

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, SEPTEMBER 11, 2007
6:00 PM

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

INVOCATION:

Council Member Baronoff gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

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

Also attending the meeting were:

City Manager Leif J. Ahnell
City Attorney Diana Grub Frieser
City Clerk Sharma Carannante

AMENDMENTS TO THE AGENDA:

Mayor Abrams advised that the revised agenda would be followed.

MINUTES:

Minutes of the Regular Workshop Meeting of August 27, 2007
Minutes of the Regular Meeting of August 28, 2007

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 Abrams, Deputy Mayor Welchel, Council Members Arts, Baronoff, and Hager voting yes.

PROCLAMATIONS/RECOGNITIONS/AWARDS:

United States Constitution Week – September 17 through September 23, 2007

Mayor Abrams presented the proclamation to representatives from the Daughters of the American Revolution (DAR).

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Code Enforcement Board – three (3) vacancies.

Motion was made by Council Member Arts, seconded by Deputy Mayor Whelchel, to reappoint Donald Freedland, Scott Granet, and Thomas Thayer to the Code Enforcement Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Mr. Freedland, Mr. Granet, and Mr. Thayer were reappointed.

- b. Community Appearance Board – three (3) vacancies.

Jim Matthews and Jessica Johnson-Dornblaser interviewed for a position on the Board.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to reappoint Everett Jenner, Gregory Miklos, and James Matthews to the Community Appearance Board. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Mr. Jenner, Mr. Miklos, and Mr. Matthews were reappointed.

- c. Zoning Board of Adjustment – one (1) vacancy.

Mayor Abrams confirmed with the City Clerk that Joseph Kafer withdrew his application.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to appoint Jeffrey McDonough to the Zoning Board of Adjustment. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Mr. McDonough was appointed.

Council Member Arts questioned whether the Code Enforcement Board (CEB) might be combined with another entity, citing only one scheduled meeting of the Board over the last year. Mr. Ahnell explained that the CEB would not be merged or eliminated since it is a regulatory board; however, a board consolidation report would come before Council in approximately 30 to 60 days. It was noted that the Special Master currently hears most Code Enforcement issues.

2. Responses to Workshop Information Requests:

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

3. Consent Agenda:

Mayor Abrams provided an opportunity for anyone from the public to comment on the Consent Agenda; no one came forward to speak.

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

- a. Intergovernmental Agreement
 - 1) Disposal of Wastewater Bio-Solids
Requested by Utility Services
H & H Liquid Sludge Disposal \$467,000

- b. Board Resignation
 - 1) Resignation of Fred G. Mackaman from the Citizens' Pedestrian and Bikeway
Advisory Board

- c. Receive and File Board Orders
 - 1) Special Master
 - a) SM(C) Case No. 07-00000572
 - b) SM(C) Case No. 07-00000802
 - c) SM(C) Case No. 07-00003835
 - d) SM(C) Case No. 07-00003880
 - e) SM(C) Case No. 07-00004143
 - f) SM(C) Case No. 07-00004144

- d. Receive and File Board Minutes – September 11, 2007
 - 1) Community Appearance Board
August 7, 2007
August 14, 2007
 - 2) Financial Advisory Board
July 16, 2007
 - 3) General Employees' Pension Board
June 14, 2007
July 12, 2007
 - 4) Historic Preservation Board
June 19, 2007
 - 5) Parks and Recreation Board
July 10, 2007
 - 6) Police & Firefighters' Pension Board
June 28, 2007
July 26, 2007
 - 7) Special Master
July 11, 2007

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:

4. (See Item No. 8.1)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

5. Ordinance No. 4987 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 29.580 acres, more or less, located at 5800 Northwest 2nd Avenue, from Recreation and Open Space (PR) to Residential Medium (RM); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-04/SC{3})

6. Ordinance No. 4989 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 3.094 acres, more or less, located at 5800 Northwest 2nd Avenue, from Recreation and Open Space (PR) to Residential High (RH); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-04/SC{2})

7. Ordinance No. 4991 (*Transmittal public hearing – first of two required public hearings.*)

An ordinance of the City of Boca Raton amending the Transportation Element of the Comprehensive Plan to implement interim concurrency measures for constrained roadways; providing for severability; providing for repealer; providing for codification; providing an effective date (SC-07-01)

Mayor Abrams outlined the procedure to be followed for this contemporaneous public hearing. He advised that Council would only be voting this evening on whether to transmit the ordinances to the Department of Community Affairs (DCA) for review. Final consideration of the items was anticipated in December. Responding to Mayor Abrams, a court reporter present identified herself as Rhonda Buxbaum, here on behalf of Susan Kennedy, the attorney representing Save Boca Raton Green Space.

