

Lesbian, Gay, Bisexual, and Transgender Health Disparities: Executive Summary of a Policy Position Paper From the American College of Physicians Free
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Abstract

In this position paper, the American College of Physicians examines the health disparities experienced by the lesbian, gay, bisexual, and transgender (LGBT) community and makes a series of recommendations to achieve equity for LGBT individuals in the health care system. These recommendations include enhancing physician understanding of how to provide culturally and clinically competent care for LGBT individuals, addressing environmental and social factors that can affect their mental and physical well-being, and supporting further research into understanding their unique health needs.

The lesbian, gay, bisexual, and transgender (LGBT) community is diverse, comprising persons from various races, ethnicities, and socioeconomic backgrounds; however, LGBT persons face a common set of challenges within the health care system. These challenges range from access to health care coverage and culturally competent care to state and federal policies that reinforce social stigma, marginalization, or discrimination. Recent years have brought about reliable data collection, research, and a greater understanding of the health care needs of the LGBT community and the challenges they face in accessing care. Although great strides have been taken in reducing health disparities in the LGBT community, much more needs to be done to achieve equity for LGBT persons in the health care system. Although members of the LGBT community face similar health concerns as the general population, certain disparities are reported at a higher rate among LGBT persons than the heterosexual population (1). These disparities experienced by LGBT persons may be compounded if they are also part of a racial or ethnic minority (1). Of note, LGBT persons are more likely to identify themselves as being in poor health than heterosexual individuals, and different segments of the LGBT population have individual health risks and needs. For example, gay and bisexual men are at increased risk for certain sexually transmitted infections and account for more than half of all persons living with HIV or AIDS in the United States (1); lesbian women are less likely to have mammography or Papanicolaou test screening for cancer (2); lesbian and bisexual women are more likely to be overweight or obese (3); and lesbian, gay, and bisexual persons are more likely to become disabled at a younger age than heterosexual individuals (4).

Various state or federal laws may affect the quality of life of LGBT persons and can affect their physical and mental health. Same-sex marriage bans may cause psychological distress (5), prohibitive hospital visitation policies may prevent a same-sex parent from seeing a minor while the child is ill or participating in medical decision making for the child, and exclusions on transgender health care in private and public health plans may cause a transgender patient to seek treatment options through illegal channels (6). These laws and policies, along with others that reinforce marginalization, discrimination, social stigma, or rejection of LGBT persons by their families or communities or that simply keep LGBT persons from accessing health care, have been associated with increased rates of anxiety, suicide, and substance or alcohol abuse (7).

Addressing these disparities will require changes in the way LGBT persons and their families are regarded in society and by the health care system. Policies that are discriminatory toward the LGBT community, or are no longer supported by empirical research, continue to reinforce the environmental and social factors that can affect the mental and physical well-being of LGBT persons. The American College of Physicians (ACP) has a long-standing commitment to improving the health of all Americans and opposes any form of discrimination in the delivery of health care services. ACP is dedicated to eliminating disparities in the quality of or access to health care and is committed to working toward fully understanding the unique needs of the LGBT community and eliminating health disparities for LGBT persons.

This Executive Summary provides a synopsis of the full position paper, which is available in Appendix.

Methods

The ACP Health and Public Policy Committee, which is charged with addressing issues affecting the health care of the U.S. public and the practice of internal medicine and its subspecialties, developed these recommendations. The committee reviewed numerous studies, reports, and surveys on LGBT health care and related health policy. The committee also reviewed information on how state and federal policies may affect the physical and mental health of the LGBT population. Draft recommendations were reviewed by the ACP Board of Regents, Board of Governors, Council of Early Career Physicians, Council of Resident/Fellow Members, Council of Student Members, and Council of Subspecialty Societies. The position paper and recommendations were reviewed by the ACP Board of Regents and approved on 27 April 2015.

ACP Position Statements and Recommendations

The following statements represent the official policy positions and recommendations of the ACP. The rationale for each is provided in the full position paper (Appendix).

A glossary of LGBT terminology used throughout this paper can be found at <https://lgbt.ucsf.edu/glossary-terms>.

1. The American College of Physicians recommends that gender identity, independent and fundamentally different from sexual orientation, be included as part of nondiscrimination and antiharassment policies. The College encourages medical schools, hospitals, physicians' offices, and other medical facilities to adopt gender identity as part of their nondiscrimination and antiharassment policies.
2. The American College of Physicians recommends that public and private health benefit plans include comprehensive transgender health care services and provide all covered services to transgender persons as they would all other beneficiaries.
3. The definition of "family" should be inclusive of those who maintain an ongoing emotional relationship with a person, regardless of their legal or biological relationship.
4. The American College of Physicians encourages all hospitals and medical facilities to allow all patients to determine who may visit and who may act on their behalf during their stay, regardless of their sexual

orientation, gender identity, or marital status, and ensure visitation policies are consistent with the Centers for Medicare & Medicaid Services Conditions of Participation and The Joint Commission standards for Medicare-funded hospitals and critical-access hospitals.

5. The American College of Physicians supports civil marriage rights for same-sex couples. The denial of such rights can have a negative impact on the physical and mental health of these persons and contribute to ongoing stigma and discrimination for LGBT persons and their families.

6. The American College of Physicians supports data collection and research into understanding the demographics of the LGBT population, potential causes of LGBT health disparities, and best practices in reducing these disparities.

7. Medical schools, residency programs, and continuing medical education programs should incorporate LGBT health issues into their curricula. The College supports programs that would help recruit LGBT persons into the practice of medicine and programs that offer support to LGBT medical students, residents, and practicing physicians.

8. The College opposes the use of "conversion," "reorientation," or "reparative" therapy for the treatment of LGBT persons.

9. The American College of Physicians supports continued reviews of blood donation deferral policies for men who have sex with men. The College supports evidence-based deferral policies that take into account a comprehensive assessment of the risk level of all individuals seeking to donate, which may result in varying deferral periods or a lengthened or permanent deferral on blood donation.

Conclusion

The ACP recognizes that reducing health disparities in the LGBT population will take concerted efforts not only by those in the medical community but also from society as a whole. Training future physicians to be culturally and clinically competent in LGBT health care, working with practicing physicians to increase their understanding of the LGBT population and their health needs, advocating for practical health policies supported by empirical research, and working to eliminate laws that discriminate against the LGBT community and their families are all important steps to reducing and ultimately eliminating the health disparities experienced by the LGBT community.

Appendix: Lesbian, Gay, Bisexual, and Transgender Health Disparities: A Policy Position Paper From The American College of Physicians

Understanding the LGBT Community

The LGBT community is a highly diverse and multifaceted group of persons encompassing all cultures, ethnicities, and walks of life. Under the LGBT umbrella, each individual group faces unique cultural and health-related needs but shares common challenges, such as social stigma, discrimination, and disparities in health care, that unite them.

Research into LGBT health has been expanding as the community has become more visible and outspoken about engaging the health care system in developing a knowledge base on the distinctive challenges and health disparities they face. However, gaps in the medical community's understanding of the overall makeup of the LGBT community and the environmental and social factors that may influence the needs of those persons present an obstacle to addressing challenges in a meaningful way. In 2011, the Institute of Medicine issued a report outlining a research agenda targeting several areas that could affect how the health care system approaches LGBT health, including demographics, social influences, disparities and inequalities, intervention that includes increasing access to care and addressing physical or mental conditions, and transgender-specific needs. The report also recommended the inclusion of the LGBT community in national health surveys and emphasized a need for scientific rigor and a respectful environment when gathering data (8).

One important obstacle to identifying health issues within the LGBT population is a lack of reliable data and the exclusion of sexual and gender minorities' identification on federal health surveys. Recent efforts have been made to gather population data on persons who identify as lesbian, gay, bisexual, or transgender and those who identify as being in a same-sex marriage or partnership. For the first time in 2010, the U.S. Census Bureau did not change the data reporting the number of same-sex couples that identified as being married. Before that, the 2000 U.S. Census changed the relationship status of same-sex partners identifying as being the spouse of the head of household to an "unmarried partner" because there were no states in which same-sex marriage was legal. In the 1990 U.S. Census, if a same-sex couple identified themselves as married, the sex of 1 of the respondents was automatically changed to the opposite sex and the couple was enumerated as an opposite-sex married couple (9). The Patient Protection and Affordable Care Act allows the Department of Health and Human Services (HHS) to collect "additional demographic data to further improve our understanding of health disparities," and in 2013, the National Health Interview Survey—an annual study of health care access, use, and behaviors— included sexual orientation as part of its data collection system (10). Recent estimates put the number of persons who identify as lesbian, gay, bisexual, or transgender at more than 9 million or approximately 3.4% of the U.S. population, which some analysts believe may be an underestimate (1). Individuals who may have same-sex attractions or experiences but do not self-identify as LGBT may still fall into the category of sexual minorities and face health disparities associated with LGBT persons.

Access to Care in the LGBT Population

The LGBT community has often been overlooked when discussing health care disparities and continues to face barriers to equitable care. Barriers to care are multidimensional and include stigma and discrimination, poverty, lack of education, racial or ethnic minority status, and other psychological health determinants (11). Studies show that persons who identify as LGBT have greater economic disadvantages and are more vulnerable to poverty than those who do not. Using available information from national surveys, the Williams Institute reports higher overall poverty rates for persons identifying under the LGBT umbrella than heterosexual persons and higher rates of poverty in same-sex couples than heterosexual couples (7.6% vs. 5.7%) (12).

Research shows that LGBT adults and their children are more likely to be uninsured by public or private insurance and that they and their family members continue to face difficulties in gaining access to care and face a higher risk for health disparities than the general population (2). Most Americans gain health insurance coverage through their employer; data are limited but suggest LGBT persons face higher unemployment rates than non-LGBT persons. A 2009 survey in California found a 14% unemployment rate among LGBT adult workers compared with 10% among non-LGBT adults (13).

The Affordable Care Act sought to increase access to care for low-income Americans by expanding Medicaid programs to all persons at or below 133% of the federal poverty level, providing financial subsidies to help those making between 100% and 400% of the federal poverty level purchase insurance on the federal and state marketplace exchanges, and including nondiscrimination protections in health plans sold on the exchanges. Although estimates suggested that the number of uninsured LGBT persons would be reduced as a result of Medicaid expansion, only about half of states have chosen to expand their Medicaid programs, which greatly diminishes its effect. This increases the number of LGBT persons who may fall into what has been dubbed the "coverage gap," in which persons may earn too much to qualify for their state's Medicaid program but too little to qualify for subsidies (14).

Transgender individuals face additional challenges in gaining access to care. Not only are they more likely to be uninsured than the general population, they are more likely to be uninsured than lesbian, gay, or bisexual persons (1). They also face high out-of-pocket costs for transgender-specific medical care if they lack insurance or their insurance coverage does not cover transgender health care. According to the American Congress of Obstetricians and Gynecologists, transgender youth who receive

inadequate treatment are at an increased risk for engaging in self-mutilation or using illicit venues to obtain certain treatments; research shows more than 50% of persons who identify as transgender have obtained injected hormones through illegal means or outside of the traditional medical setting (6).

Mental and Physical Health Disparities

Existing research into the health of the LGBT population has found some health disparities that disproportionately affect the LGBT population. In 2000, the first federally funded research study on the health of LGBT persons assessed 5 major areas of concern for lesbian, gay, and bisexual persons (the report noted that transgender health concerns warranted an independent evaluation): cancer, family planning, HIV and AIDS, immunization and infectious diseases, and mental health (15). Research has shown that lesbian women are less likely to get preventive cancer screenings; lesbian and bisexual women are more likely to be overweight or obese (16); gay men are at higher risk for HIV and other sexually transmitted infections; and LGBT populations have the highest rates of tobacco, alcohol, and other drug use (17). Lesbian, gay, and bisexual persons are approximately 2.5 times more likely to have a mental health disorder than heterosexual men and women (18).

Transgender persons are also at a higher lifetime risk for suicide attempt and show higher incidence of social stressors, such as violence, discrimination, or childhood abuse, than nontransgender persons (19). A 2011 survey of transgender or gender-nonconforming persons found that 41% reported having attempted suicide, with the highest rates among those who faced job loss, harassment, poverty, and physical or sexual assault (20).

Positions

1. The American College of Physicians recommends that gender identity, independent and fundamentally different from sexual orientation, be included as part of nondiscrimination and antiharassment policies. The College encourages medical schools, hospitals, physicians' offices, and other medical facilities to adopt gender identity as part of their nondiscrimination and antiharassment policies.

Nondiscrimination policies are in place to prevent employment discrimination or harassment based on race, color, national or ethnic origin, age, religion, sex, disability, genetics, or other characteristics protected under federal, state, or local law (21). However, state law varies considerably on the inclusion of sexual orientation and gender identity in nondiscrimination policies and some policies based on sexual orientation alone may not include gender identity. Eighteen states have employment nondiscrimination or equal employment opportunity statutes that cover both gender identity and sexual orientation, and an additional 3 states have nondiscrimination statutes that cover sexual orientation only (22). The Human Rights Campaign, an LGBT rights organization, estimated that as a result of these assorted laws, 3 of 5 U.S. citizens live in an area that does not provide protection for gender identity or sexual orientation (23).

Sexual orientation and gender identity are inherently different and should be considered as such when assessing whether nondiscrimination or harassment policies provide protection to all members of the LGBT community. According to the Institute of Medicine, "sexual orientation" refers to a person's enduring pattern of or disposition to have sexual or romantic desires for, and relationships with, persons of the same sex or both sexes (8). "Gender identity" refers to a person's basic sense of being a man or boy, a woman or girl, or another gender. Gender identity may or may not correspond to a person's anatomical sex assigned at birth. The term "transgender" is now widely used to refer to a diverse group of persons who depart significantly from traditional gender norms (24). Persons who have a "marked difference" between their anatomical sex at birth and their expressed or experienced gender may be diagnosed with gender dysphoria, which is a diagnosis under the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (25).

Evidence shows that individuals with gender identity variants face increased discrimination, threats of violence, and stigma. The National Gay and Lesbian Task Force and the National Center for Transgender Equality conducted a national survey of transgender and gender-nonidentifying persons and found high rates of harassment (78%), physical assault (35%), and sexual violence (12%) (20). More than 90% of survey participants reported harassment or discrimination in the workplace, and they experience double the rate of unemployment than the general population (20). Therefore, LGBT persons are more likely to lose their job or not be hired (26).

Employers have the option to include gender identity as part of their company's nondiscrimination or antiharassment policies even if their state does not, and many companies have chosen to include comprehensive protections policies. To reduce the potential for discrimination, harassment, and physical and emotional harm toward persons who are not covered by current protections, the medical community should include both sexual orientation and gender identity as part of any comprehensive nondiscrimination or antiharassment policy.

2. The American College of Physicians recommends that public and private health benefit plans include comprehensive transgender health care services and provide all covered services to transgender persons as they would all other beneficiaries.

The LGBT community is at increased risk for physical and emotional harm resulting from discrimination or harassment, and transgender persons may face greater inequalities in the health care system than the general population. Of note, 19% of transgender persons lack any type of health insurance (20). A handful of states have laws about insurance coverage for transgender health care, such as hormone replacement therapy or sexual reassignment surgery, which may be considered medically necessary as part of the patient's care. Eight states and the District of Columbia have prohibitions on insurance exclusion of treatments for sex reassignment surgery (27).

The World Professional Association for Transgender Health has developed health care standards for transgender persons who have been diagnosed with gender dysphoria. The standards emphasize treatments that will achieve "lasting personal comfort with their gendered selves, in order to maximize their overall health, psychological well-being, and self-fulfillment" and may or may not include modification to a person's gender expression or how this individual appears or presents physically to others (28). Research shows that when transgender persons receive individual, medically appropriate care, they have improved mental health, reduction in suicide rates, and lower health care costs overall because of fewer mental health-related and substance abuse-related costs (29). However, not all health plans cover all services associated with transgender health or consider such services medically necessary; some plans may issue blanket exclusions on transgender health care, not cover certain services for a transgender person as they would for nontransgender persons, or only cover the cost of gender reassignment surgery if certain conditions are met. For example, an insurance company may cover posthysterectomy estrogenic hormone replacement therapy for biological women but will not cover a similar type of hormone therapy for a postoperative male-to-female transgender patient. Many professional medical organizations, including the American Medical Association, American Psychological Association, American Psychiatric Association, American Congress of Obstetricians and Gynecologists, and American Academy of Family Physicians, consider gender transition-related medical services medically necessary (30).

The decision to institute a hormone therapy regimen or pursue sexual reassignment surgery for transgender individuals is not taken lightly. Transgender patients and their health care team, which may include primary care physicians, endocrinologists, mental health professionals, and others, are in the best position to determine the most appropriate care plan unique to the patient's needs. Throughout the course of treatment, patients and their physicians or health care team should discuss available options and the evidence base for those treatments in which such evidence exists. It is especially

important that transgender patients whose health care team has determined that treatment should include cross-sex hormone therapy or sexual reassignment surgery and postoperative hormone therapy be well-informed about the potential health risks associated with the long-term use of some hormonal replacement therapies before treatment.

