

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, JUNE 10, 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 Haynie 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 Arts, seconded by Council Member Haynie, to amend the agenda as follows:

- 1) *to add Ordinance No. 5042 as Item No. 8.a. under, "Part V – Introduction of Ordinances;"*
- 2) *to add "Letter of Intent – Crocker Partners" as Item No. 8.b. for consideration under, "Part VII – Resolutions and Other Business;"*
- 3) *to move Consent Agenda Item No. 3.e. (Resolution No. 77-2008) for consideration under, "Part VII – Resolutions and Other Business;" and*
- 4) *to move Agenda Item Nos. 7,7.a., and 7.b. (Ordinance No. 5039, Appointments to the Affordable Housing Advisory Committee, and Resolution No. 75-2008, respectively) for consideration as the first items under, "Part III – Regular Public Hearings."*

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 May 27, 2008
Minutes of the Regular Meeting of May 28, 2008

Motion was made by Council Member Arts, 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 – Recognition of U.S. Army First Lieutenant Nelson N. D'Antonio

First Lieutenant D'Antonio, who was awarded the Bronze Star in connection with repelling a terrorist attack in Afghanistan, accepted the proclamation from Mayor Whelchel and Commissioner Hager in recognition of service rendered to his country.

Proclamation – National Recreation and Parks Month (July 2008)

Recreation Services Director Mickey Gomez accepted the proclamation and urged citizens to enjoy all the City's beautiful parks and recreation facilities.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Affordable Housing Advisory Committee

Interviews were conducted and appointments were made under Part III.

- b. Citizens' Pedestrian and Bikeway Advisory Board – two (2) vacancies.

No one came forward to interview.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to appoint James Sumislaski to the Citizens' Pedestrian and Bikeway Advisory Board. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Mr. Sumislaski was appointed to the Board.

- c. Community Relations Board – three (3) vacancies.

Connor James McGinnis interviewed for a position on the Board.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to reappoint Bryan Meisel and Joseph Spangenberg, and to appoint Connor James McGinnis, to the Community Relations Board. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Mr. Meisel and Mr. Spangenberg were reappointed, and Mr. McGinnis was appointed, to the Board.

- d. Education Advisory Board – two (2) vacancies.

No one came forward to interview.

The floor was opened for nominations. Council Member Arts nominated Cynthia Kamen and Robert McCarthy. Council Member Haynie nominated Tom Gill. Nominations were then closed without objection.

In the voting: Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voted for Tom Gill and Cynthia Kamen.

Mr. Gill and Ms. Kamen were reappointed to the Education Advisory Board.

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

No one came forward to interview; there were no applicants.

- f. Environmental Advisory Board – one (1) vacancy.

No one came forward to interview.

Motion was made by Council Member Hager, seconded by Council Member Haynie, to appoint Robert McCarthy to the Environmental Advisory Board. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Mr. McCarthy was appointed to the Board.

g. Historic Preservation Board – four (4) vacancies.

No one came forward to interview.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to reappoint Donald Curl, Howard McCall, and Camille Mohaupt 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.

Mr. Curl, Mr. McCall, and Ms. Mohaupt were reappointed to the Board.

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

No one came forward to interview; there were no applicants.

2. Responses to Workshop Information Requests:

(Consent Agenda Item No. 3.c.1. – Traffic Signal Pre-emption System) A memo was provided. The City Manager explained that there are currently 43 intersections within the City that use the Fire-Rescue pre-emption system; approval of this item would bring that number to 53. Mr. Ahnell noted that the City anticipates adding another 10 intersections to the pre-emption system next year.