Development Services Principal Planner Jennifer Simon gave the PowerPoint presentation on the above ordinances, explaining that Universal Conditional Approval was being requested for the project known as Ocean Breeze. Specifically, the petitions – all of which were presented tonight to provide Council with a comprehensive overview – included a text amendment to the Transportation Element of the Comprehensive Plan; a Future Land Use Map amendment and rezoning for two specific areas of the property; Conditional Use Approval for the inn and the clubhouse, social center, and 9-hole golf course; Planned Unit Development Master Plan Approval; Tentative Plat Approval; and Site Plan Approval.

A brief history of the Boca Teeca Master Plan was provided. Ms. Simon noted that, in 2002, the name of the golf course, clubhouse and inn was changed to the Ocean Breeze Golf and Country Club (Ocean Breeze property), while the residential buildings maintained the Boca Teeca name (Boca Teeca property). Information on the Ocean Breeze property was also provided, which currently includes three championship golf courses. Ms. Simon explained that a deed restriction limiting the use of the property to a golf course facility was lifted in February 2006 by a majority vote of the Boca Teeca residents, contingent upon the approval of the proposed Ocean Breeze project. Specifically, that project provides for conversion of one of the golf courses to allow construction of 211 townhomes, renovation and expansion of the existing clubhouse to incorporate a new social center, and renovation and expansion of the existing inn. Ms. Simon noted that the developer is requesting an amendment to permit an interim level of service standard for a portion of NW 2nd Avenue, due to the expected failure of that road as a result of increased traffic generated by the proposed townhomes.

Ms. Simon gave information related to compatibility, consistency, and concurrency with the City's Comprehensive Plan in regard to the proposed 211-townhouse development and the Inn at Ocean Breeze; details were provided. Additional information on the clubhouse and social center and a new 9-hole golf course were also reviewed. Attention then focused on the proposed PUD Master Plan and Tentative Plat for Ocean Breeze; development parameters and trip generations were delineated.

Focus was given to the Comprehensive Plan Amendment to create an interim level of service standard; it was noted that this interim measure was being proposed in anticipation of the adoption of the MMTD (Multimodal Transportation District) ordinance in Summer 2008. The City's Traffic Engineer, Douglas Hess, provided details related to proposed roadway improvements to NW 2nd Avenue and Jeffrey Street, which included turn lanes and a transit shuttle near the cul-de-sac on Jeffrey Street. Mr. Hess then reviewed daily traffic volumes on NW 2nd Avenue, north of Yamato Road, explaining that the capacity is currently exceeded twice a day, in the morning and evening, presumably due to people going to work (8:00 a.m.) and coming home (5:00 p.m.). Two charts were then reviewed, reflecting existing and future traffic conditions on NW 2nd Avenue at Yamato Road and at Jeffrey Street. Mr. Hess advised that with the turn lanes proposed for Jeffrey Street, future traffic conditions on NW 2nd Avenue – including traffic expected from the proposed Ocean Breeze development – were anticipated to be better as compared to future traffic conditions with no Ocean Breeze development and no turn lanes.

