

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON OCTOBER 28, 2003 6:00 PM

## INVOCATION:

## PLEDGE OF ALLEGIANCE TO THE FLAG:

## ROLL CALL:

Mayor Steven L. Abrams  
Deputy Mayor Susan Whelchel  
Council Member Dave Freudenberg  
Council Member Bill Hager  
Council Member Susan Haynie

## AMENDMENTS TO THE AGENDA:

## PROCLAMATIONS/PRESENTATIONS:

Cowboy Ball Day – November 8, 2003

## MINUTES:

Minutes of the Regular Workshop Meeting of October 14, 2003  
Minutes of the Regular Meeting of October 15, 2003  
Minutes of the Special Meeting of September 24, 2003

## **NOTICE**

*Pursuant to F.S. 286.0105, if any decision of City Council affects you, and you decide to appeal any decision made at this meeting with respect to any matter considered, you will need a record of the proceedings and, for such purposes, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above NOTICE is required by State Law. If you desire a verbatim transcript, you shall have the responsibility, at your own cost, to arrange for the transcript.)*

**REGULAR BUSINESS - PART I:**

1. Appointments to the following boards:

- a. Boca Raton Housing Authority - one (1) vacancy, due to term expiration of Gregory LaCroce, whose term expires 11/14/03.
- b. Civil Service Board – one (1) vacancy, due to term expiration of Joseph A. Bruno, whose term expires 11/01/03.

2. Responses to Workshop Information Requests:

3. Consent Agenda:

*(Prior to consideration of a motion to approve the consent agenda, the Mayor shall provide for public comment. Those items removed from the consent agenda will be considered under Part VII or as otherwise directed by the City Council.)*

a. Competitive Sealed Proposals

- (1) Coach Bus Transportation Services  
Requested by Recreation Services  
Midnight Sun Tours \$112,140
- (2) Police Motor Boat - Replacement  
Requested by Police Services  
Intrepid Southeast, Inc. \$93,000

b. Intergovernmental Agreement

- (1) Tractor Loader Backhoe - Replacement  
Requested by Utility Services  
Joe Money Machinery Company, Inc. \$52,664

c. Resolution No. 195-2003

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 1 with Gray-Calhoun & Associates, Inc. for the purpose of providing consulting engineering services to prepare network diagrams and work on installation and integration of communication equipment to combine the Advanced Traffic Management System and Information Services into a join communications network; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 198-2003

A resolution of the City of Boca Raton requesting that the Superintendent and School Board of Palm Beach County name the Boca Middle School 98-GG the Philip D. Estridge Middle School; directing the City Clerk to send a copy of this resolution to the Superintendent and School Board of Palm Beach County; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 199-2003

A resolution of the City of Boca Raton establishing the City K-12 Education Task Force; providing membership, duties and responsibilities; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 201-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Fourth Amendment to the Agreement with the Florida Department of Environmental Protection for the purpose of reimbursable funding for engineering, permitting, design and construction of beach renourishment projects; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 202-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Treasure Coast Regional Planning Council for the purpose of providing consulting services related to a charrette for the North Federal Highway corridor; providing for severability; providing for repealer; providing an effective date

h. Certification of Employee Election

Certification of election of Alan C. Alford to the Civil Service Board for the term expiring November 1, 2006.

i. Board Resignations

Resignation of Jerome L. Wolf from the Citizens' Pedestrian and Bikeway Advisory Board

j. Receive and File Board Minutes – October 28, 2003

- 1) Community Appearance Board  
September 23, 2003  
September 30, 2003
- 2) Environmental Advisory Board  
September 18, 2003
- 3) General Employees' Pension Board  
September 11, 2003
- 4) Marine Advisory Board  
August 13, 2003
- 5) Parks and Recreation Board  
September 2, 2003

- 6) Planning and Zoning Board  
September 4, 2003  
September 18, 2003
- 7) Police & Firefighters' Pension Board  
June 18, 2003  
July 14, 2003
- 8) Special Master  
June 25, 2003  
August 27, 2003  
September 10, 2003
- 9) Telecommunications Advisory Board  
May 5, 2003

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*(If you are planning to speak during any of the following public hearings, please state your name and address for the record and limit your remarks to five (5) minutes.) (Note: The conduct of any hearing under Part II will be governed by the "quasi-judicial procedures" attached to this agenda.)*

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

- 4. Resolution No. 174-2003                      *(Continued from the October 15, 2003 meeting)*

A resolution of the City of Boca Raton granting conditional use approval for a substance abuse treatment facility on a parcel of land located at 7940 North Federal Highway, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-17)

- 5. Resolution No. 182-2003

A resolution of the City of Boca Raton granting conditional use approval for the Boca Raton Fire Station No. 8 and Police Substation on a parcel of land located at 190 SW 18 Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-15)

- 6. Resolution No. 183-2003

A resolution of the City of Boca Raton granting conditional use approval for an employee service node master plan on a parcel of land located at 710 Yamato Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-10)

- a. Resolution No. 200-2003

A resolution of the City of Boca Raton granting tentative plat approval to the proposed subdivision plat for Boca Village, subject to conditions; providing for severability; providing for repealer; providing an effective date

**REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:**

7. Ordinance No. 4748

An ordinance of the City of Boca Raton amending Section 11-34, Code of Ordinances, relating to public demonstrations in parks and recreation areas; creating a new Article V, Chapter 13, Code of Ordinances, entitled “Protection of the Public”, establishing regulations pertaining to special events and specifying certain prohibited activities; providing for severability; providing for repealer; providing for codification; providing an effective date