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 Deputy Mayor Baronoff, to approve the Consent Agenda, as amended. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

a. Sealed Bid

1)	Laptop Computers Requested by City Manager Pelican Mobile Computers	\$148,740
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b. Intergovernmental Agreements

1)	Sodium Hypochlorite Requested by Utility Services Allied Universal Corp.	\$150,680
2)	Water Meter Fittings & Water Line Accessories Requested by Utility Services Ferguson Enterprises, Inc.	\$120,000

c. Sole Source

- 1) Traffic Signal Pre-Emption System
Requested by Fire Rescue Services
Global Traffic Technologies, LLC \$51,250

d. Resolution No. 64-2008

A resolution of the City of Boca Raton relating to the levy of special assessments against the lands and real estate within the Downtown Special Assessment District of the City specifically benefited by certain capital improvements; accepting and publishing a preliminary assessment roll; providing for a public hearing, at which the City Council shall act as an equalizing board; providing for the giving of notice to all affected property owners; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 78-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement for professional services with TranSystems Corporation for the purpose of providing consulting services to evaluate the City's current camera and security systems and to develop a Citywide video monitoring/transmission plan; providing for severability; providing for repealer; providing an effective date

g. Board Resignations

- 1) Resignation of Michael A. Barbera from the Police & Firefighters' Pension Board

h. Receive and File Board Orders

- 1) BBAA Case No. 08-1250

i. Receive and File Board Minutes – June 10, 2008

- 1) Builders' Board of Adjustment and Appeals
February 28, 2008
- 2) Community Appearance Board
April 29, 2008
May 6, 2008
May 13, 2008
- 3) Community Relations Board
April 14, 2008
- 4) Education Advisory Board
March 24, 2008
April 28, 2008
- 5) Historic Preservation Board
April 15, 2008
- 6) North Federal Highway
April 1, 2008
- 7) Planning and Zoning Board
April 17, 2008

8) Special Master
April 23, 2008

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

There were no items for consideration.

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

There were no items for consideration.

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

7. Ordinance No. 5039

An ordinance of the City of Boca Raton amending Chapter 23 of the City Code of Ordinances; creating Division 2 (Housing) of Article IV, Chapter 23, Code of Ordinances, pursuant to Chapter 420, Florida Statutes, pertaining to the State Housing Initiatives Partnership (SHIP) Program; providing for severability; providing for repealer; providing for codification; providing an effective date

Community Improvement Administrator Teresa McClurg gave the PowerPoint presentation. She provided background information on the State Housing Initiatives Partnership (SHIP) Program and an overview of recent changes to same, which included establishment of a local affordable housing advisory committee. Ms. McClurg then spoke to the amendments proposed by the subject ordinance, advising that it would, among other things, repeal and replace Ordinance No. 4079, which originally created the City's Local Housing Trust Fund (LHTF) and established the City as an entitlement municipality for the SHIP Program. Proposed modifications related to the LHTF and implementation of Local Housing Assistance Plans and partnerships were outlined. Ms. McClurg then reviewed information regarding the proposed Affordable Housing Advisory Committee and delineated the membership categories. She noted that the committee was required, every three years, to review the City's policies, procedures, ordinances, land development regulations, adopted comprehensive plan and development incentives for affordable housing projects; details were provided. There followed the anticipated implementation schedule and staff's recommendation for approval of the ordinance, along with approval of Resolution No. 75-2008, which would confirm the appointments made to the new committee this evening.

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 Ordinance No. 5039. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

a. Appointments to the Affordable Housing Advisory Committee

(Category 1) – Daniel Mahoney and Peggy Miller interviewed for the position.

Motion was made by Council Member Hager, seconded by Council Member Arts, to appoint Daniel Mahoney to Category 1 of the Affordable Housing Advisory Committee. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Mr. Mahoney was appointed to Category 1 of the Committee.

(Category 2) – No one came forward to interview.

Motion was made by Council Member Arts, seconded by Council Member Haynie, to appoint Theresa Darvish to Category 2 of the Affordable Housing Advisory Committee. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Ms. Darvish was appointed to Category 2 of the Committee.

(Category 3) – No one came forward to interview.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to appoint David Brunner to Category 3 of the Affordable Housing Advisory Committee. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Mr. Brunner was appointed to Category 3 of the Committee.