Mr. Hess then gave the floor back to Ms. Simon, who continued her presentation, advising that the Planning and Zoning Board unanimously recommended approval of the applications relating to the expansion and renovations of the inn and clubhouse. The Board also voted to recommend approval, on a 4-1 vote, of the applications related to the townhouse development, the proposed PUD Master Plan, and the text amendment to the Comprehensive Plan to establish an interim level-of-service standard. Regarding the text amendment, the Board recommended three amendments to proposed Policy TRAN.5.1.10, which were read into the record. They related to a \$6 million contribution, possible and partial reimbursement of same (contingent on the status of NW 2nd Avenue), and an agreement between the developer and the City regarding compliance with MMTD requirements. A review of the anticipated schedule for adoption of the ordinances followed; attention was then given to a letter received by the law firm of Becker & Poliakoff, PA, from the PBC Property Appraiser's Office, advising that Boca Teeca residents were told, in error, that the drop in property values they experienced was due to the proposed Ocean Breeze development. Ms. Simon then concluded her presentation, indicating that staff recommended transmittal of the ordinances.

Dennis Taback, a partner of MCZ/Centrum Florida, which owns Ocean Breeze Golf and Country Club, Richard McFarland (attorney), Jeff Evans (planner), and Steve Edwards (architect) all spoke in support of the project and then, following the PowerPoint presentation, answered questions from Council; large, spiral-bound booklets, detailing the Ocean Breeze project were provided. Mr. McFarland also distributed a handout to Council, alleging that the Save Boca Raton Green Space group had been spreading misinformation about the project; he indicated that he and his client have always been open to speaking with all the residents. Responding to Council, the applicant agreed to double the landscaping foliage (material) that is placed in any buffer around the entire area and acknowledged that, following this evening, they were prepared to meet in good faith with the single-family homeowners located at the southwest corner of Boca Teeca, whose golf course views were being negatively impacted by this project, in an attempt to reach an agreement. Responding to additional questions, Mr. McFarland indicated that two meetings had taken place with the southwest residents and attorney Jane West, who represented both the residents and Save Boca Raton Green Space. He advised that he believed the meetings went well; he subsequently wrote a letter September 4th, confirming the points discussed, which included modified setbacks, additional landscape buffering, and height reductions, (items also discussed this evening) but did not hear back from Ms. West. One issue not addressed at that meeting was the request by residents for monetary compensation for diminished golf course views.

Susan Kennedy, the attorney present to represent the southwest residents and Save Boca Raton Green Space, explained that she was standing in for attorney Jane West, who was out of town. She responded to comments made by Mr. McFarland, advising that Save Boca Raton Green Space was not a for-profit group; regarding the September 4th letter, Ms. Kennedy stated that Ms. West would respond to same

once she returned. She then spoke to the issue at hand, stating that concern was focused on the proposed Comprehensive Plan Future Land Use Map change and the addition to the City's policies, which would make a big exception to the City's traffic concurrency standards. She indicated that commentary would not focus on architecture and aesthetics but how consistent the proposed change is with the City's Comprehensive Plan, how much data and analysis was presented, and how correct and accurate that data is in order to meet sufficiency standards with the State. She went on to say the developer bought the land knowing golf courses were on it and knowing what the underlying land uses and deed restrictions were. Ms. Kennedy stated that the developer was now asking the City to change its standards and bail them out because they (a for-profit corporation) can't make it financially as a golf course. She then answered questions from Council related to Save Boca Raton Green Space.

Miles Moss, President of Moss & Associates, traffic engineers based in Miami, gave a PowerPoint presentation related to the impacts this project would have on traffic, which he perceived as negative. Following Mr. Moss, Bill Conley and Robert DuKate spoke in opposition to the project, citing diminished golf course views, diminished property values, and diminished privacy, due to the height of the townhomes looking down into yards. Mr. DuKate voiced many points in opposition, not the least of which related to the lifting of the deed restriction; he stated that he had been unable to obtain copies of the consent forms from the applicant. Mr. DuKate then answered questions from Council; he indicated that Save Boca Raton Green Space was willing to speak with the applicant over the next 60 days, should these items be transmitted to DCA. Ms. Kennedy voiced concern over the Planning and Zoning recommendations and the possible transmittal tonight; the City Attorney responded that those conditional approvals have no force and effect unless the UC and the other Comprehensive Plan amendments are approved here, none of which will happen until after transmittal and after subsequent public hearing. They have no legal effect and are not valid Development Orders at this time; the City would follow all legal process in connection with the development approvals. Ms. Kennedy then referred to the proposed change to the transportation policy, saying it would create a very big exception based on a policy that has not yet been brought forward in a formal process, specifically, the proposed MMTD (Multimodal Transportation District) ordinance.

