$199,104 |
|----|--|-----------|

- 2) Horticultural Chemicals
Requested by Recreation Services and Utility Services
Argo Distribution d/b/a Pro Source One; BWI Companies, Inc.;
Diamond R Fertilizer Co., Inc. d/b/a Atlantic FEC Fertilizer;
Helena Chemical Co.; Lesco, Inc.; Naturchem, Inc.;
Regal Chemical Company; UAP Distribution, Inc.; Univar USA \$97,211
- 3) Lift Station Repairs 17 & 68
Requested by Utility Services
W. Jackson & Sons Construction, Co. \$114,202
- 4) Underground Fuel Storage Tank Upgrades
Requested by Municipal Services
Glasgow Equipment Service, Inc. \$562,637

c. Resolution No. 84-2008

A resolution of the City of Boca Raton waiving the Payment in Lieu of Taxes for the Boca Raton Housing Authority for fiscal year ending September 30, 2009; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 85-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the First Amendment to Agreement with the State of Florida, Division of Emergency Management for the purpose of extending the Agreement end date; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 86-2008

A resolution of the City of Boca Raton authorizing the submission of an Annual Consolidated Action Plan for Program Year 2008-09 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

f. Resolution No. 90-2008

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

g. Receive and File Board Orders

- 1) SM(C) Case No. 07-00004547
- 2) SM(C) Case No. 07-4993
- 3) SM(C) Case No. 07-00005790
- 4) SM(C) Case No. 08-00000059
- 5) SM(C) Case No. 08-00000972
- 6) SM(C) Case No. 08-00001203
- 7) SM(C) Case No. 08-00001347
- 8) SM(C) Case No. 08-00001348
- 9) SM(C) Case No. 08-00001617
- 10) SM(C) Case No. 08-00001640

- 11) SM(C) Case No. 07-00004825
- 12) SM(C) Case No. 07-5581
- 13) SM(C) Case No. 07-00005857
- 14) SM(C) Case No. 08-171
- 15) SM(C) Case No. 08-790
- 16) SM(C) Case No. 08-00001290
- 17) SM(C) Case No. 08-00001552
- 18) SM(C) Case No. 08-00001826

h. Receive and File Board Minutes – July 22, 2008

- 1) Builders' Board of Adjustment and Appeals
May 12, 2008
- 2) Community Appearance Board
May 20, 2008
May 27, 2008
June 3, 2008
June 10, 2008
June 17, 2008
- 3) Financial Advisory Board
April 21, 2008
- 4) General Employees' Pension Board
April 10, 2008
May 5, 2008 (Special Meeting)
May 27, 2008
- 5) Historic Preservation Board
May 20, 2008
- 6) Library Advisory Board
April 16, 2008
- 7) Marine Advisory Board
May 7, 2008
- 8) Parks and Recreation Board
May 6, 2008
- 9) Pearl City Blue Ribbon Committee
March 27, 2008
- 10) People With Disabilities
May 1, 2008
- 11) Planning and Zoning Board
May 8, 2008
- 12) Police & Firefighters' Pension Board
February 21, 2008 (Special Meeting)
March 27, 2008
April 24, 2008
May 22, 2008

- 13) Special Master
May 14, 2008
- 14) Zoning Board of Adjustment
May 7, 2008

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

Mayor Whelchel provided an opportunity for any member of the public to comment on the Quasi-Judicial Consent Agenda; no one came forward to speak.

The resolution was adopted unanimously without a motion on the floor; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

4. Resolution No. 83-2008

A resolution of the City of Boca Raton accepting and approving the final plat known as the Boca Raton Community High School Plat, and authorizing the Mayor and City Clerk to execute the plat; providing for severability; providing for repealer; providing an effective date (SUB 01-04)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Ordinance No. 5040 (First of two required public hearings.)

An ordinance of the City of Boca Raton amending Chapter 28, Code of Ordinances, providing a definition for "Places of Worship" and "Places of Public Assembly"; amending the list of permitted and conditional uses in most zoning districts to establish a consistent treatment for Places of Worship and Places of Public Assembly; limiting Places of Worship in residential districts to sites with direct vehicular access to an arterial or collector road; replacing references to "Church" and "Places of Worship of God"; providing for Places of Worship as a permitted use in the R-3-A and R-3-C zoning districts; deleting the definition of "Private Clubs, Lodges, Fraternities and Similar Private Uses" and including said category, as well as "Theaters and Auditorium", in the definition of Places of Public Assembly; modifying the parking requirements for Places of Public Assembly and deleting parking requirements for uses included within said category; deleting the category of "Institutions of an Educational, Philanthropic or Religious Character"; deleting "Private Clubs and Community Service Organizations" from the PUD Commercial Node and "Private Clubs" and related uses from the M-3 District and the LIRP Commercial Node; deleting "Movie Theaters" in the LIRP District; deleting "Drive-In Theaters" in the M-1 District; providing a non-conforming use provision; and making such amendments and revisions, as appropriate, to establish a consistent treatment for Places of Public Assembly and Places of Worship; providing for severability; providing for repealer; providing for codification; providing an effective date