Without insurance coverage, the cost of treatment for persons with gender dysphoria may be prohibitively expensive. The most extensive and expensive sexual reassignment surgeries may cost tens of thousands of dollars; this does not include associated costs, such as counseling, hormone replacement therapy, copays, or aftercare. The high costs of treatment can result in persons who cannot access the type of care they need, which can increase their levels of stress and discomfort and lead to more serious health conditions. In 2014, the HHS lifted the blanket ban on Medicare coverage for gender reassignment surgery (31) and the federal government announced it would no longer prohibit health plans offered on the Federal Employees Health Benefits Program from offering gender reassignment as part of the plan (27). Transgender health advocates are hopeful this will result in wider coverage for transgender care in private health plans.

The cost of including transgender health care in employee health benefits plans is minimal and is unlikely to raise costs significantly, if at all. A survey of employers offering transition-related health care in their health benefit plans found that two thirds of employers that provided information on actual costs of employee utilization of transition-related coverage reported 0 costs (32). This is the result of a very small portion of the population identifying as transgender and a smaller portion of that group having the most expensive type of gender reassignment surgery as part of their treatment. An analysis of the utilization of transgender health services over 6 years after transgender discrimination was prohibited in one California health plan found a utilization rate of 0.062 per 1000 covered persons (33). The inclusion of transgender-related health care services within a health plan may also result in an overall reduction of health care costs over time because patients are less likely to engage in self-destructive behaviors, such alcohol or substance abuse.

3. The definition of "family" should be inclusive of those who maintain an ongoing emotional relationship with a person, regardless of their legal or biological relationship.

The term "family" as it is seen in society is changing and no longer means married heterosexual parents with children. An analysis shows only 22% of families fall into this category (34). Stepparents, single parents, grandparents, same-sex couples, or foster or adoptive parents all make up the changing face of U.S. families. Across the country, LGBT persons are raising children, and demographic data shows that 110 000 same-sex couples are raising as many as 170 000 biological, adopted, or foster children and 37% of LGBT adults have had a child (35). This modern concept of family is no longer dependent on parental status and does not only include adult heads of household with minor children. Same-sex couples and different-sex couples who do not have children may nevertheless have persons in their lives that they consider family.

Despite research that shows a growing trend toward acceptance of LGBT individuals and families (36), there is no widely used standard definition of family inclusive of the diverse nature of the family structure and definitions vary widely: They can differ from state to state, within the Internal Revenue Service for tax purposes, by employers to determine eligibility for health plans, and by hospitals for the purposes of visitation or medical decision making. If LGBT spouses or partners are not legally considered a family member, they are at risk for reduced access to health care and restrictions on caregiving and decision making; further, they are at increased risk for health disparities, and their children may not be eligible for health coverage (34). Therefore, LGBT persons and families may already be at a financial disadvantage, with single LGBT parents 3 times more likely to live near the poverty line than their non-LGBT counterparts and LGBT families twice as likely to live near the poverty threshold (35). These financial disadvantages can translate into lack of access to medical care and poorer health outcomes

similar to those experienced by non-LGBT persons and their families who are uninsured or underinsured, in addition to the health disparities that are already reported among the LGBT community.

The Human Rights Campaign's definition of family for health care organizations, developed with multistakeholder input, is inclusive of same- and different-sex married couples and families and is an example of a broad, comprehensive definition of family that includes a person's biological, legal, and chosen family:

Family means any person(s) who plays a significant role in an individual's life. This may include a person(s) not legally related to the individual. Members of "family" include spouses, domestic partners, and both different-sex and same-sex significant others. "Family" includes a minor patient's parents, regardless of the gender of either parent. (37)

A definition of family inclusive of all types of families, including the LGBT population, is not only fundamental to reducing the disparities and inequalities that exist within the health care system, but also important for the equal treatment of LGBT patients and their visitors in the hospital setting. Countless accounts show loved ones being denied the right to visit; assist in the medical decision-making process for their partner, minor, or child; or be updated on the condition of a patient because hospital visitation policy broadly prohibits those who are not recognized family members from access to the patient. These policies are discriminatory against LGBT patients, their visitors, and the millions of others who are considered family, such as friends, neighbors, or nonrelative caregivers who can offer support to the patient.

4. The American College of Physicians encourages all hospitals and medical facilities to allow all patients to determine who may visit and who may to act on their behalf during their stay, regardless of their sexual orientation, gender identity, or marital status, and ensure visitation policies are consistent with the Centers for Medicare & Medicaid Services Conditions of Participation and The Joint Commission standards for Medicare-funded hospitals and critical-access hospitals.

When persons or their loved ones need emergency care or extended inpatient stays in the hospital, they do not often immediately think about access to visitors or hospital visitation policies, the ability to assist in medical decision making, or their legal rights as patients or visitors. Hospital visitation policies are not always clear or consistent about who can visit or make medical decisions for a patient if they become incapacitated or cannot do so themselves. The absence or limited access of loved ones can cause uncertainty and anxiety for the patient. In contrast, the involvement of family and outside support systems can improve health outcomes, such as management of chronic illness and continuity of care (38).

A highly publicized incident of LGBT families facing discrimination and being denied hospital visitation occurred in Florida in 2007. A woman on vacation with her family had an aneurysm and was taken to the hospital. Her same-sex partner and their children were denied the right to see her or receive updates on her condition, and she eventually slipped into a coma and died (39). In response to this incident, President Obama issued a presidential memorandum recommending that the HHS review and update hospital visitation policies for hospitals participating in Medicare or Medicaid and critical-access hospitals to prohibit discrimination based on such factors as sexual orientation or gender identity (40).

Throughout the rulemaking process, the HHS revised the Medicare Conditions of Participation to require that all hospitals explain to all patients their right to choose who may visit during an inpatient stay, including same-sex spouses, domestic partners, and other visitors, and the patients' right to choose a person to act on their behalf. The Joint Commission, the nation's largest organization for hospital accreditation, also updated its standards to include equal visitation for LGBT patients and visitors (41). As a result of these updated policies, most hospitals and long-term care facilities are required to allow equal visitation for LGBT persons and their families.

The presidential memorandum also recommended that the HHS instruct hospitals to disclose to their patients that patients have a right to designate a representative to make medical decisions on their behalf if they cannot make those decisions themselves. The revised Conditions of Participation emphasized that hospitals "should give deference to patients' wishes about their representatives, whether expressed in writing, orally, or through other evidence, unless prohibited by state law" (42). With piecemeal regulations and policies governing the legal rights of LGBT persons and their families, some same-sex spouses or domestic partners choose to prepare advance directives, such as durable powers of attorney and health care proxies, in an effort to ensure their access to family members and their ability to exert their right to medical decision making if necessary.

5. The American College of Physicians supports civil marriage rights for same-sex couples. The denial of such rights can have a negative impact on the physical and mental health of these persons and contribute to ongoing stigma and discrimination for LGBT persons and their families.

The health and financial benefits of marriage for different-sex couples are widely reported, and contemporary research supports similar benefits in same-sex marriage. On the other hand, denial of marriage rights for LGBT persons may lead to mental and physical health problems. Health benefits associated with same-sex marriage result from improved psychological health and a reinforced social environment with community support (43). Research suggests that being in a legally recognized same-sex marriage diminishes mental health differentials between LGBT and heterosexual persons (5). A comparison study on the utilization of public health services by gay and bisexual men before and after Massachusetts legalized same-sex marriage found a reduction in the number of visits for health problems and mental health services. The study noted a 13% reduction in visits overall after the legalization of same-sex marriage (44).

In contrast, denial of such rights can result in ongoing physical and psychological health issues. Thus, LGBT persons encountering negative societal attitudes and discrimination often internalize stressors and have poor health unseen to those around them; further, these stressors can lead to self-destructive behaviors (43). A study of LGBT individuals living in states with a same-sex marriage ban found increases in general anxiety, mood disorders, and alcohol abuse (45). The denial of marriage rights to LGBT persons has also been found to reinforce stigmas of the LGBT population that may undermine health and social factors, which can affect young adults (46). The American Medical Association's broad policy supporting civil rights for LGBT persons acknowledges that denial of civil marriage rights can be harmful to LGBT persons and their families and contribute to ongoing health disparities (47).

Since 2003, the overall support for marriage equality has increased. The shift in attitudes toward acceptance of same-sex marriage has broad positive implications for the future of U.S. civil marriage rights. A 2013 survey by the Pew Research Center revealed that nearly half of U.S. adults expressed support for same-sex marriage. Of note, millennials (those born after 1980) showed the highest rate of support for same-sex marriage rights at 70%. Not only has overall opinion changed, but individually, 1 in 7 respondents reported they had changed their minds from opposing to supporting same-sex marriage. The Pew survey found that 32% of respondents changed their mind because they knew someone who identified as lesbian or gay (36).

The legal landscape is also shifting in favor of inclusive civil marriage rights for same-sex couples. The American Bar Association has adopted a resolution recognizing "that lesbian, gay, bisexual and transgender (LGBT) persons have a human right to be free from discrimination, threats and violence based on their LGBT status and condemns all laws, regulations and rules or practices that discriminate on the basis that an individual is [an] LGBT person" (48). In June 2013, the U.S. Supreme Court struck down a provision of the Defense of Marriage Act that defined marriage as a "union between a man and a woman." The decision allowed legally married same-sex couples to have the same federal benefits offered to heterosexual couples (49). Currently more than half of the states and the District of Columbia

allow same-sex marriage, and several states have rulings in favor of same-sex marriage that are stayed pending legal appeals (50). In April 2015, the Supreme Court heard oral arguments in a case involving same-sex marriage bans in Michigan, Ohio, Kentucky, and Tennessee; this will ultimately determine the constitutionality of same-sex marriage bans, including whether states would be required to recognize same-sex marriages performed legally out of state (51).

6. The American College of Physicians supports data collection and research into understanding the demographics of the LGBT population, potential causes of LGBT health disparities, and best practices in reducing these disparities.

Previous efforts to understand the LGBT population by including sexual orientation or gender identity in health surveys and data collection are a good first step, but there is a long way to go to understand the unique health needs of all members of the LGBT community. Understanding the demographics of the persons who make up this community is a key first step to understanding how environmental and social determinants may contribute to the health disparities they face. Overwhelming evidence shows that racial and ethnic minorities experience greater health disparities than the general population. In 2010, ACP published an updated position paper on racial and ethnic disparities in health care, which identified various statistics on health disparities in racial and ethnic minority groups, such as higher levels of uninsured Hispanics than white persons (34% vs. 13%) and lower rates of medication adherence in minority Medicare beneficiaries diagnosed with dementia (52). Persons who are part of both the LGBT community and a racial or ethnic minority group may face the highest levels of disparities. For example, data show that 30% of African American adults who identify as lesbian, gay, or bisexual are likely to delay getting a prescription compared with 19% of African American heterosexual adults (26).

Transgender persons may also face certain increased risk factors that can affect their health that are not included when discussing the LGBT population as a whole, which creates research gaps with the LGBT community. A survey study of transgender persons shows elevated reports of harassment, physical assault, and sexual violence (20). In addition, transgender persons are more likely to face discrimination in education, employment, housing, and public accommodations than other sexual, racial, or ethnic minority groups. The lack of and unfamiliarity with research focused on the physical health issues of transgender persons, such as hormone replacement therapy and cancer risk, limit the understanding or development of best practices that could reduce the disparities felt by this population. The dearth of such research is detrimental to physicians' understanding of issues unique to transgender patients and reduces their ability to care for these patients.

Data that have been gathered in the relatively short time since the inclusion of sexual orientation, gender identity, and same-sex marital status have revealed information that can be used to create tailored plans to decrease health disparities in the LGBT community. For example, in 2009 the California Health Interview Survey collected information on certain health indicators and included sexual orientation along with racial and minority status. The survey found a higher rate of uninsured lesbian, gay, or bisexual Latino adults in the state than their African American counterparts (36% vs. 14%) (20).

In addition to obtaining information from population surveys, including gender identity and sexual orientation as a component of a patient's medical record (paper or electronic) may help a physician to better understand an LGBT patient's needs and provide more comprehensive care. This can be particularly useful in the care of transgender persons, whose gender identity and gender expression may differ from their sex assigned at birth and are not in line with the standard sex template on many forms. Including this information—especially in electronic health records that can standardize information, such as anatomy present and the preferred name/pronoun—can create a more comfortable experience for the patient and keep the physician up to date on the patient's transition history, if applicable (53). If a physician uses paper medical records, the patient's chart should be flagged using an indicator, such as a sticker, to alert staff to use the preferred name and pronoun of the patient (54).

7. Medical schools, residency programs, and continuing medical education programs should incorporate LGBT health issues into their curricula. The College supports programs that would help recruit LGBT persons into the practice of medicine and programs that offer support to LGBT medical students, residents, and practicing physicians.

Establishing understanding, trust, and communication between a physician and a patient is key to an ongoing and beneficial physician–patient relationship. However, reported instances of physician bias or denial of care to LGBT patients may influence patients to withhold information on their sexual orientation, gender identity, or medical conditions that could help the physician have a better understanding of the potential health needs of their patients. Physicians can play an integral role in helping an LGBT patient navigate through the medical system by providing respectful, culturally, and clinically competent care that underscores the overall health of the patient. In an article published in *The New England Journal of Medicine*, Makadon noted how physicians can create a welcoming and inclusive environment to LGBT patients:

[G]uidelines for clinical practice can be very simple: ask the appropriate questions and be open and nonjudgmental about the answers. Few patients expect their providers to be experts on all aspects of gay and lesbian life. But it is important that providers inquire about life situations, be concerned about family and other important relationships, understand support systems, and make appropriate referrals for counseling and support when necessary. (55)

Providing clinically and culturally competent care for transgender persons in the primary care setting may present a challenge to physicians who are not knowledgeable about transgender health. Transgender persons have reported encounters with physicians who are unaware of how to approach treatment of a transgender person, and half of transgender patients reported having to "teach" their physician about transgender health (20). The National Transgender Survey found that 19% of participants had been denied medical care because of their transgender status (20). Resources for physicians on how to approach the treatment of transgender patients should emphasize respecting the patient's gender identity while providing prevention, treatment, and screening to the anatomy that is present (56).

To better understand the unique health needs of the LGBT community, physicians and medical professionals must develop a knowledge base in cultural and clinical competency and understand the factors that affect LGBT health; this should begin in the medical school setting and continue during practice. Assessment of LGBT-related content at medical schools found a median of 5 hours spent on LGBT-related issues over the course of the curriculum (57). Exposure to members of the LGBT population in medical school has been shown to increase the likelihood that a physician will take a more comprehensive patient history, have a better understanding of LGBT health issues, and have a more positive attitude toward LGBT patients (58). Studies show that undergraduate students pursuing a career in medicine are receptive to incorporating LGBT-related issues into their education and agree that it applies to their future work (59). The College recognizes the importance of incorporating LGBT health into the medical school curriculum and publishes a comprehensive medical textbook on LGBT health, *The Fenway Guide to Lesbian, Gay, Bisexual, and Transgender Health*, 2nd Edition (60).

In November 2014, the Association of American Medical Colleges Advisory Committee on Sexual Orientation, Gender Identity, and Sex Development released a comprehensive report recommending strategies on how to implement changes in academic medical institutions to better address the needs of LGBT patients; further, the committee identified challenges and barriers to carrying out these changes. The report recognizes 3 methods of integrating LGBT health into the medical school curricula: full curriculum revision, the addition of a required class, or LGBT health study as a part of elective materials. The report also identifies barriers to curricular changes, including but not limited to a lack of material that has been shown to be effective, reluctance of faculty and staff to teach the new material, and a

shortage of institutional time that would permit teachers to participate in continuing education on the topic (61).

For some LGBT persons interested in pursuing careers in medicine, there continues to be an underlying concern that their sexual orientation or gender identity may affect their selection into a medical school or residency program and acceptance by their peers. In 2012, Dr. Mark Schuster published his personal story about being gay in medicine starting in the 1980s when he entered medical school, through residency, and into practice. In his article, he spoke of a former attending physician he worked under who acted as an advisor and had indicated he would offer him a recommendation for residency, only to find this physician later renege on that offer after Dr. Schuster shared that he was gay (62). Little research has been done on the recruitment of LGBT physicians into the practice of medicine or how disclosing sexual orientation may affect training. One survey measuring the perceptions and attitudes toward sexual orientation during training found that 30% of respondents did not reveal their sexual orientation when applying for residency positions for fear of rejection (63).

Academic medical institutions can make efforts to create a welcoming and inclusive environment for students and faculty. The University of California, San Francisco, LGBT Resource Center developed a checklist for medical schools to assess LGBT curriculum, admissions, and the working environment within their institution. The checklist includes inclusive application procedures, measurement of retention of LGBT students, and efforts and resources dedicated to student well-being (64). In a 2013 white paper, the Gay and Lesbian Medical Association made several recommendations to support an LGBT-inclusive climate at health professional schools in such areas as institutional equality, transgender services and support, diversity initiatives, admissions, staff and faculty recruitment and retention, staff and faculty training, and other areas that underscore simple yet thoughtful ways to create an accepting environment for LGBT students, faculty, and employees (65). Tools such as these can assist in recruiting and retaining LGBT physicians.

8. The College opposes the use of "conversion," "reorientation," or "reparative" therapy for the treatment of LGBT persons.

Since 1973, the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders has not considered homosexuality an illness (66). All major medical and mental health organizations do not consider homosexuality as an illness but as a variation of human sexuality, and they denounce the practice of reparative therapy for treatment of LGBT persons (67). The core basis for "conversion," "reorientation," or "reparative" therapy, which is generally defined as therapy aiming at changing the sexual orientation of lesbian women and gay men, is mostly based on religious or moral objections to homosexuality or the belief that a homosexual person can be "cured" of their presumed illness.