Mr. DuKate answered additional questions from Council. During discussion, it was noted that the consent forms related to the lifting of the deed restriction had been recorded in the public records of Palm Beach County.

At this point, the Presidents' Council, comprised of authorized representatives of various homeowner associations, came forward to speak. Sally Friedman, President of the Presidents' Council; Shirley Schnuer, a Board Member of the Boca Teeca Homeowners Association; George Gershon, President of the Teeca Woods Homeowners Association; and Tony Magri, on the Board of Directors for Condo 10 in Boca Teeca, all spoke in support of the project. Kay Murphy, Debbie Leising, Dorothy Dwire, Bruce Smith, Craig Weingarden, Eric Gilbert, and Cecile Seewald voiced support. Declan Murphy, Antonette Leidy, Keelin Hayden, Gary Nash, Nadine Strumlauf, Rosemarie Service, Janice Brumbaugh, Jane Antal, Mark Antal, Jim Warner, Ann Pinkocze, Peter Surprenant, Calvin Mitchell, and Joan Rezzolla voiced opposition.

Mr. McFarland came forward to rebut comments made by those in opposition. Seeing no one else come forward to speak, the public hearing was closed.

The meeting was then recessed at 9:45 p.m. and reconvened at 9:50 p.m.

Mr. Hess and Ms. Simon provided additional information to Council, as requested, related to the validity of the traffic report and water and sewer concurrency, respectively.

Motion was made by Council Member Hager, seconded by Council Member Arts, to transmit Ordinance No. 4987 to the Department of Community Affairs.

The City Attorney advised that this Comprehensive Plan would adopt, as conditions, all the conditions included in the site plan approved by the Planning and Zoning Board, which is referenced by Resolution

No. 07-09 on Page 3, Section 2, Line 38 of the ordinance. The revisions to be made, which were proposed by the applicant, are actually revisions to that site plan. The City Attorney then turned to Page 3, Section 2, Line 15 of P&Z Resolution No. 07-09, Conditions of Approval, advising that these were the plans upon which staff made its analysis; these plans would be amended tonight. For the record, the plan sheet from the presentation documents would be included as an attachment to the Development Order. The three site plan revisions were as follows: 1) on the southernmost property line, there is an increase in the setback from 35 feet to 45 feet, 2) the full bank of townhouses closest to that property line will be reduced down to one-story in height, 3) the full bank of townhouses on the southwestern property line, adjacent to the above, will be reduced down to two-stories. Last of all, an additional condition will be included at the end of the site plan to provide for supplemental landscaping, so as to exceed the City's and CAB's standards, and generally consistent with plush berms and landscaping as reflected on the applicant's presentation documents, provided for the record at the City Council meeting of September 11, 2007.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to amend Ordinance No. 4987, as recited by the City Attorney above. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

The motion to transmit Ordinance No. 4987, as amended, to the Department of Community Affairs carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to transmit Ordinance No. 4989 to the Department of Community Affairs. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

The City Attorney advised that the last item, Ordinance No. 4991, would be revised as follows: POLICY TRAN.5.1.10, Subsection (b)(1), Page 5, Line 6, deleting, "*Should the...*" after, "*...will impact the Development.*", and deleting Lines 7 through 13 with the sentence ending, "*...improvements to the inn.*" In addition, Subsection (b)(2), Lines 16 through 18 would also be deleted. Ms. Frieser explained that a mitigation agreement had been put into the record; the terms and conditions of that agreement control. Therefore, for purposes of consistency, she suggested the deletions outlined above.