Mayor Whelchel indicated that she planned to ask Council to send this ordinance and the proposed revisions received at yesterday's workshop meeting from the Golden Triangle Association back to the Planning and Zoning Board for further consideration. However, this first public hearing would go forward and those who wished to speak would be given the opportunity to do so.

Responding to Council, the City Attorney explained that Florida Statute requires a minimum of two public hearings be held for this ordinance. However, Council could elect to hold more than two public hearings, as it was acceptable to have more due process; details were provided.

Following Ms. Frieser's comments and Council discussion, it was agreed that, in addition to this first public hearing tonight, two more public hearings would take place at the Council meetings of August 26, 2008 and September 9, 2008, respectively, in order to provide the public an opportunity to be heard pending any changes to the ordinance that might be recommended by the Planning and Zoning Board whose members would review same again in August during a public process.

The floor was then given to Development Services Director Jorge Camejo, who advised that the ordinance contained in the agenda book reflected the text as it existed at introduction on June 10, 2008. He explained that his presentation tonight and staff's recommendation were based on the ordinance, as revised July 10, 2008, which had also been distributed to Council.

Mr. Camejo began his PowerPoint presentation by providing a history of the ordinance from November 2007 to the present date. He briefly explained how Places of Public Assembly and Places of Worship are currently addressed in the Code and then advised that this ordinance would provide uniform parking requirements for same; details were provided. Essentially, the language attempted to address those facilities, which may have operations functioning non-currently on their campus, to ensure that parking is based on the maximum peak hour demand. (An example would be a church that also runs a school).

The Planning and Zoning Board considered this item at their June 19, 2008 public hearing; the issues raised by neighbors included parking, landscaping, location of dumpsters, and traffic controls related to places of worship in single-family residential areas. The Board directed staff to address these concerns and, as a result, staff drafted an accompanying ordinance. Ordinance No. 5045 would be introduced tonight; staff recommended, as did the City Attorney previously, that the two ordinances be considered in unison at the Council meeting of September 9, 2008.

Ordinance No. 5045 addresses landscaping requirements and dumpster location requirements. In addition, it provides that non-residential uses, in general, in residential zoning districts must have direct vehicular access from either an arterial or collector street.

Mr. Camejo then concluded his presentation by advising that the Planning and Zoning Board reviewed Ordinance No. 5040 and recommended approval of same.

Responding to Council, the City Attorney then answered questions related to the companion ordinance, whether one ordinance might be approved and the other not, and whether the two ordinances could be consolidated. In response to another query from Council, Mr. Camejo explained that the functional analysis to determine the maximum parking would be conducted by either the project's architect or the project's traffic engineer.

Patricia Dervishi stated that a third party should perform the functional analysis of the site, as opposed to someone connected with the project. Council Member Hager explained that the analysis would be submitted to the City and staff would review same for accuracy.

Anthony Majhess questioned which version of the ordinance would ultimately be adopted and then advocated a set rule for every future place of worship in the City related to how the amount of parking is determined in a single-family neighborhood.

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

The City Attorney advised that no action was required from Council this evening. For clarification purposes, she then outlined the proposed schedule for Ordinance Nos. 5040 and 5045, explaining that the Planning and Zoning Board would again consider a revised Ordinance No. 5040 at their meeting of August 21, 2008. The next public hearings for Ordinance Nos. 5040 and 5045 would be scheduled for the Council meeting of August 26, 2008; the final hearings for both ordinances would be scheduled for the Council meeting of September 9, 2008, at which time Council would vote on each ordinance.

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

5. Resolution No. 80-2008

A resolution of the City of Boca Raton considering Conditional Use Approval for Smith & DeShields, to allow the construction of a new warehouse and showroom building on a parcel of land located at 181 N.W. 20th Street, as described more particularly herein; providing for severability; providing for repealer (including the repeal of Resolution No. 54-2006); providing an effective date (CA-07-19)

The City Attorney reviewed the quasi-judicial procedure that would govern the hearing; the City Clerk administered the oath to those who indicated they wished to speak. There were no ex parte disclosures.