In 2007, the American Psychological Association conducted a literature review of 83 studies on the efficacy of efforts to change sexual orientation. It found serious flaws in the research methods of most of the studies and identified only 1 study that met research standards for establishing safety or efficacy of conversion therapy and also compared persons who received a treatment with those who did not. In that study, intervention had no effect on the rates of same-sex behavior, so it is widely believed that there is no scientific evidence to support the use of reparative therapy (68). The Pan American Health Organization, the regional office for the Americas of the larger World Health Organization, also supports the position that there is no medical basis for reparative therapy and that the practice may pose a threat to the overall health and well-being of an individual (69). Dr. Robert Spitzer, the author of a 2003 research study often cited by supporters of the reparative therapy movement to purport that persons may choose to change their sexual orientation, has denounced the research as flawed and apologized to the LGBT community in a letter for misinterpretations or misrepresentations that arose from the study (70).

Available research does not support the use of reparative therapy as an effective method in the treatment of LGBT persons. Evidence shows that the practice may actually cause emotional or physical harm to LGBT individuals, particularly adolescents or young persons. Research done at San Francisco State University on the effect of familial attitudes and acceptance found that LGBT youth who were rejected by their families because of their identity were more likely than their LGBT peers who were not rejected or only mildly rejected by their families to attempt suicide, report high levels of depression, use illegal drugs, or be at risk for HIV and sexually transmitted illnesses (71). The American Psychological Association literature review found that reparative therapy is associated with the loss of sexual feeling, depression, anxiety, and suicidality (68).

States have delved into the debate over the use of reparative therapy for minor children given the potential for harm. California; New Jersey; and Washington, DC, have enacted laws banning the practice. Several other state legislatures, such as those in Washington state, Massachusetts, New York, and Oregon, have introduced or passed legislation through one chamber but failed to pass the bill into law (72). The New Jersey law was challenged on the grounds that the ban limited the free speech of mental health professionals, but the law was upheld by the Third U.S. Circuit Court of Appeals (73). In May 2015, the U.S. Supreme Court declined to hear a challenge to the law (74).

9. The American College of Physicians supports continued reviews of blood donation deferral policies for men who have sex with men. The College supports evidence-based deferral policies that take into account a comprehensive assessment of the risk level of all individuals seeking to donate, which may result in varying deferral periods or a lengthened or permanent deferral on blood donation.

Persons who are considered at increased or possible risk for certain infectious diseases, such as intravenous drug users, recipients of animal organs or tissues, and those who have traveled or lived abroad in certain countries, are prohibited by the U.S Food and Drug Administration from donating blood (75). Since the early 1980s, the policy has also included men who have sex with men (MSM) since 1977. This lifetime deferral of blood donation for MSM was instituted during a time when the incidence of HIV and AIDS increased to epidemic levels in the United States, and the disease and how it was transmitted were largely misunderstood by the scientific community. In the following years, concerted efforts by the medical community, patient advocates, and government officials and agencies resulted in advancements in blood screening technology and treatments for the virus. However, during that time of uncertainty, policies were implemented to balance the risk for contaminating the blood supply with what was known about the transmissibility of the disease.

Several medical organizations support deferral policy reform based on available scientific evidence and testing capabilities. The American Medical Association policy on blood donor criteria supports, "the use of rational, scientifically based blood and tissue donation deferral periods that are fairly and consistently applied to donors according to their level of risk" (76). The American Association of Blood Banks, America's Blood Centers, and the American Red Cross have long advocated for a modification to deferral criteria to be "made comparable with criteria for other groups at increased risk for sexual transmission of transfusion-transmitted infections" and recommend a 12-month deferral for men who have had sex with another man since 1977, which is in line with deferral criteria for others who have exhibited high-risk behavior (77). The eligibility standards and policies on the donation of tissues or tissue products (5-year deferral since last sexual contact) (78) and vascular organs (risk assessed individually, disclosed to transplant team, and consent required) (79) by MSM also reflect a measured assessment of disease transmission risk to donor recipients.

Many countries, including the United Kingdom, Canada, Finland, Australia, and New Zealand, have successfully instituted deferral periods ranging from 12 months to 5 years in lieu of a lifetime ban on blood donation by MSM without measurable increased risk to the blood supply. A study of the risk of blood donations from MSM after the implementation of shorter deferral periods in England and Wales

12 months after their last sexual encounter found only a marginal increase in the risk for transfusion-transmitted HIV (80). Australia changed the deferral policy for MSM from 5 years to 12 months over 1996 to 2000. A study that compared the prevalence of HIV among blood donors from the 5-year deferral period compared with the 12-month deferral period found no evidence that the 12-month period increased risk for HIV in recipients (81).

In late 2014, the HHS Advisory Committee on Blood and Tissue Safety and Availability voted in favor of recommending a 1-year deferral policy for MSM and increased surveillance of the blood supply. The U.S. Food and Drug Administration announced it would be updating its policy on blood donation from MSM after considering recommendations made by the HHS, reviews of available scientific evidence, and recommendations from its own Blood Products Advisory Committee. The policy about indefinite deferral on blood donation from MSM is being updated to a 1-year deferral period from the last sexual contact, and the U.S. Food and Drug Administration will issue draft guidance on the policy change in 2015. In addition, the agency announced it has already taken steps to implement a national blood surveillance system to monitor what, if any, effects the new policy has on the nation's blood supply (82). Lifting the lifetime ban on blood donation by MSM is an important first step toward creating equity among those wishing to donate blood. The U.S. Food and Drug Administration should continue to monitor the effects of a 1-year deferral and update its policy as information and data are gathered through surveillance to make further strides toward policies that assess donor eligibility on the basis of scientific data and individual risk factors, such as the length of time since a high-risk behavior has occurred, type of sex that occurred, number of partners during a period of time, or a combination of factors (83).

References

Ranji U, Beamesderfer A, Kates J, Salganicoff A. Health and access to care and coverage for lesbian, gay, bisexual, and transgender individuals in the U.S. Menlo Park, CA: Kaiser Family Foundation; 2014. Accessed at <http://kff.org/report-section/health-and-access-to-care-and-coverage-for-lgbt-individuals-in-the-u-s-health-challenges> on 10 December 2014.

Buchmueller T, Carpenter CS. Disparities in health insurance coverage, access, and outcomes for individuals in same-sex versus different-sex relationships, 2000-2007. *Am J Public Health*, 2010, vol. 100 (pg. 489-95)

Ard KL, Makadon HJ. Improving the health care of lesbian, gay, bisexual and transgender people: understanding and eliminating health disparities. Boston: The Fenway Institute; 2012. Accessed at www.lgbthealtheducation.org/wp-content/uploads/12-054_LGBTHealtharticle_v3_07-09-12.pdf on 11 February 2015.

Fredriksen-Goldsen KI, Kim HJ, Barkan SE. Disability among lesbian, gay, and bisexual adults: disparities in prevalence and risk. *Am J Public Health*, 2012, vol. 102 (pg. e16 -21)

Wight RG, Leblanc AJ, LeeBadgett MV. Same-sex legal marriage and psychological well-being: findings from the California Health Interview Survey. *Am J Public Health* 2013 vol. 103 (pg. 339-46)

Committee on Health Care for Underserved Women. Committee Opinion no. 512: health care for transgender individuals. *Obstet Gynecol* 2011, vol. 118 (pg. 1454-8)

U.S. Department of Health and Human Services. Healthy people 2020: lesbian, gay, bisexual, and transgender health. Accessed at www.healthypeople.gov/2020/topics-objectives/topic/lesbian-gay-bisexual-and-transgender-health on 10 December 2014.

Institute of Medicine (US) Committee on Lesbian, Gay, Bisexual, and Transgender Health Issues and Research Gaps and Opportunities
The Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding.
Washington, DC
National Academies Pr , 2011

U.S. Census Bureau, Fertility and Family Statistics Branch. Frequently asked questions about same-sex households. Accessed at www.census.gov/hhes/samesex/files/SScplfactsheet-final.pdf on 10 December 2014.

Ward BW, Dahlhamer JM, Galinsky AM, Joestl SS
Sexual orientation and health among U.S. adults: national health interview survey, 2013.
Natl Health Stat Report 2014 (pg. 1-10)

Dilley JA, Simmons KW, Boysun MJ, Pizacani BA, Stark MJ
Demonstrating the importance and feasibility of including sexual orientation in public health surveys: health disparities in the Pacific Northwest.
Am J Public Health 2010, vol. 100 (pg. 460-7)

Lee Badgett MV, Durso LE, Schneebaum A. New patterns of poverty in the lesbian, gay, and bisexual community. Los Angeles: The Williams Institute; 2013. Accessed at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf> on 10 December 2014.

A broken bargain: discrimination, fewer benefits and more taxes for LGBT workers: condensed version. Denver: Movement Advancement Project; 2013. Accessed at www.lgbtmap.org/file/a-broken-bargain-condensed-version.pdf on 10 December 2014.

Kates J, Ranji U. Health care access and coverage for the lesbian, gay, bisexual, and transgender (LGBT) community in the United States: opportunities and challenges in a new era. Oakland, CA: Kaiser Family Foundation; 2014. Accessed at <http://kff.org/disparities-policy/perspective/health-care-access-and-coverage-for-the-lesbian-gay-bisexual-and-transgender-lgbt-community-in-the-united-states-opportunities-and-challenges-in-a-new-era> on 10 December 2014.

Dean L, Meyer IH, Robinson K, Sell RL, Sember R, Silenzio VMB, et al. Lesbian, gay, bisexual, and transgender health: findings and concerns. Journal of the Gay and Lesbian Medical Association. 2000;4:101-51. Accessed at www.felgtb.org/rs/334/d112d6ad-54ec-438b-9358-4483f9e98868/91f/filename/2000-dean-l-lgbt-health-findings-and-concerns.pdf on 11 February 2015.

Brown JP, Tracy JK, Lesbians and cancer: an overlooked health disparity. Cancer Causes Control 2008 vol. 19 (pg. 1009-20)

U.S. Department of Health and Human Services. Healthy people 2020: lesbian, gay, bisexual, and transgender health: understanding LGBT health. Accessed at www.healthypeople.gov/2020/topicsobjectives2020/overview.aspx?topicid=25#eleven on 10 December 2014.

National Alliance on Mental Illness. Mental health issues among gay, lesbian, bisexual, and transgender (GLBT) people. Arlington, VA: National Alliance on Mental Illness Multicultural Action Center; 2007.

Reisner SL, White JM, Bradford JB, Mimiaga MJ. Transgender health disparities: comparing full cohort and nested matched-pair study designs in a community health center. *LGBT Health* 201, vol. 1, (pg. 177-184)

Grant JM, Mottet LA, Tanis J, Harrison J, Herman JL, Keisling M. Injustice at every turn: a report of the national transgender discrimination survey. Accessed at www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf on 10 December 2014.

U.S. Equal Employment Opportunity Commission. What you should know about EEOC and the enforcement protections for LGBT workers. Washington, DC: U.S. Equal Employment Opportunity Commission; 2014. Accessed at www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm on 10 December 2014.

American Civil Liberties Union. Non-discrimination laws: state by state information—map. New York: American Civil Liberties Union; 2014. Accessed at www.aclu.org/maps/non-discrimination-laws-state-state-information-map on 10 December 2014.

Human Rights Campaign. Resources: workplace discrimination laws and policies. Washington, DC: Human Rights Campaign; 2014. Accessed at www.hrc.org/resources/entry/Workplace-Discrimination-Policies-Laws-and-Legislation on 10 December 2014.

Bockting WO, From construction to context: gender through the eyes of the transgendered. *SIECUS Report* 28 (pg. 3-7)

American Psychiatric Association. Gender dysphoria. Arlington, VA: American Psychiatric Publishing; 2013. Accessed at www.dsm5.org/documents/gender%20dysphoria%20fact%20sheet.pdf on 10 December 2014.

Krehely J. How to close the LGBT health disparities gap: disparities by race and ethnicity. Washington, DC: Center for American Progress; 2009. Accessed at http://cancer-network.org/media/pdf/lgbt_health_disparities_gap_race.pdf on 11 February 2015.

Millman J. One health insurer just took the feds' offer to end transgender discrimination. Who else will follow? *The Washington Post*. 31 October 2014. Accessed at www.washingtonpost.com/blogs/wonkblog/wp/2014/10/31/one-health-insurer-just-took-the-feds-offer-to-end-transgender-discrimination-who-else-will-follow on 10 December 2014.

Coleman E, Bockting W, Botzer M, Cohen-Kettenis P, DeCuypere G, Feldman J, et al. Standards of care for the health of transsexual, transgender, and gender-nonconforming people, version 7. *International*

Journal of Transgenderism. 2011;13:165-232. Accessed at www.wpath.org/uploaded_files/140/files/IJT%20SOC,%20V7.pdf on 11 February 2015.

National Center for Transgender Equality, National Gay and Lesbian Task Force. National transgender discrimination survey report on health and health care. Washington, DC: National Center for Transgender Equality; 2010. Accessed at www.thetaskforce.org/static_html/downloads/reports/reports/ntds_report_on_health.pdf on 1 May 2015.

Cray A, Baker K. FAQ: health insurance needs for transgender Americans. Washington, DC: Center for American Progress; 2012. Accessed at <http://cdn.americanprogress.org/wp-content/uploads/2012/10/TransgenderHealth.pdf> on 10 December 2014.

Cha AE. Ban lifted on Medicare coverage for sex change surgery. The Washington Post. 30 May 2014. Accessed at www.washingtonpost.com/national/health-science/ban-lifted-on-medicare-coverage-for-sex-change-surgery/2014/05/30/28bcd122-e818-11e3-a86b-362fd5443d19_story.html on 10 December 2014.

Herman JL. Costs and benefits of providing transition-related health care coverage in employee health benefits plans: findings from a survey of employers. Los Angeles: The Williams Institute; 2013. Accessed at <https://escholarship.org/uc/item/5z38157s> on 11 February 2015.

State of California Department of Insurance. Economic impact assessment: gender nondiscrimination in health insurance. Los Angeles: California Department of Insurance; 2012. Accessed at <http://transgenderlawcenter.org/wp-content/uploads/2013/04/Economic-Impact-Assessment-Gender-Nondiscrimination-In-Health-Insurance.pdf> on 10 December 2014.

Movement Advancement Project, Family Equality Council, Center for American Progress. All children matter: how legal and social inequalities hurt LGBT families: condensed version. Denver: Movement Advancement Project; 2011. Accessed at www.lgbtmap.org/file/all-children-matter-condensed-report.pdf on 11 February 2015.

Gates GJ. LGBT parenting in the United States. Los Angeles: The Williams Institute; 2013. Accessed at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf> on 10 December 2014.

Pew Research Center. Growing support for gay marriage: changed minds and changing demographics. Washington, DC: Pew Research Center; 2013. Accessed at www.people-press.org/2013/03/20/growing-support-for-gay-marriage-changed-minds-and-changing-demographics on 10 December 2014.

The Human Rights Campaign. LGBT-inclusive definitions of family. Washington, DC: Human Rights Campaign; 2014. Accessed at www.hrc.org/resources/entry/lgbt-inclusive-definitions-of-family on 10 December 2014.

Institute for Patient and Family-Centered Care. Changing hospital "visiting" policies and practices: supporting family presence and participation. Bethesda, MD: Institute for Patient and Family-Centered Care; 2010. Accessed at www.ipfcc.org/visiting.pdf on 10 December 2014.

Riou G. Hospital visitation and medical decision making for same-sex couples. Washington, DC: Center for American Progress; 2014. Accessed at www.americanprogress.org/issues/lgbt/news/2014/04/15/88015/hospital-visitation-and-medical-decision-making-for-same-sex-couples on 10 December 2014.

Obama B. Presidential memorandum: Hospital visitation. 15 April 2010. Accessed at www.whitehouse.gov/the-press-office/presidential-memorandum-hospital-visitation on 10 December 2014.

The Joint Commission

New and Revised Hospital EPs to Improve Patient-Provider Communication. Approved: New and revised hospital EPs to improve patient-provider communication. Jt Comm Perspect , 2010, vol. 30 (pg. 5-6)

Centers for Medicare & Medicaid Services. Medicare steps up enforcement of equal visitation and representation rights in hospitals. 8 September 2011. Accessed at www.cms.gov/Newsroom/MediaReleaseDatabase/Press-releases/2011-Press-releases-items/2011-09-08.html on 10 December 2014.

Buffie WC, Public health implications of same-sex marriage. Am J Public Health 2011, vol. 101 (pg. 986-90)

Hatzenbuehler ML, O'Cleirigh C, Grasso C, Mayer K, Safren S, Bradford J
Effect of same-sex marriage laws on health care use and expenditures in sexual minority men: a quasi-natural experiment. Am J Public Health 2012, vol. 102 (pg. 285-91)

Hatzenbuehler ML, McLaughlin KA, Keyes KM, Hasin DS
The impact of institutional discrimination on psychiatric disorders in lesbian, gay, and bisexual populations: a prospective study. Am J Public Health 2010, vol. 100 (pg. 452-9)

Herd G, Kertzner R

I do, but I can't: the impact of marriage denial on the mental health and sexual citizenship of lesbian and gay men in the United States. Sex Res Soc Pol. 2006, vol. 3 (pg. 33-49)

American Medical Association. AMA policies on LGBT issues: general policies. Accessed at www.ama-assn.org/ama/pub/about-ama/our-people/member-groups-sections/glb-advocacy-committee/ama-policy-regarding-sexual-orientation.page? on 10 December 2014.