(Category 4) – Michele Bellisari interviewed for the position, noting that she was also a candidate in Categories 7 and 9.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to appoint Michele Bellisari to Category 4 of the Affordable Housing Advisory Committee. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Ms. Bellisari was appointed to Category 4 of the Committee.

(Category 5) – Alexander Rosemurgy II interviewed for the position.

Motion was made by Mayor Whelchel, seconded by Council Member Arts, to appoint Alexander Rosemurgy II to Category 5 of the Affordable Housing Advisory Committee. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Mr. Rosemurgy was appointed to Category 5 of the Committee.

(Category 6) – No one came forward to interview.

The floor was opened for nominations. Council Member Haynie nominated Michael Campbell; Council Member Arts nominated Judith Aigen. Nominations were then closed without objection.

In the voting: Mayor Whelchel and Council Member Arts voted for Judith Aigen; Deputy Mayor Baronoff, Council Members Hager and Haynie voted for Michael Campbell.

Mr. Campbell was appointed to Category 6 of the Committee.

(Category 7) – No one came forward to interview.

The floor was opened for nominations. Council Member Haynie nominated Andriana Riera; Deputy Mayor Baronoff nominated Linda Lee Petrakis. Nominations were then closed without objection.

In the voting: Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts and Hager voted for Linda Lee Petrakis; Council Member Haynie voted for Andriana Riera.

Ms. Petrakis was appointed to Category 7 of the Committee.

(Category 8) – No one came forward to interview.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to appoint Keith O'Donnell to Category 8 of the Affordable Housing Advisory Committee. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Mr. O'Donnell was appointed to Category 8 of the Committee.

(Category 9) – No one came forward to interview.

Motion was made by Council Member Arts, seconded by Mayor Whelchel, to appoint Marjorie O'Sullivan to Category 9 of the Affordable Housing Advisory Committee. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Ms. O'Sullivan was appointed to Category 9 of the Committee.

(Category 10) – No one came forward to interview.

Council Member Arts indicated that Troy McLellan was unable to interview this evening; however, he wished to be considered for appointment.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to appoint Troy McLellan to Category 10 of the Affordable Housing Advisory Committee. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Mr. McLellan was appointed to Category 10 of the Committee.

(Category 11) – Linda Nelson expressed interest in the position.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to appoint Linda Nelson to Category 11 of the Affordable Housing Advisory Committee. Motion carried unanimously on a voice vote; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

Ms. Nelson was appointed to Category 11 of the Committee.

b. Resolution No. 75-2008

A resolution of the City of Boca Raton appointing members of the Affordable Housing Advisory Committee; providing for severability; providing for repealer; providing an effective date

At the request of Council, the City Clerk named the 11 newly-appointed members of the Committee.

Motion was made by Council Member Hager, seconded by Mayor Whelchel, to adopt Resolution No. 75-2008. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

4. Ordinance No. 5036

An ordinance of the City of Boca Raton amending Sections 21-2, Definitions and 21-57, Specific Construction and Improvements Standards, Code of Ordinances; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-08-01)

Development Services Senior Zoning Officer Keith Carney gave the PowerPoint presentation and explained that the above item related to flood damage prevention and protection. He noted that the ordinance would provide for updating of definitions. Focus was then given to the term, "substantial improvement;" specifically, the modified definition would protect property owners in high-flood hazard areas from having to raise the entire building in the event of damage, destruction, or improvement to the existing building. In addition, improved properties outside the flood zones would be afforded a more reasonable construction standard; details were provided. Mr. Carney explained that this amendment would not conflict with any FEMA (Federal Emergency Management Agency) requirements and then recommended approval of same. Responding to Council, Mr. Carney indicated that he did not believe passage of this ordinance would "soften" standards; Mr. Ahnell provided additional commentary. Council then confirmed with Mr. Carney that this ordinance would primarily allow for flexibility in connection with older homes; specifically, additions could be made without having to raise the slab level of the home.