Motion was made by Council Member Arts, seconded by Council Member Hager, to amend Ordinance No. 4991 as recited by the City Attorney above, and transmit same to the Department of Community Affairs. Motion carried unanimously; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

8. Ordinance No. 4992 (Transmittal public hearing – first of two required public hearings.)

An ordinance of the City of Boca Raton amending the Housing Element and the Future Land Use Element of the Comprehensive Plan to support a Workforce Housing Program; providing for severability; providing for repealer; providing an effective date (SC-06-05)

Development Services Principal Planner Jennifer Simon gave the PowerPoint presentation, explaining that passage of this ordinance would establish the framework for a workforce housing program; Council's vote this evening would be for transmittal of the document to the Department of Community Affairs (DCA) for review. She also advised that the ordinance had been revised; a copy of same was distributed. The revision allows greater flexibility with regard to the density bonus programs by removing the reference to the percentages of participation in the Comprehensive Plan policies. Ms. Simon stated that those requirements would be included in the forthcoming Land Development Regulations brought forward with this ordinance, which is proposed for adoption in December.

Essentially, there are two parts to the proposed workforce housing program. First, there is the minimum program participation. This would require developers of residential development projects consisting of 10

or more units to provide 10% of the total units as workforce housing; these units would be built on-site or off-site; if the developer chooses not to build these units at all, a contribution must be made to a workforce housing trust fund.

The second part relates to the density bonus program, which provides developers with three options: 1) exceeding the maximum density allowed in the zoning district regulations without having to go through the rezoning process, 2) exceeding the maximum permitted density allowed in the Future Land Use category without having to go through the process for a comprehensive land use change, or 3) allowing residential units on land zoned Commercial and/or Industrial where remaining floor area is available for conversion. Ms. Simon noted that the bonus programs would be subject to testing for concurrency.

The Planning and Zoning Board reviewed this ordinance and, on a 3-3 vote, did not recommend approval. Specifically, the Board requested more data before making a recommendation on the proposed policies. The tentative schedule for adoption was reviewed; the adoption hearing is anticipated in December.

In response to a question tendered at yesterday's workshop meeting, Ms. Simon referred to a handout provided to Council in regard to Palm Beach County Commissioner Bob Kanjian's position on the County's workforce housing program. County staff advised City staff that the Commissioner did not favor the use of inclusionary zoning, preferring instead to use tax deferrals or other similar programs; details were provided. Ms. Simon concluded her presentation and answered questions from Council relating to caps on the number of units, the nexus study, and whether the Planning and Zoning Board would see this item again. The City Manager provided additional information, explaining that the requested information would be available before the adoption hearing in December. He clarified that this ordinance establishes a mandatory workforce housing program; the Land Development Regulations will be developed and heard in December at the adoption hearing for this ordinance, once comments from the DCA are obtained. Mr. Ahnell responded to additional questions related to "fast-tracking" this program.

Charles Siemon, an attorney who worked with the Chamber of Commerce on workforce housing, advocated support of the ordinance, advising that, "Something is better than nothing."

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

Motion was made by Council Member Arts, seconded by Council Member Baronoff, to adopt Ordinance No. 4992, as revised.

Motion was made by Council Member Arts, seconded by Council Member Hager, to amend Ordinance No. 4992, Page 3, Line 16, to strike Policy HO.1.3.18, relating to impact fees and/or linkage fees, in its entirety. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

Motion was made by Council Member Hager, seconded by Council Member Baronoff, to amend Ordinance No. 4992, Page 4, Line 32, striking the words, "...100% of..." to use language generally consistent with the following: "...build up the allowable non-residential FAR (or such additional amount of Floor Area Ratio as is determined in the City's Land Development Regulations.)" Motion carried 4-1; Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes. Mayor Abrams voted no.

The City Attorney referred to the above amendment and clarified that the subject section, Policy HO.1.9.3, requires the Land Development Regulations, which would be adopted by Council, in order to effectuate it; details were provided.