American Bar Association. Resolution 114B. Accessed at www.americanbar.org/content/dam/aba/images/abanews/2014am_hodres/114b.pdf on 10 December 2014.

Schwartz J. United States v. Windsor: between the lines of the defense of marriage act opinion. The New York Times. 26 June 2013. Accessed at www.nytimes.com/interactive/2013/06/26/us/annotated-supreme-court-decision-on-doma.html?_r=0 on 10 December 2014.

Freedom to Marry. States. Accessed at www.freedomtomarry.org/states on 10 December 2014.

The Supreme Court. Certiorari granted. 16 January 2015. Accessed at www.supremecourt.gov/orders/courtorders/011615zr_f2q3.pdf on 23 January 2015.

American College of Physicians. Racial and ethnic disparities in health care, updated 2010. Philadelphia: American College of Physicians; 2010. Accessed at www.acponline.org/advocacy/current_policy_papers/assets/racial_disparities.pdf on 11 February 2015.

Deutsch MB, Green J, Keatley J, Mayer G, Hastings J, Hall AM
World Professional Association for Transgender Health EMR Working Group
Electronic medical records and the transgender patient: recommendations from the World Professional Association for Transgender Health EMR Working Group. *J Am Med Inform Assoc*, 2013, vol. 20 (pg. 700-3)

National LGBT Health Education Center. Affirmative care for transgender and gender non-conforming people: best practices for front-line health care staff. Accessed at www.lgbthealtheducation.org/wp-content/uploads/13-017_TransBestPracticesforFrontlineStaff_v6_02-19-13_FINAL.pdf on 10 December 2014.

Makadon HJ Improving health care for the lesbian and gay communities. *N Engl J Med* 2006, vol. 354 (pg. 895-7)

Center of Excellence for Transgender Health; University of California, San Francisco. Transgender patients. Accessed at <http://transhealth.ucsf.edu/trans?page=protocol-patients> on 10 December 2014.

Obedin-Maliver J, Goldsmith ES, Stewart L, White W, Tran E, Brenman S et al
Lesbian, gay, bisexual, and transgender-related content in undergraduate medical education. *JAMA* 2011, vol. 306 (pg. 971-7)

Sanchez NF, Rabatin J, Sanchez JP, Hubbard S, Kalet A
Medical students' ability to care for lesbian, gay, bisexual, and transgendered patients. *Fam Med* 2006, vol. 38 (pg. 21-7)

Sequeira GM, Chakraborti C, Panunti BA
Integrating lesbian, gay, bisexual, and transgender (LGBT) content into undergraduate medical school curricula: a qualitative study. *Ochsner J*, 2012, vol. 12 (pg. 379-82)

Makadon HJ, Mayer KH, Potter J, Goldhammer H. *The Fenway Guide to LGBT Health*. 2nd ed. Philadelphia: American College of Physicians; 2015. Accessed at www.acponline.org/newsroom/fenway_guide_book.htm on 5 May 2015.

Association of American Medical Colleges. Implementing curricular and institutional climate changes to improve health care for individuals who are LGBT, gender nonconforming, or born with DSD. Washington, DC: Association of American Medical Colleges; 2014. Accessed at http://lgbt.ucsf.edu/sites/lgbt.ucsf.edu/files/wysiwyg/AAMC_LGBT-DSD%20Report%202014.pdf on 11 February 2015.

Schuster MA, On being gay in medicine. *Acad Pediatr*, 2012, vol. 12 (pg. 75-8)

Lee KP, Kelz RR, Dubé B, Morris JB
Attitude and perceptions of the other underrepresented minority in surgery. *J Surg Educ*, 2014, vol. 71 (pg. 47-52)

University of San Francisco LGBT Center. LGBT concerns in medical education: a tool for institutional self-assessment. Accessed at http://geiselmed.dartmouth.edu/students/diversity/qmd/medical_education.pdf on 10 December 2014.

Snowdon S. Recommendations for enhancing the climate for LGBT students and employees in health professional schools: a GLMA white paper. Accessed at http://gme.wustl.edu/About_the_GME_Consortium/Educational%20Resources/Recommendations%20for%20Enhancing%20LGBT%20Climate%20in%20Health%20Professional%20Schools.pdf on 11 February 2015.

American Psychiatric Association. LGBT-sexual orientation. Accessed at www.psychiatry.org/lgbt-sexual-orientation on 10 December 2014.

American Psychological Association. Just the facts about sexual orientation & youth: a primer for principals, educators, & school personnel: efforts to change sexual orientation through therapy. Accessed at www.apa.org/pi/lgbt/resources/just-the-facts.aspx on 10 December 2014.

American Psychological Association Task Force. Report of the American Psychological Association Task Force on appropriate therapeutic responses to sexual orientation. Washington, DC: American Psychological Association; 2009. Accessed at www.apa.org/pi/lgbt/resources/therapeutic-response.pdf on 11 February 2015.

Pan American Health Organization. "Cures" for an illness that does not exist. Accessed at www.paho.org/hq/index.php?option=com_docman&task=doc_view&gid=17703 on 10 December 2014.

Spitzer RL, Spitzer reassesses his 2003 study of reparative therapy of homosexuality [Letter]. *Arch Sex Behav*, 2012, vol. 41 pg. 757

Ryan C. Supportive families, healthy children: helping families with lesbian, gay, bisexual & transgender children. San Francisco: Family Acceptance Project, San Francisco State Univ; 2009. Accessed at http://cchealth.org/topics/lgbtq/pdf/supportive_families.pdf on 10 December 2014.

Hartmann, M. Where the states stand in the fight to ban gay conversion therapy. Accessed at <http://nymag.com/daily/intelligencer/2015/04/where-the-states-stand-on-gay-conversion-therapy.html> on 5 May 2015.

United States Court of Appeals for the Third Circuit. No. 13-4429. Accessed at www2.ca3.uscourts.gov/opinarch/134429p.pdf on 10 December 2014.

Hurley L. U.S. top court rejects challenge to New Jersey "gay conversion therapy" ban. Accessed at www.reuters.com/article/2015/05/04/us-usa-court-gays-idUSKBN0NP17L20150504 on 5 May 2015.

U.S. Food and Drug Administration. Blood donations from men who have sex with other men questions and answers. Accessed at www.fda.gov/biologicsbloodvaccines/bloodbloodproducts/questionsaboutblood/ucm108186.htm on 10 December 2014.

American Medical Association. Policy H-50.973: blood donor referral criteria. In: AMA policies on LGBT issues. Accessed at www.ama-assn.org/ama/pub/about-ama/our-people/member-groups-sections/glb-advocacy-committee/ama-policy-regarding-sexual-orientation.page on 10 December 2014.

American Association of Blood Banks. Joint statement before ACBSA on donor deferral for men who have had sex with another man (MSM). 15 June 2010. Accessed at www.aabb.org/advocacy/statements/Pages/statement061510.aspx on 10 December 2014.

U.S. Food and Drug Administration. Guidance for industry: eligibility determination for donors of human cells, tissues, and cellular and tissue-based products: IV. donor screening (§ 1271.75). Accessed at www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/Tissue/ucm073964.htm#DONORSCREENING1271.75 on 5 May 2015.

Cray A. Discriminatory donor policies substitute stereotypes for science. Washington, DC: Center for American Progress; 2012. Accessed at www.americanprogress.org/issues/lgbt/news/2012/09/11/37294/discriminatory-donor-policies-substitute-stereotypes-for-science on 10 December 2014.

Davison KL, Conti S, Brailsford SR
The risk of transfusion-transmitted HIV from blood donations of men who have sex with men, 12 months after last sex with a man: 2005-2007 estimates from England and Wales. *Vox Sang*, 2013, vol. 105 (pg. 85-8)

Seed CR, Kiely P, Law M, Keller AJ
No evidence of a significantly increased risk of transfusion-transmitted human immunodeficiency virus infection in Australia subsequent to implementing a 12-month deferral for men who have had sex with men. *Transfusion*, 2010, vol. 50 (pg. 2722-30)

Hamburg MA. FDA Commissioner Margaret A. Hamburg's statement on FDA's blood donor deferral policy for men who have sex with men. 23 December 2014. Accessed at www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm427843.htm on 19 January 2015.

Flanagan P. How should we assess risk behaviour when determining donor deferral? Reflections on the MSM deferral. *Biologicals*, 2012, vol. 40 (pg. 173-5)

Ordinance 5407

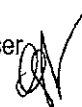


CITY OF
Boca Raton

CITY HALL
201 WEST PALMETTO PARK ROAD • BOCA RATON, FL 33432
PHONE: (561) 393-7700
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10/10/17

MEMORANDUM

TO: Mayor and City Council
FROM: Diana Grub Frieser
City Attorney 
DATE: September 12, 2017
SUBJECT: Prohibition of Conversion Therapy on Minors

At the request of Mayor Haynie, attached is a proposed ordinance banning the practice of conversion therapy by licensed professionals within the City. Conversion therapy is the practice of attempting to change a person's sexual orientation through psychological counseling (and is also known by various other names, such as treatment for "unwanted same-sex attraction").

The proposed ordinance is based on the Model Conversion Therapy Ban Ordinance ("Model Ordinance") submitted to the City by the Palm Beach County Human Rights Council ("PBCHRC"). The Model Ordinance relies on, and cites to, numerous scientific articles and studies that conclude conversion therapy and other "sexual orientation change efforts" ("SOCE") are ineffective, erroneously presume that homosexuality and gender nonconformity are mental diseases or defects, and may, in fact, cause psychological harm, particularly to children.¹ The Model Ordinance is aimed at protecting minors from being exposed to conversion therapy.² It contains a blanket prohibition on the practice of conversion therapy on minors by certain state-licensed professionals (physicians, psychotherapists, etc.) defined in the Model Ordinance under the general term "provider."

The PBCHRC advises that the Model Ordinance has, thus far, been adopted by a number of municipalities throughout Florida, including, in Palm Beach County, the cities of West Palm Beach, Boynton Beach, Delray Beach, Lake Worth, Riviera Beach, and Wellington. PBCHRC has also advised us that Liberty Counsel (a religious organization engaged in legal advocacy) has sent letters to several of these cities threatening litigation challenging the legality of the ordinance, but to date, no case has been filed. Further, it is our understanding that, at this time, no

¹ The following materials, referenced in the Model Ordinance, are on file with the City Clerk and are hereby included by reference in the record:

- <http://pediatrics.aappublications.org/content/pediatrics/92/4/631.full.pdf>
- https://www.camft.org/ias/images/PDFs/SOCE/APA_Position_Statement.pdf
- <https://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf>
- <http://www.apa.org/about/policy/sexual-orientation.pdf>
- <http://www.apsa.org/content/2012-position-statement-attempts-change-sexual-orientation-gender-identity-or-gender>
- [http://www.jaacap.com/article/S0890-8567\(12\)00500-X/pdf](http://www.jaacap.com/article/S0890-8567(12)00500-X/pdf)
- http://www.paho.org/hq/index.php?option=com_content&view=article&id=6803%3A2012-therapies-change-sexual-orientation-lack-medical-justification-threaten-health&catid=740%3Apress-releases&Itemid=1926&lang=en
- https://www.schoolcounselor.org/asca/media/asca/PositionStatements/PS_LGBTQ.pdf
- <http://store.samhsa.gov/shin/content/SMA15-4928/SMA15-4928.pdf>
- <http://annals.org/article.aspx?articleid=2292051>

² Adults would remain free to seek out such therapy if they so choose.

Defendant/City of Boca Raton's Trial
Exhibit No. 12
Otto, et al vs. City of Boca Raton, et al
Case No. 18-cv-80771

STAY CONNECTED   

- AN EQUAL OPPORTUNITY EMPLOYER -

City - 009

enforcement action has been commenced by any of these cities. However, similar bans have been tested in at least two other jurisdictions.³ It is worth noting that although regulation of health professions occurs through licensure at the state level, there is no express statutory preemption regarding the state's regulation of licensed health professions (nor any case law finding an implied preemption).⁴

As stated above, the attached proposed ordinance is based on the Model Ordinance. Several minor modifications have been made by our office. First, the definition of "provider," has been amended to clarify that the exemption for "clergy" applies to all religious leaders (not just ordained "clergy") while providing religious counseling or instruction, provided they do not "hold themselves out as operating pursuant to" a state-issued license. Second, consistent with current practice, the "Enforcement" section has been replaced with a reference to the City Code's existing code enforcement provision, but specifying that a violation will not be punishable by imprisonment. Finally, please note that although the recitals within the draft ordinance are based, exclusively, on the statements, information, studies, and materials referenced by the PBCHRC and set forth in the Model Ordinance, we have removed the footnote references. As noted in footnote 1, the material in the footnotes is included in the record.

Please feel free to contact me should you have any questions or require additional information.

cc: Leif J. Ahnell, C.P.A., C.G.F.O.

Attachment

q:\meml2017\m&cc dgf conversion therapy 091217.docx

³ State laws subjecting licensed mental health professionals to professional discipline by the state for engaging in SOCE have been upheld by federal appellate courts against challenges on that they violated both the therapist's First Amendment rights and the fundamental rights of parents to make decisions regarding the care, custody, and control of their children. See *Pickup v. Brown*, 740 F.3d 1208 (9th Cir. 2014); *King v. Governor of the State of New Jersey*, 767 F.3d 216 (3d Cir. 2014), cert. denied, 135 S.Ct. 2048 (2015).

⁴ "Preemption" by the state means regulation of the issue, subject matter, or field is reserved exclusively to the state; preemption may be express (requiring a statement in the relevant statute regarding the scope of the preemption) or implied (a judicial determination that the state's regulation is so pervasive it reflects a legislative intent to fully occupy the regulatory field thereby preempting regulation by any other governmental entity). Here there is no express statutory preemption, and no case law finding an implied preemption. Implied preemption is also generally disfavored by courts. Nevertheless, the PBCHRC has recommended inclusion of an automatic repeal provision in the event of preemption. We believe this language is unnecessary since preemption would render the ordinance unenforceable by operation of law.

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
Tuesday, July 25, 2017
6: 00 PM

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

1. INVOCATION:

Council Member Weinroth offered the invocation.

2. PLEDGE OF ALLEGIANCE TO THE FLAG:

3. ROLL CALL:

Mayor Susan Haynie
Deputy Mayor Jeremy Rodgers
Council Member Andrea Levine O'Rourke
Council Member Scott Singer
Council Member Robert S. Weinroth

4. AMENDMENTS TO THE AGENDA:

Mayor Haynie asked that the Ali Soule, All Aboard Florida, give her presentation after consideration of the minutes. Council Member Weinroth noted that Representative Emily Slosberg was in attendance to speak in support of Resolution No. 94-2017 and asked that Council consider the resolution after item 6.

Motion was made by Council Member Robert S. Weinroth, seconded by Deputy Mayor Jeremy Rodgers, to amend the Agenda as stated. Motion carried unanimously on a voice vote.

5. MINUTES:

- A. Minutes of the Workshop Meeting of June 12, 2017
Minutes
- B. Minutes of the Regular Meeting of June 13, 2017
Minutes

Motion was made by Deputy Mayor Jeremy Rodgers, seconded by Council Member Robert S. Weinroth, to approve the minutes as presented. Motion carried unanimously on a voice vote.

6. PROCLAMATIONS/PRESENTATIONS:

Ali Soule, All Aboard Florida Public Affairs Director, gave a brief PowerPoint regarding the new Brightline rail service running on the Florida East Coast tracks and crossing safety.

16. RESOLUTIONS AND OTHER BUSINESS:

- A. Resolution No. 94-2017
A resolution of the City of Boca Raton urging the Florida Legislature to enact legislation that would make texting while driving a primary offense; providing for severability; providing for repealer; providing an effective date
Resolution No. 94-2017

Council Member Weinroth made introductory remarks on the resolution brought forward at his request.

He then introduced Representative Emily Slosberg who gave a brief PowerPoint presentation in support of State legislation making texting while driving a primary offense and then responded to questions.

The public hearing was opened. Sheila Jaffe offered support of the resolution. Seeing no one else come forward to speak, the public hearing was closed. Members made final comments.

Motion was made by Council Member Robert S. Weinroth, seconded by Deputy Mayor Jeremy Rodgers, to approve Resolution No. 94-2017. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

7. **BOARD APPOINTMENTS:**

A. Community Advisory Panel
Vacancy Sheet and Applications

Claudio Sorrentino, Janet Szalontay and Cristina Escalante interviewed.

Deputy Mayor Rodgers nominated Cristina Escalante; Council Member Weinroth nominated Claudio Sorrentino. In the voting, Ms. Escalante received three votes and Mr. Sorrentino received two votes. Therefore, Cristina Escalante was appointed to the Community Advisory Panel.

B. General Employees' Pension Board
Vacancy Sheet and Application

Motion was made by Council Member Robert S. Weinroth, seconded by Council Member Andrea Levine O'Rourke, to appoint Stephen Timberlake to the General Employees' Pension Board. Motion carried unanimously on a voice vote.

C. Historic Preservation Board
Vacancy Sheet

Laura Coffy interviewed.

Motion was made by Deputy Mayor Jeremy Rodgers, seconded by Council Member Scott Singer, to appoint Laura Coffy to the Historic Preservation Board. Motion carried unanimously on a voice vote.

D. Library Board
Vacancy Sheet and Applications

Maris Hayashi interviewed.