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

8. Resolution No. 193-2003

A resolution of the City of Boca Raton authorizing the settlement of a workers’ compensation claim of Alan Cook; providing for severability; providing for repealer; providing an effective date

9. Resolution No. 194-2003

A resolution of the City of Boca Raton authorizing the settlement of a workers’ compensation claim for George Tyson; providing for severability; providing for repealer; providing an effective date

**REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:**

*(Rule 1.13 of the City Code states that the Council shall not grant leave to any person to speak on any ordinance which is listed for the purpose of introduction only.)*

10. Ordinance No. 4740

An ordinance of the City of Boca Raton relating to the General Employees’ Pension Plan; providing for a lump sum payment to certain retired or disabled general employees; providing for severability; providing for repealer; providing an effective date

11. Ordinance No. 4741

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the General Employees’ Pension Plan; amending Section 12-81, Code of Ordinances, relating to a definition of continuous service; creating a new Section 12-84(17), Code of Ordinances, relating to purchase of past service; creating Section 12-104.5, Code of Ordinances, relating to rollovers and transfers into the fund; providing for severability; providing for repealer; providing for codification; providing an effective date

12. Ordinance No. 4742

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the police and firefighters’ retirement system; creating Section 12-152.5, Code of Ordinances, relating to rollovers and transfers into the fund; creating Section 12-154, relating to purchase of past service; providing for severability; providing for repealer; providing for codification; providing an effective date

13. Ordinance No. 4743

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the police and firefighters' retirement system; amending Section 12-151(7), Code of Ordinances, relating to the Deferred Retirement Option Plan for firefighters; amending Section 12-153(9), Code of Ordinances, relating to the Deferred Retirement Option Plan for police officers; providing for severability; providing for repealer; providing for codification; providing an effective date

14. Ordinance No. 4744

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the police and firefighters' retirement system to clarify existing provisions and ensure consistency with State law; providing for severability; providing for repealer; providing for codification; providing an effective date

15. Ordinance No. 4745

An ordinance of the City of Boca Raton creating Article V, Chapter 12, Code of Ordinances establishing the Executive Employees' Retirement Plan of the City of Boca Raton; providing for severability; providing for repealer; providing for codification; providing an effective date

16. Ordinance No. 4749

An ordinance of the City of Boca Raton creating Article V, Chapter 12, Code of Ordinances entitled "Preservation of Benefits Plan"; providing for severability; providing for repealer; providing for codification; providing an effective date

17. Ordinance No. 4750

An ordinance of the City of Boca Raton amending the Code of Ordinances relating to the General Employees' Pension Plan to address transfers to the Executive Employees' Retirement Plan; providing for repealer; providing for codification; providing an effective date

**REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:**

*(If you are planning to speak during public requests, please state your name and address for the record and limit your remarks to five (5) minutes.)*

**REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:**

**QUASI-JUDICIAL PUBLIC HEARING - APPEAL OF BOARD DECISION:**

*(The conduct of this public hearing will be governed by the "quasi-judicial procedures" attached to this agenda.)*

18. Resolution No. 196-2003

A resolution of the City Council of the City of Boca Raton granting the appeal of Publix Super Markets, Inc.; approving a site plan with a technical deviation for reduction of parking spaces at 4141 North Federal Highway; providing for severability; providing for repealer; providing an effective date (SPA-00-01R1)

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

19. Central Beach Renourishment Update

**CITY ATTORNEY REPORTS:**

**MAYOR AND COUNCIL MEMBER REPORTS:**

**ADJOURNMENT:**

### Quasi-Judicial Public Hearing Procedures

1. Any hearing listed on the agenda, as a quasi-judicial public hearing will be conducted pursuant to these rules. This means that the City Council is required by law to base its decision on the evidence contained in the record of this proceeding, which consists of the testimony at the hearing and on the materials, which are in the official City file on this application at the end of the hearing.
2. At the beginning of the hearing, the members of the City Council will announce for the record any "ex parte" contacts not previously disclosed in writing and included in the official City file. The name of the person with whom the contact occurred and the subject matter of the discussion will be disclosed.
3. The City Attorney will announce that each applicant requesting approval, relief or other action from the City Council, planning and zoning board, community appearance board, or the zoning board of adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed directly, or on its behalf, for an agreement to support, or withhold objection to, the requested relief or action.
4. The City Clerk will administer an oath to all persons who intend to testify at this hearing. **Any person who intends to testify at this hearing is asked to fill out a card, which can be found in the rear of the Council Chamber.** The purpose of this card is to provide an accurate record of an appearance at this hearing. Please hand the card to one of the clerks in the front of the chamber.
5. The City staff will make an initial presentation. The petitioner will then make a presentation. During the staff and petitioner's presentation, only the members of the City Council are permitted to ask questions.
6. After the petitioner's presentation, all other parties who are present to testify and/or provide written or other evidence for inclusion in the record will be permitted to do so. During this time, only the members of the City Council are permitted to ask questions.
7. After the staff, the petitioner and other interested parties have made their presentations, persons will be permitted to cross-examine participants in the hearing, including the staff and the petitioner, **in order of their appearance at the hearing.** Anyone who testifies at the hearing should remain until the conclusion of the hearing in order to be able to respond to any questions.
8. After the questions have been asked and answered, the petitioner shall be provided with an opportunity for a brief rebuttal and summary.
9. The Mayor will then declare the public hearing closed, and a motion will be made regarding the matter. The Council will then proceed to discuss the matter and vote on the matter.