The motion to adopt Ordinance No. 4992, as revised and amended, carried unanimously. Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

8.1 Ordinance No. 4998 (Revised 9/11/07) (First of two required public hearings.)

An ordinance of the City of Boca Raton amending Sections 28-977 and 28-981, Code of Ordinances, relating to the Light Industrial and Research Park zoning district; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-07-02)

Planning and Zoning Director Carmen Annunziato gave the PowerPoint presentation, advising that the second and final public hearing is tentatively scheduled for the next Council meeting. He explained that this ordinance would amend the list of permitted uses in the LIRP zoning district to allow greater flexibility, particularly in the area of professional office use. However, the developer would need to meet certain conditions in order to take advantage of this benefit, specifically, improve the nature of the building, participate in the City's transit programs, and provide a certain amount of occupancy. In addition, the developer would be required to go before the Planning and Zoning Board to have the Development Order (DO) amended to allow for professional office use; testing for parking and concurrency, etc. would take place, which might not have occurred when the DO was originally approved.

Mr. Annunziato explained that the ordinance also authorizes Council to address the site design criteria for conditional commercial nodes in order to meet the objectives of the multimodal transportation initiative. Any action taken by Council, with regard to this ordinance, must be consistent with the Comprehensive Plan. Mr. Annunziato referred to the list of permitted uses in the LIRP district, noting that mixed-use is anticipated.

The Planning and Zoning Board reviewed this ordinance, found it to be consistent with the Comprehensive Plan, and recommended approval of same. Mr. Annunziato concluded his presentation and answered questions from Council as to whether language in this ordinance would need to be modified in regard to workforce housing, should that ordinance pass. The City Attorney clarified that the workforce housing goals and objectives that will be listed in the Land Development Regulations would be the controlling documents; these provisions proposed tonight are stand-alone provisions for the LIRP.

Michael Weiner and Malcolm Butters, the attorney and developer for Boca Village, respectively, voiced support for the ordinance, as did Troy McClellan, President of the Chamber of Commerce.

No one else came forward to speak. Mayor Abrams advised that the final adoption hearing was scheduled for the next Council meeting, September 25, 2007.

9. Ordinance No. 4996

An ordinance of the City of Boca Raton amending the Fiscal Year 2006-2007 budget through the Third Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

The City Manager gave a brief presentation, indicating that this amendment recognizes additional revenues and expenditures in the General Fund, the State Housing Assistance Trust Fund (SHIP), and the General Liability Fund, respectively; details were provided. The total revenues and expenditures of the Third Quarterly Budget Amendment Ordinance is \$4,742,700.

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

Motion was made by Council Member Hager, seconded by Deputy Mayor Whelchel, to adopt Ordinance No. 4996. Motion carried unanimously on a voice vote; Mayor Abrams, Deputy Mayor Whelchel, Council Members Arts, Baronoff, and Hager voting yes.

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

There were no items for consideration.

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

10. Ordinance No. 5001

An ordinance of the City of Boca Raton authorizing and directing the Mayor and City Clerk to execute non-exclusive construction and demolition debris roll-off container service franchise agreements with the vendors identified in Exhibit "A", pursuant to Chapter 14, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

The ordinance was introduced by Deputy Mayor Whelchel.

11. Ordinance No. 5002

An ordinance of the City of Boca Raton renaming the Boca Raton Advisory Board for the Physically and Mentally Challenged as the Boca Raton Advisory Board for People with Disabilities; 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:

No one came forward to speak.

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

There were no items for consideration.

CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had nothing to report at this time.

CITY ATTORNEY REPORTS:

Ms. Frieser referred to a Supreme Court decision rendered September 6, 2007 on a case entitled, "Strand vs. Escambia County," which related to TIF (Tax Incremental Financing) bond financing. She advised that a longstanding precedent was reversed by the decision; specifically, TIF financing now requires referendum approval prior to being approved. Even more important, the decision created – presumably unintentionally - uncertainties in regard to previously-issued, non-validated TIF bonds, which may have very adverse consequences; rating agencies are issuing statements and notifications regarding the impact of this Supreme Court decision. She noted that Escambia County is filing to rehear the case; details were provided.

MAYOR AND COUNCIL MEMBER REPORTS:

Neither the Mayor nor the Council Members had anything to report at this time.

ADJOURNMENT:

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

The regular meeting of the City Council of the City of Boca Raton adjourned at approximately 10:45 p.m. on Tuesday, September 11, 2007.

Steven L. Abrams, Mayor

ATTEST:

Sharma Carannante, City Clerk