Development Services Director Jorge Camejo gave the PowerPoint presentation. Information related to zoning, land use designation, and location was provided. He advised that the site had previously been used for outdoor storage and a variety of outdoor activities; these uses would be removed. The proposed warehouse would comprise approximately 11,250 square feet; the showroom would contain approximately 10,000 square feet. Since the showroom is not associated with manufacturing and is considered a retail use, conditional use approval is required.

He noted that the applicant had addressed all site issues, including abandonment of two utility easements in order to allow building placement; installation of a new sidewalk along NW 1 Place; installation of curb cuts; installation of cross access to the parcel to the west; and installation of a bus shelter along the south side of the parcel. Mr. Camejo then reviewed parking as well as building elevations. He advised that the Planning and Zoning Board had reviewed this project and recommended approval, as did staff, subject to the conditions in the attached resolution.

Paul Slattery, of Slattery & Associates, the architect for the project, made himself available for questions. Seeing no one else come forward to speak, the public hearing was then closed.

Motion was made by Council Member Arts, seconded by Council Member Haynie, to adopt Resolution No. 80-2008. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS (cont'd):

7. Ordinance No. 5041

An ordinance of the City of Boca Raton amending the Land Development Code by establishing cost recovery for land development application reviews submitted under Chapters 23, 24, 26, and 28 of the Code; providing for severability; providing for repealer; providing for codification; providing an effective date

a. Resolution No. 79-2008

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule; establishing user fees for cost recovery of land development reviews; providing for severability; providing for repealer; providing an effective date

Manager of Administrative Services for Development Services Ruby Childers gave the PowerPoint presentation. She addressed Ordinance No. 5041 first and explained that passage of the ordinance would provide a cost efficient alternative for land development reviews. She advised that utilizing outside consultants was a more appropriate means for providing technical reviews and could be economically feasible for the City when the associated costs for these professional services are recovered. In addition, use of outside consultants would result in more staff flexibility to meet fluctuating demands.

Ms. Childers then reviewed the cost recovery program, explaining that the applicant initiating the review request would bear the cost of an administrative fee and a professional services fee. The administrative fee would be paid to the City to cover the cost of administering contracts, processing invoices, and so forth. A minimum deposit, based on project size and acreage, would be submitted at the time of application and placed in an escrow account. This account would be maintained throughout the entire review process, including any necessary additional deposits. The account would be closed within six months of a Certificate of Occupancy being issued and all balances being paid in full, or a determination by the City Manager that no further action is necessary and no balance is owed. Any remaining monies would be refunded to the applicant. Ms. Childers advised that staff recommended approval of same. Responding to Council, the City Attorney provided information as to language proposed for the vendor contracts to ensure there is no conflict of interest between a consultant and a developer; details were provided.

Regarding Resolution No. 79-2008, Ms. Childers explained that the non-refundable administrative processing fee would be 5% of the initial deposit amount and would range from \$250 to \$1,150. The initial deposit is predicated on the size of the project and acreage. A minimum balance would be maintained to ensure sufficient funds to process consultant invoices. All deposits would be processed through the individual project account.

The Financial Advisory Board reviewed the proposed user fees in June 2008 and unanimously recommended approval of same, as did staff. Responding to Council, Ms. Childers provided additional clarification as to how staff arrived at the fees. She also confirmed with Council that the proposed consultant was Urban Design Associates and advised that these fees would not be levied for properties located in the downtown. In response to another query, the City Attorney explained that the fee would be based on the acreage included in the application, not necessarily the entire ownership of the property.

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

Motion was made by Council Member Hager, seconded by Council Member Haynie, to adopt Ordinance No. 5041. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Motion was made by Council Member Haynie, seconded by Deputy Mayor Baronoff, to adopt Resolution No. 79-2008. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

8. Ordinance No. 5042

An ordinance of the City of Boca Raton relating to the regulation of nightclubs; amending Chapter 4, Code of Ordinances, providing for definitions, imposing security requirements, establishing restrictions on the presence of individuals under the age of 21 in nightclubs, and establishing related business regulations; amending Chapter 2, Code of Ordinances, to provide that violations of Chapter 4 shall fall within the jurisdiction of the Special Master; providing for severability; providing for repealer; providing for codification; providing an effective date

The City Manager advised that he understood Council might wish to continue this item to the next Council meeting; therefore a staff presentation was not necessary at this time. Noting that many people expressed to him the need to ensure that staff met with representatives from nightclubs, restaurants, and hotels, to obtain their input, Mr. Ahnell suggested that Council could open the public hearing and continue same to the August 26, 2008 meeting.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to continue the public hearing to the August 26, 2008 Council meeting. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

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

9. Resolution No. 89-2008

A resolution of the City of Boca Raton authorizing the settlement of a claim for Richard Sakharoff (PP01-0007-PS); providing for severability; providing for repealer; providing an effective date

The City Manager recommended approval of the resolution.