Motion was made by Deputy Mayor Jeremy Rodgers, seconded by Council Member Scott Singer, to reappoint Donna Bahn and Maris Hayashi to the Library Board. Motion carried unanimously on a voice vote.

E. Marine Advisory Board
Vacancy Sheet

John Morgan interviewed.

Motion was made by Council Member Scott Singer, seconded by Council Member Robert S. Weinroth, to appoint John Morgan to the Marine Advisory Board. Motion carried unanimously on a voice vote.

F. Parks and Recreation Board
Vacancy Sheet and Applications

Ron Betters interviewed.

Motion was made by Council Member Robert S. Weinroth, seconded by Council Member Scott Singer, to reappoint Ronald Betters, Dennis Frisch and Hank Kreh to the Parks and Recreation Board. Motion carried unanimously on a voice vote.

8. RESPONSES TO WORKSHOP INFORMATION REQUESTS:

There were no items for follow up

9. CONSENT AGENDA:

A. Sealed Bids

- 1) SW 18th Street Roadway Reconstruction and 16" Water Main Extension;
Requested by Municipal Services;
Giannetti Contracting Corporation \$1,769,581
- 2) Painting Services;
Requested by Municipal Services;
J&J Inc. dba Eagle Painting \$119,749
- 3) Special Event Maintenance of Traffic Equipment and Services;
Requested by City Manager, Recreation Services;
Bob's Barricades, Inc. \$50,000
Bids

B. Intergovernmental Agreements

- 1) System-Wide Wellfield Maintenance;
Requested by Utility Services;
Aqifer Maintenance & Performance Systems, Inc. (AMPS) \$260,000
- 2) Maintenance, Repair and Operating Supplies (MRO);
Requested by City Wide;
Home Depot, Inc. \$256,300
- 3) Corrosion and Odor Control Products;
Requested by Utility Services;
Evoqua Water Technologies \$232,500
- 4) Chain Link and Picket Fence Installation and Repairs;
Requested by City Wide;
Tropic Fence, Inc. \$228,000
- 5) Playground Equipment and Surfacing;
Requested by Recreation Services;
Playmore West, Inc. \$206,938
- 6) Fuel Equipment Maintenance & Inspection Services;
Requested by Municipal Services, Utility Services;
Florida Metro Construction Company, Inc. \$132,000
- 7) Fire Equipment and Supplies;
Requested by Fire Rescue Services;
Fisher Scientific, LLC, Ten 8 Fire Equipment,
Municipal Equipment Company, LLC \$100,000
- 8) Digital Video Wall Equipment;
Requested by Police Services;
AT&T Marketing, Inc. \$86,990
Bids

C. Change Order

- 1) Gasoline and Diesel Fuel;
Requested by Municipal Services, Utility Services;
Port Consolidated, Inc. \$116,000
Bid

- D. Resolution No. 81-2017
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
Resolution No. 81-2017
- E. Resolution No. 82-2017
A resolution of the City of Boca Raton authorizing the City Manager to execute an agreement with Florida Power & Light Company for the purpose of securing fuel terminal access; providing for severability; providing for repealer; providing an effective date
Resolution No. 82-2017
- F. Resolution No. 84-2017
A resolution of the City of Boca Raton authorizing the submission of an Annual Action Plan for Program Year 2017-18 to the United States Department of Housing and Urban Development; designating the City Manager as the Chief Executive Officer for the purpose of the Community Development Block Grant Program; authorizing the City Manager to execute all applications, certifications and documents related to said program; providing for severability; providing for repealer; providing an effective date
Resolution No. 84-2017
- G. Resolution No. 85-2017
A resolution of the City of Boca Raton authorizing the City Manager to execute a master agreement and sales order with Comcast Cable Communications Management, LLC for the purpose of providing cable ethernet transport services; providing for severability; providing for repealer; providing an effective date
Resolution No. 85-2017
- H. Resolution No. 86-2017
A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No.4 with Berry Dunn McNeil & Parker, LLC d/b/a BerryDunn, for the purpose of community development software consulting services; providing for severability; providing for repealer; providing an effective date
Resolution No. 86-2017
- I. Resolution No. 87-2017
A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No.5 with Berry Dunn McNeil & Parker, LLC d/b/a BerryDunn, for the purpose of utility billing software consulting services; providing for severability; providing for repealer; providing an effective date
Resolution No. 87-2017
- J. Resolution No. 88-2017
A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 9 with Kimley-Horn and Associates, Inc. for the purpose of developing a wayfinding signage master plan with the Boca Raton Community Redevelopment Agency; providing for severability; providing for repealer; providing an effective date
Resolution No. 88-2017
- K. Resolution No. 89-2017
A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 12 with Calvin, Giordano & Associates, Inc. for the purpose of providing professional engineering services for the construction administration services for Utility Services RICE NESHAP Modifications; providing for severability; providing for repealer; providing an effective date
Resolution No. 89-2017

- L. Resolution No. 90-2017
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Cigna Behavioral Health, Inc. for the purpose of providing an Employee Assistance Program (EAP) for all employees; providing for severability; providing for repealer; providing an effective date
Resolution No. 90-2017
- M. Resolution No. 91-2017
A resolution of the City of Boca Raton considering acceptance of a Quit Claim Deed from Arvida/JMB Partners for four (4) parcels of land adjacent to Butts Road, Clint Moore Road, Military Trail and Northwest Corporate Boulevard; providing for severability; providing for repealer; providing an effective date
Resolution No. 91-2017
- N. Resolution No. 92-2017
A resolution of the City of Boca Raton authorizing the City Manager to execute artist performance agreements with Curtain Call Playhouse, Inc., Black Box Booking, LLC and with The Playgroup, LLC for the purpose of providing performances at Sugar Sand Park Community Center; providing for severability; providing for repealer; providing an effective date
Resolution No. 92-2017
- O. Resolution No. 93-2017
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a revocable license agreement with Sun and Surf Improvement Corporation for the purpose of placing landscaping and irrigation within the City right-of-way of Coquina Way; providing for severability; providing for repealer; providing an effective date
Resolution No. 93-2017
- P. Board Resignations
1) Tika Esler from the Community Advisory Panel
2) Daniel Arenholz from the General Employees' Pension Board
3) Tory Buckman from the Police and Firefighters' Retirement System Board
4) Stephen Timberlake from the Executive Employees' Retirement Plan
Resignations
- Q. Board Minutes Received
1) Builders' Board of Adjustment & Appeals
November 30, 2016
2) Citizens' Pedestrian and Bikeway Advisory Board
April 17, 2017
May 8, 2017
3) Community Appearance Board
May 23, 2017
May 30, 2017
June 6, 2017
June 13, 2017
June 20, 2017
June 27, 2017
4) Community Advisory Panel
May 11, 2017
5) Financial Advisory Board
May 15, 2017
6) General Employees' Pension Board
April 13, 2017
May 11, 2017

- 7) Green Living Advisory Board
March 10, 2017
March 31, 2017
April 28, 2017
June 2, 2017
- 8) Historic Preservation Board
May 30, 2017
- 9) Library Board
April 19, 2017
May 17, 2017
- 10) Marine Advisory Board
April 5, 2017
- 11) Parks and Recreation Board
May 2, 2017
June 6, 2017
- 12) Police & Firefighter's Retirement System
April 27, 2017
May 15, 2017 Special
May 25, 2017
- 13) Special Magistrate
February 8, 2017
March 8, 2017
Minutes

The Mayor provided an opportunity for public input. No one came forward to speak.

Motion was made by Council Member Scott Singer, seconded by Council Member Robert S. Weinroth, to approve the Consent Agenda. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

10. QUASI-JUDICIAL CONSENT AGENDA:

There was no business to consider.

11. QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

There was no business to consider.

12. REGULAR PUBLIC HEARINGS:

There was no business to consider.

13. REGULAR PUBLIC HEARINGS/SETTLEMENTS:

There was no business to consider.

14. INTRODUCTION OF ORDINANCES:

A. Ordinance No. 5394

An ordinance of the City of Boca Raton considering a Universal Conditional Amendment to the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 4.99 acres, more or less, from Planned Mobility (PM) to Commercial (C), located at 8250 North Congress Avenue; subject to conditions; providing for revisions to the Future Land Use Map; providing for repealer; providing an effective date (UC-16-04/SC)

Ordinance No. 5394

Council Member Weinroth introduced the ordinance.

B. Ordinance No. 5395

An ordinance of the City of Boca Raton considering a Universal Conditional Rezoning, pursuant to Article VI, Chapter 23, Code of Ordinances, of property consisting of 4.99 acres, more or less, from the Manufacturing Industrial (M-3) zoning district to the Medical Center (MC) zoning district, located at 8250 North Congress Avenue; subject to conditions; providing for the appropriate revisions to the Zoning District Map; providing for repealer; providing an effective date (UC-16-04/ZC)

Ordinance No. 5395

Council Member Weinroth introduced the ordinance.

C. Ordinance No. 5396

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a non-exclusive Construction and Demolition (C&D) Debris Collection and Disposal Services Franchise Agreement with SABA Recycling, Inc., pursuant to Section 14-21, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

Ordinance No. 5396

Council Member Singer introduced the ordinance.

D. Ordinance No. 5397

An ordinance of the City of Boca Raton discontinuing the City's policy of allowing private expressive installations in Sanborn Square; providing for repealer; providing an effective date

Ordinance No. 5397

Council Member O'Rourke introduced the ordinance.

15. PUBLIC REQUESTS:

Ellyn Okrent provided an update of the work being planned for and being done at the Children's Museum. She requested the City's help with renovations of the buildings at the Museum. Mohamed Abdalla, Habitat for Humanity, provided details of the work Habitat will be doing at the Museum.

Margaret Fitzsimons gave a PowerPoint presentation on her recommendations for the downtown waterfront property and the planning for same to produce a design and planning program document. She requested an endorsement of this document. Council Members O'Rourke and Singer offered their thoughts.

Jo Ann Landon offered support of Ms. Fitzsimons presentation, advocated connectivity to other waterfront parks and commented on other related topics.

Steve Griffith commented on the COLA for general employees retirement benefit. The City Manager provided additional information.

Aaron Fisher asked about the rental registration program, the Dixie Highway beautification, and adults approaching minor children. Mr. Ahnell provided information on the beautification and rental registration. Ms. Frieser provided information on the possibility of an ordinance regarding Mr. Fisher's last issue.

17. QUASI-JUDICIAL PUBLIC HEARINGS/VARIANCES & APPEALS:

There was no business to consider.

18. CITY MANAGER RECOMMENDATIONS AND REPORTS:

A. Millage Notification to the Property Appraiser and the Tax Collector
Memo

The City Manager noted that the millage rate he is proposing is the maximum tax rate that can be set. The rate, which includes operating and debt service, is 3.6788.

B. Fire Services Assessment Fee Memo

Mr. Ahnell stated that the recommendation is to raise this fee. The increase to a residential property would be \$20. He then responded to questions.

C. Request for Authorization of Expedited Advertising – Boca Raton Mausoleum Request

Mr. Ahnell explained that the need for this request was due to a mapping error. Rim MacLaren, attorney for the Mausoleum, provided information on the project. Members were in agreement to allow the request.

Mr. Ahnell asked if staff could meet with the Related Group about the campus master plan. Yes.

19. CITY ATTORNEY REPORTS:

The City Attorney had no reports.

20. MAYOR AND COUNCIL MEMBER REPORTS:

Council Member O'Rourke asked the Mayor about possible projects that would include the development of live/work projects. Ms. O'Rourke made a statement about her recent recusal and then reported on a program suggested by a resident to pick up litter on the beach.

Deputy Mayor Rodgers commented on live/work projects.

Council Member Singer highlighted past and upcoming downtown events.

A. City Council October Meeting Schedule

Council Member Weinroth thanked his colleagues for passage of the resolution regarding texting while driving. He then asked for consideration of a meeting change in October due to a conflict with a Florida League of Cities Fly-In. After a brief discussion, members agreed to check calendars and work on an accommodation. He then reported on the Office Depot Foundation donation of backpacks for children in need and the nine new police officers recently sworn in.

Mayor Haynie commented on a request members have received to prohibit conversion therapy for children. She asked the City Attorney to review the City Code regarding protection of children.

Council Member O'Rourke thanked the representatives of the Children's Museum.

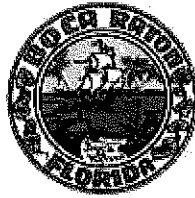
21. ADJOURNMENT:

The meeting was adjourned without objection at approximately 8:00 pm.

Susan Haynie, Mayor

ATTEST:

Susan S. Saxton, City Clerk



AGENDA
BOCA RATON CITY COUNCIL

REGULAR
MEETING

SEPTEMBER 26, 2017

6:00 PM

1. INVOCATION:

2. PLEDGE OF ALLEGIANCE TO THE FLAG:

3. ROLL CALL:

Mayor Susan Haynie
Deputy Mayor Jeremy Rodgers
Council Member Andrea Levine O'Rourke
Council Member Scott Singer
Council Member Robert S. Weinroth

4. AMENDMENTS TO THE AGENDA:

5. MINUTES:

A. Minutes of the Workshop Meeting of August 21, 2017

 Minutes

B. Minutes of the Regular Meeting of August 22, 2017

 Minutes

6. PROCLAMATIONS/PRESENTATIONS:

A. Proclamation – Boca Restaurant Month

 Proclamation

B. Presentation by Rotary

7. BOARD APPOINTMENTS

(Prior to consideration of motions to approve board appointments, the Mayor shall provide for public comment.)

**Defendant/City of Boca Raton's Trial
Exhibit No. 14
Otto, et al vs. City of Boca Raton, et al
Case No. 18-cv-80771**

City - 00291

8/16/2018

bocaraton.granicus.com/GeneratedAgendaViewer.php?view_id=9&clip_id=1416

A. Community Appearance Board Vacancy Sheet and ApplicationsB. Historic Preservation Board Vacancy Sheet and Application8. RESPONSES TO WORKSHOP INFORMATION REQUESTS:9. 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 immediately following the vote on the Consent Agenda or as otherwise directed by the City Council.)

A. Sealed Bid

- 1) Uniforms for Police Services; Requested by Police Services; Red the Uniform Tailor; \$195,712

 BidB. Competitive Sealed Proposals

- 1) Property Insurance; Requested by City Manager; The Plastridge Agency, Inc.; \$1,351,479
- 2) Excess & Casualty Lines of Insurance; Requested by City Manager; Arthur J. Gallagher Risk Management Services, Inc.; \$590,258

 BidsC. Intergovernmental Agreements


- 1) Software & Software License Maintenance; Requested by City Manager; Carahsoft, CDW Government LLC, Insight Public Sector, Inc., Microsoft Corporation, SHI International Corp, DLT Solutions, ImmixGroup; \$700,000
- 2) Data Storage, Data Backups, Servers, Switches and Other; Hardware Devices; Requested by City Manager; CDW Government LLC, Insight Public Sector, Inc., Cisco; Systems Inc., Presidio Networked Solutions, Inc.; \$695,000
- 3) Computers and Non-Ruggedized Laptops; Requested by City Manager; CDW Government LLC, Insight Public Sector, Inc., Apple, Inc.; HP, Inc., Microsoft Corporation, GovConnection, Inc.; \$500,000
- 4) Ruggedized Laptops; Requested by City Manager; Panasonic Systems Communications Company of North America, Panasonic, CDW Government LLC, City - 00292

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Insight Public; Sector, Inc.; \$400,000

- 5) Office Supplies; Requested by City Wide; Office Depot; \$350,000
- 6) Maintenance, Repair and Operation Supplies (MRO); Requested by City Wide; Grainger, Inc.; \$138,000
- 7) Library Books and Non-Print Library Materials; Requested by Recreation Services; Baker & Taylor, Inc. Barnes & Noble, Brodart Company,; Cengage Learning, Inc.; \$543,000
- 8) Playground Equipment and Surfacing for Red Reef Park; Requested by Recreation Services; Playmore Wisconsin, Inc. dba Gametime; \$199,984
- 9) Fertilizer Chemicals; Requested by Recreation Services, Utility Services; SiteOne Landscape Supply, Howard Fertilizer & Chemical Co.,; Sunniland Fertilizer Corp., Helena Chemical Company, Residex; LLC, Diamond R. Fertilizer, Harrell's LLC; \$159,910
- 10) Fitness Equipment and Resurfacing for Countess de Hoernle Park; Requested by Recreation Services; Playmore Wisconsin, Inc. dba Gametime; \$93,190
- 11) Water Meter Fittings and Water Line Accessories; Requested by Utility Services; Fortline Waterworks, Inc., Lehman Pipe & Plumbing Supply Co.,; HD Supply Waterworks, LTD., Mariflow Industries, Inc.,; Ferguson Enterprise, Inc.; \$380,000
- 12) Hauling & Disposal of Sewage Cake Sludge; Requested by Utility Services; H & H Liquid Sludge Disposal, Inc.; \$211,840
- 13) Sodium Hypochlorite; Requested by Utility Services; Odyssey Manufacturing Company; \$198,000
- 14) Utility Locating Services; Requested by Utility Services; High Tech Engineering, Inc.; \$195,000
- 15) Carbon Dioxide, Liquid, Bulk Delivery; Requested by Utility Services; Airgas USA, LLC; \$54,778