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

Motion was made by Council Member Baronoff, seconded by Council Member Haynie, to adopt Ordinance No. 5036. Motion carried 4-1; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts and Haynie voting yes. Council Member Hager voted no.

5. Ordinance No. 5037

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of unimproved right-of-way for N.W. 6th Avenue adjacent to 7598 N.W. 6th Avenue, as more specifically described herein; approving and accepting a utility easement deed, an access easement deed and right-of-way warranty deeds from USF Propco I, LLC, over certain lands located at 7598 N.W. 6th Avenue; approving appropriate real property instruments to establish a bicycle and pedestrian path; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-07-02)

Development Services Property Appraiser/Specialist Lynn Bodor gave the PowerPoint presentation and described the area of abandonment in terms of location and acreage. If abandoned, the subject right-of-way would be improved with parking and landscaping and also used for water retention. Currently, the right-of-way appears as a grassy area. The northernmost section has an asphalt driveway, which terminates at the petitioner's property; the asphalt area connects with a dirt road that leads into the Yamato Scrub Natural Area.

Ms. Bodor advised that all appropriate parties were contacted in regard to the abandonment; there were no objections. However, AT&T-Florida and the Utility Services Department conditioned their approval on receiving easements over their respective facilities. The Recreation Services Department conditioned their approval on retention of City and County access to the Yamato Scrub area; Municipal Services requested a bicycle/pedestrian path along the eastern edge of the site. And, finally, the Development Services Director conditioned his approval on recording of a Unity of Title to join the right-of-way with the petitioner's property. Details were provided on the above.

The Planning & Zoning Board reviewed this petition in May 2008 and unanimously recommended approval of same; in addition, members recommended approval of the associated site plan for the U.S. Foodservice expansion, which is an integral part of this plan. In conclusion, staff also recommended approval.

Jeff Evans, a planning consultant with Broad & Cassel and representing the petitioner, indicated support of the ordinance and this project.

Ron White, representing U.S. Foodservice, provided information on his company and indicated a desire to be part of the community.

Motion was made by Council Member Haynie, seconded by Council Member Hager, to adopt Ordinance No. 5037. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

6. Ordinance No. 5038

An ordinance of the City of Boca Raton amending the Fiscal Year 2007-2008 budget through the second quarterly budget amendment; providing for severability; providing for repealer; providing an effective date

Office of Management & Budget Director Sharon McGuire gave the presentation, describing proposed revisions to certain budgeted revenues and expenditures in the General Fund, Greater Boca Raton Beach & Park District Fund, and the Capital Improvements Fund. She also recognized funding from Reserves in the Housing Assistance Trust Fund and the Law Enforcement Trust Fund and concluded her presentation by stating that the total of additional revenues and expenditures in the Second Quarterly Budget Amendment was \$685,000.

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

Motion was made by Council Member Arts, seconded by Council Member Hager, to adopt Ordinance No. 5038. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

8. 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

The ordinance was introduced by Council Member Hager.

8.a. 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 ordinance was introduced by Deputy Mayor Baronoff.

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

Erik Cokrlc, the owner of an outdoor advertising business, distributed material to the City Clerk and advised that he employed approximately 25 young people in Boca Raton, alone, to advertise on street corners. He stated that Code Enforcement is pulling his employees off the corners and asked for help in saving these jobs. The City Manager is to follow up and contact Mr. Cokrlc accordingly.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

3.e. Resolution No. 77-2008

A resolution of the City of Boca Raton supporting the continued funding of the South Florida Regional Transportation Authority by Palm Beach, Broward and Miami-Dade Counties; providing for severability; providing for repealer; providing an effective date

Council Member Arts acknowledged that although budgets are a real concern for every governmental body in the State today, this was a very important item, particularly in light of the multi-modal projects that the City has coming up in the future. Consequently, he pulled this item to bring more attention to it. There followed comments by Council in support of Tri-Rail and continued funding.