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

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to adopt Resolution No. 89-2008. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

10. Ordinance No. 5043

An ordinance of the City of Boca Raton amending Rule 1.17 of Section 2-27, Code of Ordinances, to provide that a legally required public hearing regarding an ordinance may be held at the same City Council meeting at which the ordinance has been introduced; providing for severability; providing for repealer; providing for codification; providing an effective date

The ordinance was introduced by Council Member Arts.

11. Ordinance No. 5044

An ordinance of the City of Boca Raton approving standard forms of petition related to initiative and referendum petitions; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Council Member Haynie.

12. Ordinance No. 5045

An ordinance of the City of Boca Raton amending Chapter 28, Code of Ordinances, to provide supplemental regulations for non-residential structures and uses in single-family residential zoning districts, including landscaping requirements, dumpster location requirements, and limiting vehicular access to only arterial or collector roads; and supplemental regulations for nonresidential structures and uses in multifamily zoning districts limiting vehicular access only to arterial or collector roads; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-08-03)

The ordinance was introduced by Deputy Mayor Baronoff.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Nancy Hogan, Chairman of the Governmental Affairs Committee of the Realtors Association of the Palm Beaches, encouraged the City to “hold the line” this year on the millage rate.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

QUASI-JUDICIAL PUBLIC HEARING – REQUEST FOR VARIANCE FROM CHAPTER 24-SIGN CODE:

13. Resolution No. 88-2008

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-96(c)(3), Code of Ordinances, to allow an additional flat sign, where one (1) flat sign is permitted per occupancy, for AAA Insurance Agency – Auto Club South, located at 2200 Glades Road - #508; providing for severability; providing for repealer; providing an effective date (SCV-08-01)

The City Attorney reviewed the quasi-judicial procedure that would govern the hearing; the City Clerk administered the oath to those who indicated they wished to speak. There were no ex parte disclosures.

Development Services Planner Daryl Johnson gave the PowerPoint presentation. He explained that the applicant has an existing sign on the east side of the building and is requesting authorization to install another sign on the west side of the building. The second sign mirrors the first sign in all aspects.

The Community Appearance Board reviewed this application in July 2008 and recommended approval. In conclusion, staff also recommended approval of the resolution.

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

Motion was made by Deputy Mayor Baronoff, seconded by Council Member Haynie, to adopt Resolution No. 88-2008 to grant the variance. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

14. Millage Notification to the Property Appraiser and Tax Collector

The City Manager requested authorization to set the maximum millage rate for Fiscal Year 2008/2009; notification would be mailed out to all the property owners in the City. The proposed operating millage rate would remain the same as last year. He then reviewed the debt service and rollback rates and advised that the current proposed rate is a 5.2102% reduction from the rollback rate. Mr. Ahnell added that the tentative budget hearing is scheduled for Monday, September 15, 2008, at 6:00 p.m. in the Council Chamber; upon release of the final budget, a date for the final budget hearing will be scheduled.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to set the proposed millage rate for the City as stated by the City Manager for Fiscal Year 2008/2009. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

15. Fire Services Assessment Fee

Mr. Ahnell requested authorization to set the maximum rate for the Fire Services Assessment Fee for Fiscal Year 2008/2009; this notification would also be mailed out to property owners within the City of Boca Raton. He referred to a report distributed by the City Clerk, advising that it reflected the proposed fees. Specifically, the residential fee was proposed to increase from \$20 annually to \$30. He noted that the commercial and industrial office properties' fees are based on the number of units, size, and the number of calls made (to Fire Rescue) throughout the year. He concluded his presentation by indicating that these fees were expected to generate approximately \$2.5 million.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to set the proposed rate for the Fire Services Assessment Fee for the City as stated by the City Manager for Fiscal Year 2008/2009. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

MAYOR AND COUNCIL MEMBER REPORTS:

In response to comments made from a member of the public under, "Public Requests," Council Member Hager noted that the City's millage rate is among the lowest in the County and not even half of the millage rate for the City of West Palm Beach.

Council Member Haynie requested an update on the Eden project; a memo will be forthcoming from Development Services. She then reported on the recent MPO (Metropolitan Planning Organization) meeting and referred to the Transportation Improvement Plan, advising that funding is available in 2009 for designing the I-95 Interchange.

Mayor Whelchel complimented the City Manager in connection with the City's millage rate and the fire assessment fee, noting that both figures were among the lowest in South Florida.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 7:32 p.m. on Tuesday, July 22, 2008.

Susan Whelchel, Mayor

ATTEST:

Sharma Hagerty, City Clerk