 Bids

D. Sole Source


- 1) Public Safety Software Maintenance; Requested by City Manager; Superior, LLC; \$341,595
- 2) Software Maintenance for Superior Public Sector Software; Modules; Requested by City Manager; Superior, LLC \$185,297
- 3) Software Licenses and Maintenance for Document; Management System; Requested by City Manager; MCCI, LLC; \$118,022

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- 4) Payroll/Personnel Software Maintenance and Support; Requested by City Manager; Infor (US), Inc.; \$85,589
- 5) Original Equipment Manufacturer (OEM) Parts and Service for; Sutphen Fire Apparatus; Requested by Fire Rescue Services; South Florida Emergency Vehicles; \$115,000
- 6) Medications / Medical Supplies; Requested by Fire Rescue Services; Boca Raton Regional Hospital; \$65,000
- 7) Original Equipment Manufacturer (OEM) Parts and Service for; Mack Truck Refuse Packers; Requested by Municipal Services; Nextran Truck Center; \$370,000
- 8) Original Equipment Manufacturer (OEM) Parts and Service for; Leach, Labrie, and Wittke Sanitation Refuse Bodies; Requested by Municipal Services; Wastebuilt Southeast, LLC; \$215,000
- 9) Original Equipment Manufacturer (OEM) Parts and Service for; Freightliner Heavy Duty Trucks; Requested by Municipal Services, Fire Rescue Services; SBL Freightliner LLC, dba Lou Bachrodt Freightliner; \$283,000
- 10) Original Equipment Manufacturer (OEM) Parts and Service for; Petersen Lightning Loaders; Requested by Municipal Services; GT Supplies, Inc.; \$170,000
- 11) Original Equipment Manufacturer (OEM) Parts and Service for; Schwarze Street Sweepers, Vac-Con High Pressure Excavation; Equipment, and New Way Refuse Bodies; Requested by Municipal Services; Southern Sewer Equipment Sales; \$165,000
- 12) Original Equipment Manufacturer (OEM) Repair and Service for; Wayne Automated Side Loaders; Requested by Municipal Services; Waste Built Southeast, LLC; \$150,000
- 13) Original Equipment Manufacturer (OEM) Parts and Service for; Altec Heavy Duty Bucket and Crane Trucks; Requested by Municipal Services; Altec Industries, Inc.; \$75,000
- 14) Original Equipment Manufacturer (OEM) Parts and Service for; New Holland Agriculture Tractors; Requested by Municipal Services; Growers Equipment Company; \$70,000
- 15) Original Equipment Manufacturer (OEM) Parts and Service for; Toro Commercial Turf Equipment; Requested by Recreation Services, Municipal Services; Hector Turf; \$85,000
- 16) Rehabilitation of Belt Filter Presses; Requested by Utility Services; Andritz Separation, Inc.; \$637,800
- 17) Water Meters and Parts; Requested by Utility Services; Innovative Metering Solutions, Inc.; \$250,000
- 18) Wilo-USA Pump Parts, Repairs, and Warranty Services; Requested by Utility Services; Kaman Industrial Technologies Corporation dba Florida Bearings; \$60,000

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 Bids

E. Change Orders

- 1) Full Service Web Based Pre-Employment Background; Screenings; Requested by City Manager; Protect My Ministry, LLC dba Active Screening; \$63,050
- 2) Roof Maintenance and Repairs; Requested by Municipal Services; Advanced Roofing, Inc.; \$100,000
- 3) Hydraulic Repairs and Hoses for Heavy Duty Trucks and; Equipment; Requested by Municipal Services; Industrial Hose and Hydraulics, Inc.; \$80,000

 Bids


F. Exempt

- 1) Advertising in Newspaper; Requested by City Manager, Utility Services, Municipal Services,; Development Services, Recreation Services; Forum Publishing Group, Inc., Sun Sentinel, The Palm Beach Post,; The Delray Beach Pineapple; \$96,764
- 2) Periodicals and Online Database Subscriptions; Requested by Recreation Services; Ebsco Industries, Inc.; \$50,000

 Bids


G. Resolution No. 105-2017

A resolution of the City of Boca Raton approving and adopting the report of the Strategic Planning Workshop Sessions of May 4 and 5, 2017 and June 13, 2017, and the 2017-2032 Strategic Plan, including the Action Agenda for Fiscal Year 2017-2018; providing for severability; providing for repealer; providing an effective date

 Resolution No. 105-2017

H. Resolution No. 106-2017

A resolution of the City of Boca Raton supporting the beach and coastal management programs of the Florida Department of Environmental Protection, subject to the City's regulatory authority and Code of Ordinances; advising the State that the City will have the ability to provide the local funding share necessary to implement the state beach and coastal management programs in which the City elects to participate; authorizing the City Manager to forward a long-range beach funding plan to the State; providing for severability; providing for repealer; providing an effective date

 Resolution No. 106-2017


I. Resolution No. 110-2017

A resolution of the City of Boca Raton authorizing the City Manager to execute the First

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Amendment to Work Order No. 16 with Walters Zackria Associates, PLLC for the purpose of providing additional services; providing for severability; providing for repealer; providing an effective date .

 Resolution No. 110-2017


J. Resolution No. 111-2017

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 31 with Wantman Group, Inc. for the purpose of designing repairs for bridges in the Camino Gardens neighborhood; providing for severability; providing for repealer; providing an effective date

 Resolution No. 111-2017


K. Resolution No. 112-2017

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Mock, Roos and Associates, Inc. for the purpose of professional engineering services for surface water management; providing for severability; providing for repealer; providing an effective date

 Resolution No. 112-2017


L. Resolution No. 113-2017

A resolution of the City of Boca Raton recommending Project Cloud for state incentives pursuant to Section 288.106, Florida Statutes; authorizing payments of up to \$45,600 as the required local participation for the Qualified Target Industry Tax Refund (QTI) Program; providing for severability; providing for repealer; providing an effective date

 Resolution No. 113-2017


M. Resolution No. 114-2017

A resolution of the City of Boca Raton authorizing the City Manager to write off utility services, parking enforcement, police and fire alarm bad debts, and library fines for Fiscal Year 2017; providing for severability; providing for repealer; providing an effective date

 Resolution No. 114-2017

N. Resolution No. 118-2017

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with MCJ Professional Cleaning Services, Corp. for the purpose of custodial maintenance and cleaning services; providing for severability; providing for repealer; providing an effective date


 Resolution No. 118-2017

O. Resolution No. 121-2017

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A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Palm Beach County for the purpose of providing funding for the continuation of enhanced bus service on Palm Tran Route 94; providing for severability; providing for repealer; providing an effective date

 Resolution No. 121-2017


P. Resolution No. 122-2017

A resolution of the City of Boca Raton declaring the City's official intent to seek reimbursement for certain capital expenditures to be made with respect to certain capital improvement projects, including but not limited to, the acquisition, construction, improvement and renovation of roadway improvements, including paving and street lights, renovation of Fire Station No. 6, waterfront development and improvements to City owned properties and renovation and improvements to certain public parks from the proceeds of its not to exceed \$55,000,000 Capital Improvement Bonds issue; providing for severability; providing for repealer; providing an effective date

 Resolution No. 122-2017


Q. Resolution No. 123-2017

A resolution of the City of Boca Raton authorizing the City Manager to execute an agreement with Motorola Solutions, Inc. for the purpose of construction of a public safety radio communications tower; providing for severability; providing for repealer; providing an effective date

 Resolution No. 123-2017

R. Resolution No. 124-2017

A resolution of the City of Boca Raton updating the Pay and Classification Plans for full-time, permanent, non-bargaining employees and for part-time employees; providing for a lump sum payment to certain employees and an increase to base wages to certain employees; affirming the number of floating holidays; providing for severability; providing for repealer; providing an effective date

 Resoultion No. 124-2017

S. Board Resignation

- 1) John von Stetten from the Builders' Board of Adjustment & Appeals
- 2) Richard Reiter from the Citizens' Pedestrian and Bikeway Advisory Board

 Resignations

T. Board Minutes Received

- 1) Business Improvement District (BID) Steering Committee May 24, 2017

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- 2) Citizen Oversight Committee (COC) for Infrastructure Surtax May 15, 2017 Organizational Meeting
- 3) Community Appearance Board August 8, 2017 August 15, 2017 August 22, 2017
- 4) Downtown Boca Raton Advisory Committee July 19, 2017
- 5) Executive Employees' Retirement Plan July 19, 2017
- 6) Financial Advisory Board July 17, 2017
- 7) General Employees' Pension Board July 11, 2017 Regular July 11, 2017 DSS Hearing
- 8) Green Living Advisory Board June 2, 2017
- 9) Planning and Zoning Board April 20, 2017 May 4, 2017 May 18, 2017 July 20, 2017
- 10) Police & Firefighter's Retirement System July 20, 2017

 Minutes

10. QUASI-JUDICIAL CONSENT AGENDA:

(Prior to consideration of a motion to approve the Quasi-Judicial Consent Agenda, the Mayor shall provide for the opportunity for the public to request removal of any resolution for public hearing; the conduct of same will be governed by the quasi-judicial procedures attached to this agenda.)

(If you are planning to speak during any public hearing under listed under Numbers. 11, 12, or 13, please state your name and address for the record and limit your remarks to five (5) minutes. The conduct of any public hearing under Number 11 will be governed by the "quasi-judicial procedures" attached to this agenda.)


11. QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

12. REGULAR PUBLIC HEARINGS:

(Prior to consideration of a motion to approve any matter on the Regular Public Hearings section of the agenda, the Mayor shall provide for public comment.)

A. Resolution No. 99-2017

A resolution of the City of Boca Raton adopting an amended and restated Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing an effective date


 Resolution No. 99-2017

B. Ordinance No. 5398

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a drainage easement located at 5500 Broken Sound Boulevard, as more specifically described herein; providing a condition for vacation and abandonment; approving and accepting a drainage easement deed over certain lands located at 5500 Broken Sound


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Boulevard; providing for severability; providing for repealer; providing an effective date (EA-17-02)

 Ordinance No. 5398


C. Ordinance No. 5399

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a public utility easement located at 5500 Broken Sound Boulevard, as more specifically described herein; providing a condition for vacation and abandonment; approving and accepting a public utility easement deed over certain lands located at 5500 Broken Sound Boulevard; providing for severability; providing for repealer; providing an effective date (EA-17-01)

 Ordinance No. 5399


D. Ordinance No. 5400

An ordinance of the City of Boca Raton relating to the General Employees' Pension Plan; providing for a one-time lump sum payment or an increase in the benefits paid for certain retired or disabled general employees; providing for severability; providing for repealer; providing an effective date

 Ordinance No. 5400


E. Ordinance No. 5401

An ordinance of the City of Boca Raton amending Chapter 28, "Zoning," Article I, Section 28-7, "Reasonable Accommodation Procedures," Code of Ordinances, updating and amending the procedures and requirements for requests for reasonable accommodation, including the established legal standards with respect to eligibility and qualification for such requests; amending Chapter 28, "Zoning," Article I, Section 28-2, "Definitions," Code of Ordinances, updating the definition of substance abuse treatment facility to delete the portion of the definition previously invalidated; providing for severability; providing for repealer; providing for codification; providing an effective date

 Ordinance No. 5401

F. Ordinance No. 5402

An ordinance of the City of Boca Raton amending Section 1-201 and creating Section 3-110 of the Procurement Code of the City of Boca Raton to provide a preference in the award of procurements to Certified Veteran Business Enterprises; providing for severability; providing for repealer; providing an effective date


 Ordinance No. 5402

G. Ordinance No. 5403


An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a non-exclusive Construction and Demolition (C&D) Debris Collection and Disposal Services Franchise Agreement with J&A Waste Corporation, pursuant to Section 14-21, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

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 Ordinance No. 5403H. Ordinance No. 5404


An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute non-exclusive Commercial Solid Waste Collection Services Franchise Agreements with Republic Services of Florida dba Republic Services of Palm Beach and Waste Management Inc. of Florida, pursuant to Section 14-22, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

 Ordinance No. 5404I. Ordinance No. 5405


An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a non-exclusive Commercial Solid Waste Collection Services Franchise Agreement with Waste Pro of Florida, Inc. pursuant to Section 14-22, Code of Ordinances; providing for severability; providing for repealer; providing an effective date Items 12.J. and 12.J.a. are related. Resolution No. 116-2017 will be heard immediately following consideration of Ordinance No. 5406. Should Ordinance No. 5406 not be adopted, Resolution No. 116-2017 will not be considered.

 Ordinance No. 5405J. Ordinance No. 5406

An ordinance of the City of Boca Raton amending Section 13-60, "Applicability," and creating Section 13-74, "Special Transactions," both in Article III, "Sale of City Property," Chapter 13, "Public Places," Code of Ordinances, to provide procedures for the sale of City property involving large transactions (and excluding such transactions from the remainder of Article III); providing procedures for the sale of the City-owned property known as the Municipal Golf Course West; providing for severability; providing for repealer; providing for codification; providing an effective date

 Ordinance No. 5406a. Resolution No. 116-2017

A resolution of the City of Boca Raton requiring a non-refundable pre-selection deposit as a condition of eligibility for the potential purchase of the City's Municipal Golf Course West, in accordance with the procedures established by Ordinance No. 5406; authorizing the City Manager to execute a Pre-Selection Deposit Agreement and expend deposited funds delivered to the City by the selected finalist for such legal and professional services the City Manager deems appropriate in connection with the purchase and sale of the Municipal Golf Course West; providing for severability; providing for repealer; providing an effective date

 Resolution No. 116-2017

13. REGULAR PUBLIC HEARINGS/SETTLEMENTS:

(Prior to consideration of a motion to approve any matter on the Regular Public Hearings/Settlements section of the agenda, the Mayor shall provide for public comment.)


14. INTRODUCTION OF ORDINANCES

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(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.)


A. Ordinance No. 5407

An ordinance of the City of Boca Raton amending Chapter 9, Code of Ordinances, to create a new Article VI, "Prohibition of Conversion Therapy on Minors," prohibiting the practice of conversion therapy on patients who are minors; providing for severability; providing for repealer; providing for codification; providing an effective date

 Ordinance No. 5407


B. Ordinance No. 5408

An ordinance of the City of Boca Raton adopting final millage rates and levying ad valorem taxes for the fiscal year beginning October 1, 2017 and ending September 30, 2018; stating the percentage by which the millage to be levied exceeds the "rolled-back rate"; directing the City Manager or the Office of Management and Budget Director to adjust the adopted millage rates in the event of changes in the Assessment Roll and Taxable Value; providing for severability; providing for repealer; providing an effective date

 Ordinance No. 5408


C. Ordinance No. 5409

An ordinance of the City of Boca Raton adopting a final budget and appropriating funds for the fiscal year beginning October 1, 2017 and ending September 30, 2018; providing for severability; providing for repealer; providing an effective date

 Ordinance No. 5409


D. Ordinance No. 5411

An ordinance of the City of Boca Raton amending the fiscal year 2016-2017 budget through the Third Budget Amendment; providing for severability; providing for repealer; providing an effective date

 Ordinance No. 5411

E. Ordinance No. 5412

An ordinance of the City of Boca Raton amending Chapter 17, "Utilities," Article II, Section 17-43, "Guaranty Deposits," Code of Ordinances, relating to water utility guaranty deposits; providing for severability; providing for repealer; providing for codification; providing an effective date

 Ordinance No. 5412

F. Ordinance No. 5413


An ordinance of the City of Boca Raton considering a Universal Conditional Amendment to the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 2.03 acres, more or less, from Commercial (C) to Residential High (RH), located

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at 1 South Ocean Boulevard and 910 East Palmetto Park Road; providing for revisions to the Future Land Use Map; providing for repealer; providing an effective date (UC-16-06/SC)

 Ordinance No. 5413


G. Ordinance No. 5414

An ordinance of the City of Boca Raton considering a Universal Conditional Rezoning, pursuant to Article VI, Chapter 23, Code of Ordinances, of property consisting of 2.03 acres, more or less, from the Community Business (B-2) Zoning District to the Multi-Family Residential (R-5-A) zoning district and of property consisting of 1.49 acres, more or less, from the Multi-Family (R-4) zoning district to the Multi-Family Residential (R-5-A) zoning district, located at 1 South Ocean Boulevard, 155 South Ocean Boulevard and 910 East Palmetto Park Road; providing for the appropriate revisions to the Zoning District Map; providing for repealer; providing an effective date (UC-16-06/ZC)

 Ordinance No. 5414


H. Ordinance No. 5415

An ordinance of the City of Boca Raton amending Chapter 28 "Zoning," Code of Ordinances; amending Section 28-1326 to prohibit medical marijuana treatment center dispensing facilities in all zoning districts in the City, and clarifying the impact of a list of prohibited uses on authorized uses within zoning districts; amending Section 28-2 to provide a definition for medical marijuana treatment center dispensing facility; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-16-03)

 Ordinance No. 5415


I. Ordinance No. 5416

An ordinance of the City of Boca Raton amending Chapter 23 "Planning and Development", Code of Ordinances, relating to sidewalks and bikeways; amending Section 23-161 to modify and clarify the definitions, delete the definition for "pathway", and add a definition of "owner"; amending Section 23-162 to specify when sidewalks are required and their widths and excluding sidewalks on Yamato Road between Military Trail and Saint Andrews Boulevard from the 8 feet width requirement; amending Section 23-161(d), 23-162(2)(e), 23-162(3), 23-162(4), 23-163(1), 23-163(3), 23-164(1) and 23-165 to replace "developer" with "owner", replace "touring courses" with "existing bikeways", and replace "obstructions" with "objects"; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-17-08)

 Ordinance No. 5416

J. Ordinance No. 5417

An ordinance of the City of Boca Raton amending the fiscal year 2016-17 budget through the First Budget Amendment for Hurricane Irma; providing for severability; providing for repealer; providing an effective date

 Ordinance No. 5417

15. PUBLIC REQUESTS:

(If you are planning to speak during public requests, please state your name and address for the City - 00302)

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record and limit your remarks to five (5) minutes.)