Motion was made by Council Member Arts, seconded by Council Member Haynie, to adopt Resolution No. 77-2008. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

8.b. Letter of Intent – Crocker Partners

Mr. Ahnell indicated that the City had received a non-binding letter of intent from Crocker Partners in connection with the Sanborn Square district and the proposed spine project for the downtown. He confirmed with Council that this was the same letter the CRA unanimously approved at its meeting yesterday and then reviewed details provided in the letter. Specifically, the proposal provided for redevelopment of approximately 1.4 million square feet of mixed-use development, including 210,000 square feet of office space, 375 condominium units (660,000 square feet of residential use), 315,000 square feet of retail, a 250-room hotel (260,000 square feet), and approximately 1,766 parking spaces. The agreement would allow five years for development of this project; negotiations would include tax increment funding; average building height (100 feet, not to exceed 140 feet); creation of a Community Development District (CDD); and vacation of any rights-of-way and parking lots owned by the City to encourage this development.

Tom Crocker of Crocker Partners offered to go through the presentation again from yesterday, should Council desire to hear it and made himself available for questions.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to approve the Letter of Intent as provided by Crocker Partners. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

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

9. Resolution No. 76-2008

A resolution of the City of Boca Raton considering a variance from the provisions of Section 24-96(f), Code of Ordinances, to allow one (1) additional multiple story building identity sign and allow two (2) different identities on the same building, for one (1) building at the Boca Village Corporate Centre, located at 4855 Technology Way; providing for severability; providing for repealer; providing an effective date (SCV-08-04)

The City Attorney advised that quasi-judicial procedure would govern this hearing; the City Clerk administered the oath to those who indicated they wished to speak. Under ex parte disclosures, Deputy Mayor Baronoff and Council Member Arts advised that they spoke with Slade O'Brien, a representative of the applicant.

Development Services Principal Planner Jim Bell gave the PowerPoint presentation and identified the two proposed sign locations on the subject building. He advised that the sign code provides for one building identity sign per elevation, not to exceed two signs per building. The code section further states that signs may identify the building or main occupancy and shall be limited to one identity per building, regardless of the number of signs permitted. He advised that the petitioner desired to locate two multiple story identity signs, containing different sign copy (Citi Smith Barney and Oppenheimer), to be located on the east and south elevations.

Mr. Bell provided the criteria for a sign code variance and explained the applicant's justification for same. Specifically, the recent 33% professional office conversion code amendment to the LIRP zoning district was not reflected in the sign code; Mr. Bell noted there was a new allowance for large tenant professional office uses within the existing LIRP corporate office/research buildings.

The Community Appearance Board reviewed this item and recommended denial, stating that having two different identity signs on the same building would be confusing. In addition, it was contrary to established sign code standards and would set a dangerous precedent for future sign regulation. However, based on the unique conditions and characteristics of the architectural design and the geographic location of the project, staff recommended approval subject to the conditions in the resolution.

Charles Siemon, the attorney representing the applicant, and Malcolm Butters, the applicant, indicated support of the variance.

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. 76-2008 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:

Early Voting Request

Mr. Ahnell indicated that the Supervisor of Elections recently requested use of a site within the City to provide early voting for the August 2008 primary election, specifically, Monday, August 11 through Sunday, August 24. He noted that the new larger, bulkier optical scanning machines would be used for the election; unfortunately, due to their size, City Hall could not accommodate same. He added that, although the Community Center could be used, due to the timing of the request, the facility was already booked with summer programs; the Spanish River Library, which is a very popular venue, was also booked, and the downtown library did not have room. Mr. Ahnell advised that early voting would still be available but outside the City limits at the West Boca Library. Therefore, unless otherwise directed by Council, staff's recommendation was that early voting within the City of Boca Raton could not be accommodated for the August 2008 primary election.

