

# AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON NOVEMBER 12, 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:

## MINUTES:

Minutes of the Regular Workshop Meeting of October 27, 2003  
Minutes of the Regular Meeting of October 28, 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. K-12 Education Task Force – (9) nine vacancies (New Task Force)

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 Proposal

- 1) Firefighting Turnout Gear and Replacement Helmets - Renewal  
Requested by Fire Rescue Services  
Bennett Fire Products Company \$61,968

b. Intergovernmental Agreements

- 1) Automobiles, Trucks and Equipment  
Requested by Municipal Services  
Alan Jay Chevrolet, Atlantic Truck Center,  
Caruso Chrysler, Don Reid Ford, Duval Ford,  
Ed Morse Chevrolet, Garber Chevrolet,  
Maroone Chevrolet, Mid Florida Forklift. \$1,167,172
- 2) Traffic Signal Retrofit Kits - Replacement  
Requested by Municipal Services  
Temple Inc. \$49,920
- 3) Stainless Steel/Galvanized Park Grills  
Requested by Recreation Services  
Southern Park and Play Systems, Inc. \$30,000

c. Sole Source

- 1) Ethernet Switches  
Requested by Municipal Services  
Etherwan Systems \$60,170
- 2) Hydrogritter Cyclone/Classifier  
Degritting System - Replacement  
Requested by Utility Services  
Ellis K. Phelps & Co. \$77,100

3) Original Equipment Manufacturer (OEM)  
Parts and Factory  
Authorized Repairs for International Trucks  
Requested by Municipal Services/ Fire Rescue Services  
Rechtiem International Trucks \$38,000

d. Initial Assessment Resolution No. 02-I

A resolution of the City of Boca Raton providing for the construction of a wastewater collection system and other improvements in an area generally known as Spanish Village, as more particularly described herein; adopting the Assessment Plat submitted to the City Clerk; determining to defray the expense thereof by special assessments against the properties specially benefited thereby; directing the Utility Services Director to prepare an assessment roll; repealing Initial Assessment Resolution 1-1995 and Resolution 88-2001; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 189-2003

A resolution of the City of Boca Raton authorizing the City Manager to amend and restate in its entirety the City's Executive Benefit Plan for the purpose of establishing benefits for the City's Executive Employees; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 190-2003

A resolution of the City of Boca Raton approving an amendment to the employment agreement with Leif J. Ahnell, the City Manager; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 191-2003

A resolution of the City of Boca Raton approving an amendment to the employment agreement with Diana Grub Frieser, the City Attorney; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 192-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with Terry Cohen, M.D., for the purpose of providing professional services as Medical Director for emergency and non-emergency medical services provided by the Fire Rescue Services Department and the City; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 209-2003

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Agreement with the State of Florida, Department of Environmental Protection, for the purpose of reimbursable funding for design and permitting of the North Boca Raton Beach Renourishment Project; providing for severability; providing for repealer; providing an effective date

- j. Board Resignations
- 1) Resignation of Vivian Sallee from the Community Relations Board
  - 2) Resignation of Peggy McCormick from the Downtown Visions Committee
- k. Receive and File Board Minutes – November 12, 2003
- 1) Citizen’s Pedestrian and Bikeway Advisory Board  
September 8, 2003
  - 2) Community Appearance Board  
October 7, 2003  
October 14, 2003
  - 3) Community Relations Board  
April 21, 2003  
April 30, 2003 (Town Hall Meeting)
  - 4) Education Advisory Board  
September 22, 2003
  - 5) Special Master  
September 24, 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. 205-2003

A resolution of the City of Boca Raton granting conditional use approval for an addition and renovation for Fire Station No. 4 located at 351 NW 51<sup>st</sup> Street, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-14)

5. Resolution No. 206-2003

A resolution of the City of Boca Raton amending Resolution No. 57-2003; granting modification of the conditional use approval for a conditional intermodal node including an intermodal facility; 20,000 square feet of accessory transit oriented retail/personal service use, and 50,000 square feet of office space on a parcel of land located at 680 Yamato Road as described more particularly herein; providing for severability; providing for repealer; providing an effective date (CA-03-18)

6. Resolution No. 207-2003

A resolution of the City of Boca Raton granting approval of a site plan for the Florida Power and Light Company Marymount Substation, on a parcel of land located at 1903 Clint Moore Road, as described more particularly herein; providing for severability; providing for repealer; providing an effective date (SPA-03-26)

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

7. Ordinance No. 4738 (Revised)

An ordinance of the City of Boca Raton amending Chapter 24, Code of Ordinances, Signs, which amendments include: amending the short title; adding and amending definitions; amending provisions for removal of signs, amending provisions for unlawful signs; clarifying the status of signs made nonconforming pursuant to this ordinance; amending provisions for granting sign variances; amending provisions for exemptions from permitting; amending requirements for a sign permit; amending sign regulations for residential, business, commercial and industrial districts; amending provisions for special signs; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-01-06)

8. 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

9. Ordinance No. 4741 (Revised)

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

10. Ordinance No. 4742 (Revised)

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

11. 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

12. 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

13. Ordinance No. 4745 (Revised)

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

a. Appointments to the Executive Employees' Retirement Plan Board of Trustees

14. 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

15. Ordinance No. 4750 (Revised)

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 severability; providing for repealer; providing for codification; providing an effective date

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

**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.)*

16. Ordinance No. 4752

An ordinance of the City of Boca Raton providing for the vacation and abandonment of an anchor easement, located at 3600 N.W. 2<sup>nd</sup> Court, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-09)

17. Ordinance No. 4753

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a utility easement, located at 520 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-11)

18. Ordinance No. 4754

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of a non-access easement, located at 520 South Federal Highway, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-10)

19. Ordinance No. 4755

An ordinance of the City of Boca Raton providing for the vacation and abandonment of water and sewer easements, located at One North Ocean Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-03-02)

20. Ordinance No. 4756

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of an alley, located at One North Ocean Boulevard, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-03-01)

21. Ordinance No. 4757

An ordinance of the City of Boca Raton authorizing the sale of an alley consisting of approximately 0.06 acre and located at One North Ocean Boulevard; providing for severability; providing for repealer; providing an effective date (SC-03-10)

**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 - REQUEST FOR VARIANCE  
FROM CHAPTER 24 / SIGN CODE:**

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

22. Resolution No. 208-2003

A resolution of the City of Boca Raton granting the request from the Palm Beach County Bank for a variance to construct one (1) freestanding sign, located at 2390 North Federal Highway; providing for severability; providing for repealer; providing an effective date (SVC-03-03)

**QUASI-JUDICIAL PUBLIC HEARINGS - APPEAL OF CITY MANAGER DECISION:**

*(The conduct of these public hearings will be governed by the “quasi-judicial procedures” attached to this agenda.)*

23. Resolution No. 153-2003 *(Revised – Continued from the September 10, 2003 meeting.)*

A resolution of the City of Boca Raton affirming the decision of the City Manager to deny the application of Martin Vincent Cusack for a city driver’s permit and denying Martin Vincent Cusack’s appeal of the City Manager’s decision; providing for severability; providing for repealer; providing an effective date

24. Resolution No. 211-2003

A resolution of the City of Boca Raton affirming the decision of the City Manager to deny the application of Jean Franckel Charles for a city driver’s permit and denying Jean Franckel Charles’ appeal of the City Manager’s decision; providing for severability; providing for repealer; providing an effective date

**CITY MANAGER RECOMMENDATIONS AND REPORTS:**

**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.