16. RESOLUTIONS AND OTHER BUSINESS:

(Prior to consideration of a motion to approve any matter on the Resolutions and Other Business section of the agenda, the Mayor shall provide for public comment.)

A. Resolution No. 126-2017

17. QUASI-JUDICIAL PUBLIC HEARINGS/VARIANCES & APPEALS

(If you are planning to speak during any of the public hearings under section 17, please state your name and address for the record and limit your remarks to five (5) minutes. The conduct of these hearings will be governed by the quasi-judicial procedures attached to this agenda.)

(Prior to consideration of a motion to approve any matter presented under Sections 18, 19 or 20 of the agenda, the Mayor shall provide for public comment.)

18. CITY MANAGER RECOMMENDATIONS AND REPORTS:

A. Report on Hurricane Irma Emergency Actions

Report

19. CITY ATTORNEY REPORTS:

20. MAYOR AND COUNCIL MEMBER REPORTS:

21. ADJOURNMENT:

NOTICES

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. This 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.

Pursuant to Chapter 2 (Administration), Article VIII (Lobbyist Registration), Sections 2-351 through 2-357, Palm Beach County, Florida, Code of Ordinances, any person who acts as a lobbyist must register at Palm Beach County's Lobbyist Registration site, www.pbcgov.com/legislativeaffairs/lobbying.htm, prior to engaging in lobbying activities before City of Boca Raton staff, boards, committees and/or the City Council, or any member thereof.

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.

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3. *The City Attorney will announce that each applicant/petitioner 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 applicant/petitioner will then make a presentation. During the staff and applicant/petitioner's presentation, only the members of the City Council are permitted to ask questions.*
6. *After the applicant/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. No person may give/yield time to any other person. During this time, only the members of the City Council are permitted to ask questions.*
7. *After the staff, the applicant/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 applicant/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.*
10. *For purposes of an appeal to the City Council filed by a third party (a party other than the initial applicant), the following clarification is provided: both the appellants (the party who filed the appeal) and the appellee (the party whose interest has been challenged by the appeal) shall be afforded the same rights to an initial presentation, cross-examination and rebuttal as provided to the "applicant/petitioner" described above. The time allotted to the appellee shall be equal to the total time allotted to the appellants.*

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
Tuesday, September 26, 2017
6: 00 PM

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

1. INVOCATION:

Deputy Mayor Rodgers offered the invocation.

2. PLEDGE OF ALLEGIANCE TO THE FLAG:

3. ROLL CALL:

Mayor Susan Haynie
Deputy Mayor Jeremy Rodgers
Council Member Andrea Levine O'Rourke
Council Member Scott Singer
Council Member Robert S. Weinroth

4. AMENDMENTS TO THE AGENDA:

The City Manager requested that Resolution No. 126-2017 be added to the Agenda under Resolutions and Other Business as item 16.A. Council Member Weinroth asked that item 12.F Ordinance No. 5402 be removed from the Agenda. Mayor Haynie requested that a brief presentation by members of the Rotary Club Downtown be added to the Agenda as item 6.B.

Motion was made by Council Member Robert S. Weinroth, seconded by Deputy Mayor Jeremy Rodgers, to amend the Agenda as stated. Motion carried unanimously on a voice vote.

5. MINUTES:

- A. Minutes of the Workshop Meeting of August 21, 2017
Minutes
- B. Minutes of the Regular Meeting of August 22, 2017
Minutes

Motion was made by Council Member Scott Singer, seconded by Council Member Robert S. Weinroth, to approve the minutes as presented. Motion carried unanimously on a voice vote.

6. PROCLAMATIONS/PRESENTATIONS:

- A. Proclamation – Boca Restaurant Month
Proclamation

The proclamation was accepted by Barbara Cambia, Executive Director of the Hannifan Center for Career Connections at Lynn University, and Sarah Pearson, Executive Vice President of the Greater Boca Raton Chamber of Commerce.

- B. Presentation – Rotary Club Downtown

Jon Kaye, Constance Scott and Michael Walstrom, members of the Boca Raton Downtown Rotary Club. Mr. Kaye provided information on Rotary and two fundraisers the Club puts on: Honor Your Doctor and the Mayors Ball. Ms. Scott provided further information on the roll of Rotary in Boca Raton, noting that the organization is not political and that she wished to clear up any misconception that may exist. Mr. Walstrom elaborated on the Mayors Ball.

7. BOARD APPOINTMENTS:

**A. Community Appearance Board
Vacancy Sheet and Applications**

William Lamson interviewed.

Motion was made by Council Member Robert S. Weinroth, seconded by Deputy Mayor Jeremy Rodgers, to reappoint Mark Jacobsen, William Lamson and Krsto Stamatovski to the Community Appearance Board. Motion carried unanimously on a voice vote.

**B. Historic Preservation Board
Vacancy Sheet and Application**

Yvonne zum Tobel interviewed.

Motion was made by Deputy Mayor Jeremy Rodgers, seconded by Council Member Andrea Levine O'Rourke, to appoint Yvonne zum Tobel to the Historic Preservation Board. Motion carried unanimously on a voice vote.

8. RESPONSES TO WORKSHOP INFORMATION REQUESTS:

There were no items requiring follow up.

9. CONSENT AGENDA:

A. Sealed Bid

- 1) Uniforms for Police Services;
Requested by Police Services;
Red the Uniform Tailor Bid \$195,712

B. Competitive Sealed Proposals

- 1) Property Insurance;
Requested by City Manager;
The Plastridge Agency, Inc. \$1,351,479
 - 2) Excess & Casualty Lines of Insurance;
Requested by City Manager;
Arthur J. Gallagher Risk Management Services, Inc. \$590,258
- Bids

C. Intergovernmental Agreements

- 1) Software & Software License Maintenance;
Requested by City Manager;
Carahsoft, CDW Government LLC, Insight Public Sector, Inc.,
Microsoft Corporation, SHI International Corp, DLT Solutions,
ImmixGroup \$700,000
- 2) Data Storage, Data Backups, Servers, Switches and Other Hardware Devices;
Requested by City Manager;
CDW Government LLC, Insight Public Sector, Inc., Cisco Systems Inc.
Presidio Networked Solutions, Inc. \$695,000
- 3) Computers and Non-Ruggedized Laptops;
Requested by City Manager;
CDW Government LLC, Insight Public Sector, Inc., Apple, Inc.,
HP, Inc., Microsoft Corporation, GovConnection, Inc. \$500,000

- 4) Ruggedized Laptops;
Requested by City Manager;
Panasonic Systems Communications Company of North America,
Panasonic, CDW Government LLC, Insight Public Sector, Inc.; \$400,000
- 5) Office Supplies;
Requested by City Wide;
Office Depot \$350,000
- 6) Maintenance, Repair and Operation Supplies (MRO);
Requested by City Wide;
Grainger, Inc. \$138,000
- 7) Library Books and Non-Print Library Materials;
Requested by Recreation Services;
Baker & Taylor, Inc. Barnes & Noble, Brodart Company,
Cengage Learning, Inc; \$543,000
- 8) Playground Equipment and Surfacing for Red Reef Park;
Requested by Recreation Services;
Playmore Wisconsin, Inc. dba Gametime \$199,984
- 9) Fertilizer Chemicals;
Requested by Recreation Services, Utility Services;
SiteOne Landscape Supply, Howard Fertilizer & Chemical Co.,
Sunniland Fertilizer Corp., Helena Chemical Company, Residex LLC,
Diamond R. Fertilizer, Harrell's LLC \$159,910
- 10) Fitness Equipment and Resurfacing for Countess de Hoernle Park;
Requested by Recreation Services;
Playmore Wisconsin, Inc. dba Gametime \$93,190
- 11) Water Meter Fittings and Water Line Accessories;
Requested by Utility Services;
Fortiline Waterworks, Inc., Lehman Pipe & Plumbing Supply Co.,
HD Supply Waterworks, LTD., Mariflow Industries, Inc.,
Ferguson Enterprise, Inc. \$380,000
- 12) Hauling & Disposal of Sewage Cake Sludge;
Requested by Utility Services;
H & H Liquid Sludge Disposal, Inc. \$211,840
- 13) Sodium Hypochlorite;
Requested by Utility Services;
Odyssey Manufacturing Company \$198,000
- 14) Utility Locating Services;
Requested by Utility Services;
High Tech Engineering, Inc. \$195,000
- 15) Carbon Dioxide, Liquid, Bulk Delivery;
Requested by Utility Services;
Airgas USA, LLC \$54,778

Bids

D. Sole Source

- 1) Public Safety Software Maintenance;
Requested by City Manager;
Superion, LLC \$341,595
- 2) Software Maintenance for Superior Public Sector Software Modules;
Requested by City Manager;
Superion, LLC \$185,297
- 3) Software Licenses and Maintenance for Document Management System;
Requested by City Manager;
MCCI, LLC \$118,022
- 4) Payroll/Personnel Software Maintenance and Support;
Requested by City Manager;
Infor (US), Inc. \$85,589

5)	Original Equipment Manufacturer (OEM) Parts and Service for Sutphen Fire Apparatus; Requested by Fire Rescue Services; South Florida Emergency Vehicles	\$115,000
6)	Medications / Medical Supplies; Requested by Fire Rescue Services; Boca Raton Regional Hospital	\$65,000
7)	Original Equipment Manufacturer (OEM) Parts and Service for Mack Truck Refuse Packers; Requested by Municipal Services; Nextran Truck Center	\$370,000
8)	Original Equipment Manufacturer (OEM) Parts and Service for Leach, Labrie, and Wittke Sanitation Refuse Bodies; Requested by Municipal Services; Wastebuilt Southeast, LLC	\$215,000
9)	Original Equipment Manufacturer (OEM) Parts and Service for Freightliner Heavy Duty Trucks; Requested by Municipal Services, Fire Rescue Services; SBL Freightliner LLC, dba Lou Bachrodt Freightliner	\$283,000
10)	Original Equipment Manufacturer (OEM) Parts and Service for Petersen Lightning Loaders; Requested by Municipal Services; GT Supplies, Inc.	\$170,000
11)	Original Equipment Manufacturer (OEM) Parts and Service for Schwarze Street Sweepers, Vac-Con High Pressure Excavation Equipment, and New Way Refuse Bodies; Requested by Municipal Services; Southern Sewer Equipment Sales	\$165,000
12)	Original Equipment Manufacturer (OEM) Repair and Service for Wayne Automated Side Loaders; Requested by Municipal Services; Waste Built Southeast, LLC	\$150,000
13)	Original Equipment Manufacturer (OEM) Parts and Service for Altec Heavy Duty Bucket and Crane Trucks; Requested by Municipal Services; Altec Industries, Inc.	\$75,000
14)	Original Equipment Manufacturer (OEM) Parts and Service for New Holland Agriculture Tractors; Requested by Municipal Services; Growers Equipment Company	\$70,000
15)	Original Equipment Manufacturer (OEM) Parts and Service for Toro Commercial Turf Equipment; Requested by Recreation Services, Municipal Services; Hector Turf	\$85,000
16)	Rehabilitation of Belt Filter Presses; Requested by Utility Services; Andritz Separation, Inc;	\$637,800
17)	Water Meters and Parts; Requested by Utility Services; Innovative Metering Solutions, Inc.	\$250,000
18)	Wilo-USA Pump Parts, Repairs, and Warranty Services; Requested by Utility Services; Kaman Industrial Technologies Corporation dba Florida Bearings <u>Bids</u>	\$60,000

E. Change Orders

- 1) Full Service Web Based Pre-Employment Background Screenings;
Requested by City Manager;
Protect My Ministry, LLC dba Active Screening \$63,050
- 2) Roof Maintenance and Repairs;
Requested by Municipal Services;
Advanced Roofing, Inc. \$100,000
- 3) Hydraulic Repairs and Hoses for Heavy Duty Trucks and Equipment;
Requested by Municipal Services;
Industrial Hose and Hydraulics, Inc. \$80,000
Bids

F. Exempt

- 1) Advertising in Newspaper;
Requested by City Manager, Utility Services, Municipal Services,;
Development Services, Recreation Services;
Forum Publishing Group, Inc., Sun Sentinel, The Palm Beach Post,
The Delray Beach Pineapple \$96,764
- 2) Periodicals and Online Database Subscriptions;
Requested by Recreation Services;
Ebsco Industries, Inc. \$50,000
Bids

G. Resolution No. 105-2017

A resolution of the City of Boca Raton approving and adopting the report of the Strategic Planning Workshop Sessions of May 4 and 5, 2017 and June 13, 2017, and the 2017-2032 Strategic Plan, including the Action Agenda for Fiscal Year 2017-2018; providing for severability; providing for repealer; providing an effective date

Resolution No. 105-2017

H. Resolution No. 106-2017

A resolution of the City of Boca Raton supporting the beach and coastal management programs of the Florida Department of Environmental Protection, subject to the City's regulatory authority and Code of Ordinances; advising the State that the City will have the ability to provide the local funding share necessary to implement the state beach and coastal management programs in which the City elects to participate; authorizing the City Manager to forward a long-range beach funding plan to the State; providing for severability; providing for repealer; providing an effective date

Resolution No. 106-2017

I. Resolution No. 110-2017

A resolution of the City of Boca Raton authorizing the City Manager to execute the First Amendment to Work Order No. 16 with Walters Zackria Associates, PLLC for the purpose of providing additional services; providing for severability; providing for repealer; providing an effective date .

Resolution No. 110-2017

J. Resolution No. 111-2017

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 31 with Wantman Group, Inc. for the purpose of designing repairs for bridges in the Camino Gardens neighborhood; providing for severability; providing for repealer; providing an effective date

Resolution No. 111-2017

- K. Resolution No. 112-2017
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Mock, Roos and Associates, Inc. for the purpose of professional engineering services for surface water management; providing for severability; providing for repealer; providing an effective date
Resolution No. 112-2017
- L. Resolution No. 113-2017
A resolution of the City of Boca Raton recommending Project Cloud for state incentives pursuant to Section 288.106, Florida Statutes; authorizing payments of up to \$45,600 as the required local participation for the Qualified Target Industry Tax Refund (QTI) Program; providing for severability; providing for repealer; providing an effective date
Resolution No. 113-2017
- M. Resolution No. 114-2017
A resolution of the City of Boca Raton authorizing the City Manager to write off utility services, parking enforcement, police and fire alarm bad debts, and library fines for Fiscal Year 2017; providing for severability; providing for repealer; providing an effective date
Resolution No. 114-2017
- N. Resolution No. 118-2017
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with MCJ Professional Cleaning Services, Corp. for the purpose of custodial maintenance and cleaning services; providing for severability; providing for repealer; providing an effective date
Resolution No. 118-2017
- O. Resolution No. 121-2017
A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Palm Beach County for the purpose of providing funding for the continuation of enhanced bus service on Palm Tran Route 94; providing for severability; providing for repealer; providing an effective date
Resolution No. 121-2017
- P. Resolution No. 122-2017
A resolution of the City of Boca Raton declaring the City's official intent to seek reimbursement for certain capital expenditures to be made with respect to certain capital improvement projects, including but not limited to, the acquisition, construction, improvement and renovation of roadway improvements, including paving and street lights, renovation of Fire Station No. 6, waterfront development and improvements to City owned properties and renovation and improvements to certain public parks from the proceeds of its not to exceed \$55,000,000 Capital Improvement Bonds issue; providing for severability; providing for repealer; providing an effective date
Resolution No. 122-2017
- Q. Resolution No. 123-2017
A resolution of the City of Boca Raton authorizing the City Manager to execute an agreement with Motorola Solutions, Inc. for the purpose of construction of a public safety radio communications tower; providing for severability; providing for repealer; providing an effective date
Resolution No. 123-2017
- R. Resolution No. 124-2017
A resolution of the City of Boca Raton updating the Pay and Classification Plans for full-time, permanent, non-bargaining employees and for part-time employees; providing for a lump sum payment to certain employees and an increase to base wages to certain employees; affirming the number of floating holidays; providing for severability; providing for repealer; providing an effective date
Resolution No. 124-2017

- S. Board Resignation
- 1) John von Stetten from the Builders' Board of Adjustment & Appeals
 - 2) Richard Reiter from the Citizens' Pedestrian and Bikeway Advisory Board
Resignations
- T. Board Minutes Received
- 1) Business Improvement District (BID) Steering Committee
May 24, 2017
 - 2) Citizen Oversight Committee (COC) for Infrastructure Surtax
May 15, 2017 Organizational Meeting
 - 3) Community Appearance Board
August 8, 2017
August 15, 2017
August 22, 2017
 - 4) Downtown Boca Raton Advisory Committee
July 19, 2017
 - 5) Executive Employees' Retirement Plan
July 19, 2017
 - 6) Financial Advisory Board
July 17, 2017
 - 7) General Employees' Pension Board
July 11, 2017 Regular
July 11, 2017 DSS Hearing
 - 8) Green Living Advisory Board
June 2, 2017
 - 9) Planning and Zoning Board
April 20, 201
May 4, 2017
May 18, 2017
July 20, 2017
 - 10) Police & Firefighter's Retirement System
July 20, 2017
Minutes

Council Member O'Rourke commented on several Consent Agenda items. Mayor Haynie provided an opportunity for public input. No one came forward to speak.