Mayor Whelchel suggested that information be placed on the City's website and Channel 20 as to how registered voters might procure absentee ballots. Responding to additional discussion by Council, Mr. Ahnell advised that staff would continue to review the issue.

Florida League of Cities' 82nd Annual Conference

The City Manager reported that this year's conference is scheduled for August 14 through 16, 2008, in Tampa, Florida; voting delegates were requested to attend. Council Member Haynie was assigned as the voting delegate; Council Member Hager was assigned as the alternate.

CITY ATTORNEY REPORTS:

Ocean Breeze Litigation

Ms. Frieser provided a brief background on the case and advised that the Court dismissed the Writ of Mandamus filed by the plaintiff; staff was now proceeding with the Declaratory Action. She then requested, and received, authorization from Council, via motion, to file appropriate counterclaims and any other related demands or claims in connection with the case.

Motion was made by Council Member Arts, seconded by Mayor Whelchel, authorizing the City Attorney to file any appropriate counterclaims, or other related demands or claims, in connection with the case entitled, "Save Boca Raton Green Space vs. Sharma Carannante and the City of Boca Raton," Case No. 50-2008CA005860. Motion carried unanimously; Mayor Whelchel, Deputy Mayor Baronoff, Council Members Arts, Hager and Haynie voting yes.

MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Haynie referred to the Colonnades and a request to install video surveillance equipment at their entrance; she asked the City Attorney for the status. Ms. Frieser explained that there was a difference of opinion between the representatives of the Colonnades and City staff as to the City's role in connection with this proposed camera/security program, which the subdivision wished to institute and fund and which Ms. Frieser described as "novel." She was not aware of any other cities undertaking this program and explained that there were limits to what the program could provide as well as what the City was willing to undertake from a liability standpoint. She explained that, essentially, the camera would capture license plate numbers with the opportunity to obtain crime reports, crime information, and/or warrants, and so forth. Staff's concern is that, while Police Services has been cooperative, it is inappropriate for the City to extend its liability to provide an additional direct right to any individual and/or any community; the City has a duty to the community as a whole. Ms. Frieser added that the company seeking to implement this program was proposing different models that would use the City as an intermediary to give them access to State information that they are unable to access directly, and it would be inappropriate for the City to provide that access. Ms. Frieser concluded her comments by advising that Police Services continues to work with the company to try to find middle ground, which would not expose the City to additional liability but allow that community to embark on this effort.

Ms. Haynie then requested the status of the eastern library. Mr. Ahnell explained that the architects have been hired and are working on the design. The design should be complete this fall.

Council Member Hager advised that a fundraiser would be held June 22, 2008, at 1:00 p.m., at the American Legion Women's Auxiliary, Post 277, in Plum Plaza, to benefit the family of Air Force Tech Sergeant Tony Capra, who was killed in Iraq on his fourth tour of duty on April 9 in a roadside bomb incident. He leaves behind a wife and five children.

Mr. Hager then recognized his brother, Jim Hager, an electrical engineer and head of Avionics for Honeywell Corporation, advising he was the lead designer in the science behind the landing of the recent Mars landing probe.

Council Member Arts referred to a memo from the Planning & Zoning Board regarding timing of voluntary shuttle contributions in connection with a particular project and the City's proposed MMTD (Multi-Modal Transportation District) transit program; he suggested it be forwarded to the City Manager for review and recommendation.

Deputy Mayor Baronoff advised that approximately 1,600 homes in both incorporated and unincorporated Boca Raton are in some form of foreclosure; approximately 600 of those homes are located within the City limits. He suggested that, as Council considers the budget, members be very cognizant of same. He then wished everyone a safe summer vacation.

Mayor Whelchel concurred with Deputy Mayor Baronoff and provided additional commentary on same.

ADJOURNMENT:

Motion was made by Council Member Arts, seconded by Deputy Mayor Baronoff, 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 8:00 p.m. on Tuesday, June 10, 2008.

Susan Whelchel, Mayor

ATTEST:

Sharma Hagerty, City Clerk