Motion was made by Council Member Scott Singer, seconded by Council Member Robert S. Weinroth, to approve the Consent Agenda. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

10. QUASI-JUDICIAL CONSENT AGENDA:

There was no business to consider.

11. QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

There was no business to consider.

12. REGULAR PUBLIC HEARINGS:

A. Resolution No. 99-2017

A resolution of the City of Boca Raton adopting an amended and restated Boca Raton Municipal Facilities and Services User Fee Schedule; providing for severability; providing for repealer; providing an effective date

Resolution No. 99-2017

Jean-Michel Neault, Compliance Auditor, made brief remarks, noting that he gave a presentation on the changes to the user fees at yesterday's Workshop. He then made himself available for questions.

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

Motion was made by Deputy Mayor Jeremy Rodgers, seconded by Council Member Andrea Levine O'Rourke, to approve Resolution No. 99-2017. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

B. Ordinance No. 5398

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a drainage easement located at 5500 Broken Sound Boulevard, as more specifically described herein; providing a condition for vacation and abandonment; approving and accepting a drainage easement deed over certain lands located at 5500 Broken Sound Boulevard; providing for severability; providing for repealer; providing an effective date (EA-17-02)

Ordinance No. 5398

C. Ordinance No. 5399

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a public utility easement located at 5500 Broken Sound Boulevard, as more specifically described herein; providing a condition for vacation and abandonment; approving and accepting a public utility easement deed over certain lands located at 5500 Broken Sound Boulevard; providing for severability; providing for repealer; providing an effective date (EA-17-01)

Ordinance No. 5399

Lynn Bodor, Property Specialist Appraiser, gave a brief presentation on both Ordinance 5398 and Ordinance 5399. She provided an explanation of the easements and the need for same. Ms. Bodor then made herself available for questions.

The public hearing was opened. Glenn Gromann offered support for the ordinances. Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Council Member Robert S. Weinroth, seconded by Council Member Scott Singer, to approve Ordinance No. 5398. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

Motion was made by Council Member Robert S. Weinroth, seconded by Council Member Scott Singer, to approve Ordinance No. 5399. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

D. Ordinance No. 5400

An ordinance of the City of Boca Raton relating to the General Employees' Pension Plan; providing for a one-time lump sum payment or an increase in the benefits paid for certain retired or disabled general employees; providing for severability; providing for repealer; providing an effective date

Ordinance No. 5400

Sharon McGuire, Office of Management and Budget Director, gave a brief explanation of the ordinance and provided details of the cost of living adjustments to certain pensions.

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

Motion was made by Council Member Scott Singer, seconded by Council Member Robert S. Weinroth, to approve Ordinance No. 5400. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

E. Ordinance No. 5401

An ordinance of the City of Boca Raton amending Chapter 28, "Zoning," Article I, Section 28-7, "Reasonable Accommodation Procedures," Code of Ordinances, updating and amending the procedures and requirements for requests for reasonable accommodation, including the established legal standards with respect to eligibility and qualification for such requests; amending Chapter 28, "Zoning," Article I, Section 28-2, "Definitions," Code of Ordinances, updating the definition of substance abuse treatment facility to delete the portion of the definition previously invalidated; providing for severability; providing for repealer; providing for codification; providing an effective date

Ordinance No. 5401

City Attorney Diana Grub Frieser explained that this ordinance would update the City's procedures with regard to reasonable accommodation. She then highlighted various provisions of the ordinance and then noted that this would improve the City's procedures. Upon concluding, Ms. Frieser responded questions.

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

Motion was made by Council Member Scott Singer, seconded by Deputy Mayor Jeremy Rodgers, to approve Ordinance No. 5401. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

G. Ordinance No. 5403

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a non-exclusive Construction and Demolition (C&D) Debris Collection and Disposal Services Franchise Agreement with J&A Waste Corporation, pursuant to Section 14-21, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

Ordinance No. 5403

Dan Grippo, Municipal Services Director, gave a brief explanation of the ordinance, noting that this was a renewal of the franchise agreement with J&A Waste Corporation. He then responded to questions.

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

Motion was made by Council Member Robert S. Weinroth, seconded by Deputy Mayor Jeremy Rodgers, to approve Ordinance No. 5403. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

H. Ordinance No. 5404

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute non-exclusive Commercial Solid Waste Collection Services Franchise Agreements with Republic Services of Florida dba Republic Services of Palm Beach and Waste Management Inc. of Florida, pursuant to Section 14-22, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

Ordinance No. 5404

Municipal Services Director Dan Grippo again presented. He stated that these agreements are renewed on an annual basis and provided information on the income derived from same. Upon concluding, he responded to questions.

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

Motion was made by Council Member Scott Singer, seconded by Council Member Andrea Levine O'Rourke, to approve Ordinance No. 5404. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

I. Ordinance No. 5405

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a non-exclusive Commercial Solid Waste Collection Services Franchise Agreement with Waste Pro of Florida, Inc. pursuant to Section 14-22, Code of Ordinances; providing for severability; providing for repealer; providing an effective date Items 12.J. and 12.J.a. are related. Resolution No. 116-2017 will be heard immediately following consideration of Ordinance No. 5406. Should Ordinance No. 5406 not be adopted, Resolution No. 116-2017 will not be considered.

Ordinance No. 5405

Once again, Dan Grippo gave a brief presentation, noting that this agreement is with a new solid waste collection service provider. He stated the annual fee and then recommended approval of the ordinance.

The public hearing was opened. Tim Bowers, representing Waste Pro, provided information on his company. Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Deputy Mayor Jeremy Rodgers, seconded by Council Member Scott Singer, to approve Ordinance No. 5405. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

In response to a question, the City Manager provided information on the possibility of using the companies with which the City has franchise agreements to remove storm debris.

J. Ordinance No. 5406

An ordinance of the City of Boca Raton amending Section 13-60, "Applicability," and creating Section 13-74, "Special Transactions," both in Article III, "Sale of City Property," Chapter 13, "Public Places," Code of Ordinances, to provide procedures for the sale of City property involving large transactions (and excluding such transactions from the remainder of Article III); providing procedures for the sale of the City-owned property known as the Municipal Golf Course West; providing for severability; providing for repealer; providing for codification; providing an effective date

Ordinance No. 5406

a. Resolution No. 116-2017

A resolution of the City of Boca Raton requiring a non-refundable pre-selection deposit as a condition of eligibility for the potential purchase of the City's Municipal Golf Course West, in accordance with the procedures established by Ordinance No. 5406; authorizing the City Manager to execute a Pre-Selection Deposit Agreement and expend deposited funds delivered to the City by the selected finalist for such legal and professional services the City Manager deems appropriate in connection with the purchase and sale of the Municipal Golf Course West; providing for severability; providing for repealer; providing an effective date

Resolution No. 116-2017

George Brown, Deputy City Manager, gave a PowerPoint presentation. The provisions of the ordinance were enumerated, including elements of an agreement for the sale of land greater than 150 acres, specific procedures for the potential sale of the Municipal Golf Course West, details of the process for Council's consideration of the purchase contracts, and the required form contract variables. Mr. Brown then briefly described the resolution that addresses the pre-selection deposit agreement.

The public hearing was opened. Mitch Kirschner, attorney for Lennar, asked for consideration of including an outside by which the City would adopt the approving ordinance to sell the golf course. Mr. Brown acknowledged that such language could be crafted and suggested December 31 as the date. The City Attorney provided further information. Members weighed in and, in general, agreed the date should be April 2. Seeing no one else come forward to speak, the public hearing was closed.

Mr. Brown then read into the record language to be inserted in Ordinance 5406 on page 7, sub-paragraph 10, end of line 6, that sets April, 2018 as the date after which, if the ordinance is not adopted, the contract with the selected purchaser is no longer binding and enforceable. The City Attorney suggested further language.

Motion was made by Council Member Robert S. Weinroth, seconded by Council Member Andrea Levine O'Rourke, to approve Ordinance No. 5406 as amended. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

Motion was made by Deputy Mayor Jeremy Rodgers, seconded by Council Member Robert S. Weinroth, to approve Resolution No. 116-2017.

The City Attorney provided information on the selection deposits and refunds of same. Council Member Singer asked about the three finalists and the time table for the deposits, to which Mr. Brown responded.

Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

Mr. Brown reviewed the schedule going forward. Mayor Haynie inquired as to the cone of silence. The City Attorney confirmed that it remains in effect.

13. REGULAR PUBLIC HEARINGS/SETTLEMENTS:

There was no business to consider.

14. INTRODUCTION OF ORDINANCES:

A. Ordinance No. 5407

An ordinance of the City of Boca Raton amending Chapter 9, Code of Ordinances, to create a new Article VI, "Prohibition of Conversion Therapy on Minors," prohibiting the practice of conversion therapy on patients who are minors; providing for severability; providing for repealer; providing for codification; providing an effective date
Ordinance No. 5407

Council Member Weinroth introduced the ordinance.

B. Ordinance No. 5408

An ordinance of the City of Boca Raton adopting final millage rates and levying ad valorem taxes for the fiscal year beginning October 1, 2017 and ending September 30, 2018; stating the percentage by which the millage to be levied exceeds the "rolled-back rate"; directing the City Manager or the Office of Management and Budget Director to adjust the adopted millage rates in the event of changes in the Assessment Roll and Taxable Value; providing for severability; providing for repealer; providing an effective date
Ordinance No. 5408

Council Member O'Rourke introduced the ordinance.

C. Ordinance No. 5409

An ordinance of the City of Boca Raton adopting a final budget and appropriating funds for the fiscal year beginning October 1, 2017 and ending September 30, 2018; providing for severability; providing for repealer; providing an effective date
Ordinance No. 5409

Deputy Mayor Rodgers introduced the ordinance.

D. Ordinance No. 5411

An ordinance of the City of Boca Raton amending the fiscal year 2016-2017 budget through the Third Budget Amendment; providing for severability; providing for repealer; providing an effective date
Ordinance No. 5411

Council Member Singer introduced the ordinance.

E. Ordinance No. 5412

An ordinance of the City of Boca Raton amending Chapter 17, "Utilities," Article II, Section 17-43, "Guaranty Deposits," Code of Ordinances, relating to water utility guaranty deposits; providing for severability; providing for repealer; providing for codification; providing an effective date

Ordinance No. 5412

Council Member Weinroth introduced the ordinance.

F. Ordinance No. 5413

An ordinance of the City of Boca Raton considering a Universal Conditional Amendment to the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 2.03 acres, more or less, from Commercial (C) to Residential High (RH), located at 1 South Ocean Boulevard and 910 East Palmetto Park Road; providing for revisions to the Future Land Use Map; providing for repealer; providing an effective date (UC-16-06/SC)

Ordinance No. 5413

Council Member Weinroth introduced the ordinance.

G. Ordinance No. 5414

An ordinance of the City of Boca Raton considering a Universal Conditional Rezoning, pursuant to Article VI, Chapter 23, Code of Ordinances, of property consisting of 2.03 acres, more or less, from the Community Business (B-2) Zoning District to the Multi-Family Residential (R-5-A) zoning district and of property consisting of 1.49 acres, more or less, from the Multi-Family (R-4) zoning district to the Multi-Family Residential (R-5-A) zoning district, located at 1 South Ocean Boulevard, 155 South Ocean Boulevard and 910 East Palmetto Park Road; providing for the appropriate revisions to the Zoning District Map; providing for repealer; providing an effective date (UC-16-06/ZC)

Ordinance No. 5414

Council Member Weinroth introduced the ordinance.

H. Ordinance No. 5415

An ordinance of the City of Boca Raton amending Chapter 28 "Zoning," Code of Ordinances; amending Section 28-1326 to prohibit medical marijuana treatment center dispensing facilities in all zoning districts in the City, and clarifying the impact of a list of prohibited uses on authorized uses within zoning districts; amending Section 28-2 to provide a definition for medical marijuana treatment center dispensing facility; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-16-03)

Ordinance No. 5415

Council Member O'Rourke introduced the ordinance.

I. Ordinance No. 5416

Ordinances, relating to sidewalks and bikeways; amending Section 23-161 to modify and clarify the definitions, delete the definition for "pathway", and add a definition of "owner"; amending Section 23-162 to specify when sidewalks are required and their widths and excluding sidewalks on Yamato Road between Military Trail and Saint Andrews Boulevard from the 8 foot width requirement; amending Section 23-161(d), 23-162(2)(e), 23-162(3), 23-162(4), 23-163(1), 23-163(3), 23-164(1) and 23-165 to replace "developer" with "owner", replace "touring courses" with "existing bikeways", and replace "obstructions" with "objects"; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-17-08)

Ordinance No. 5416

Deputy Mayor Rodgers introduced the ordinance.

J. Ordinance No. 5417

An ordinance of the City of Boca Raton amending the fiscal year 2016-17 budget through the First Budget Amendment for Hurricane Irma; providing for severability; providing for repeal; providing an effective date

Ordinance No. 5417

Deputy Mayor Rodgers introduced the ordinance.

15. PUBLIC REQUESTS:

David Sergi commented on bringing art into parks. He gave a brief presentation on his idea to turn tunnels in Spanish River Park into places to see art. He asked for Council's support to move ahead with his idea. After some discussion, the consensus was to support his idea. The City Attorney suggested that staff work with Mr. Sergi to iron out the details. Members offered comments. The City Manager noted that once details are worked out, the Parks and Recreation Board would review the project.

Mark Simmons, Riviera Civic Association (RCA), commented on traffic calming devices not being included in the Ocean Palm development. He stated that RCA could not support the project without said devices and asked that they be included. He also commented on potential retail. Members offered comments.

Cristina Hicks urged that Council to include a Sustainability Manager in the upcoming budget. Margaret Fitzsimons, on behalf of the Green Living Advisory Board, also urged the inclusion of a Sustainability Manager.

Christina Escalante commented on medical marijuana dispensing facilities and the City's proposed ban.

16. RESOLUTIONS AND OTHER BUSINESS:

A. Resolution No. 126-2017

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an amendment to the Agreement for Services with AshBritt, Inc.; providing for severability; providing for repeal; providing an effective date

Mike Woika, Assistant City Manager, gave a brief explanation of the resolution. He provided background information on the pre-positioned contract with Ashbritt, noting that the various hurricanes caused a unique situation with many cities issuing emergency contracts paying much higher rates. This resolution will raise the rate Boca pays so that we can keep the contractors here, picking up debris. It was noted that the up-charge to this higher rate may not be eligible for reimbursed by FEMA. Mr. Ahnell provided further information. Members offered comments in support of the resolution, noting that the debris needs to be picked up in the interests of safety. Comments were made about price gouging. Discussion ensued. Dan Grippo provided information on the current debris pick up. Mr. Ahnell elaborated. Mr. Woika also provided further information. Further discussion followed regarding FEMA.

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

Motion was made by Council Member Robert S. Weinroth, seconded by Deputy Mayor Jeremy Rodgers, to approve Resolution No. 126-2017. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

17. QUASI-JUDICIAL PUBLIC HEARINGS/VARIANCES & APPEALS:

There was no business to consider.

18. CITY MANAGER RECOMMENDATIONS AND REPORTS:

A. Report on Hurricane Irma Emergency Actions Report

Mr. Ahnell reported on the emergency contracts that were authorized as a result of Hurricane Irma. The various contracts and amounts were detailed. He then responded to questions.

19. CITY ATTORNEY REPORTS:

The City Attorney reported on a lawsuit filed by a property owner asserting that City water lines and other underground lines are running through his property. Ms. Frieser provided details, noting the City's position and the intent to file a counterclaim. She requested that the Council affirm the filing.

Motion was made by Council Member Scott Singer, seconded by Deputy Mayor Jeremy Rodgers to affirm the filing of a counterclaim as detailed by the City Attorney: Motion carried unanimously on a voice vote.

20. MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Singer thanked all employees for their work during the hurricane. He then highlighted past and upcoming events downtown, the date of the budget hearings and a town hall meeting that he will host.

Council Member Weinroth echoed Mr. Singer's remarks regarding work during the hurricane. He noted that the Council has agreed to work with the Greater Boca Raton Beach & Park District as they begin the process to acquire the Ocean Breeze golf course.

Mayor Haynie congratulated Diane King who ran the Citizen Information Center during Hurricane Irma, as well as all those who staffed the CIC and worked during the storm.

21. ADJOURNMENT:

The meeting was adjourned without objection at approximately 8:20 pm.

Susan Haynie, Mayor

ATTEST:

Susan S. Saxton, City Clerk



AGENDA
BOCA RATON CITY COUNCIL

REGULAR
MEETING

OCTOBER 10, 2017

6:00 PM

1. INVOCATION:

2. PLEDGE OF ALLEGIANCE TO THE FLAG:

3. ROLL CALL:

Mayor Susan Haynie
Deputy Mayor Jeremy Rodgers
Council Member Andrea Levine O'Rourke
Council Member Scott Singer
Council Member Robert S. Weinroth

4. AMENDMENTS TO THE AGENDA:

5. MINUTES:

A. Minutes of the Workshop Meeting of September 25, 2017

 Minutes

B. Minutes of the Special Meeting of September 25, 2017

 Minutes

C. Minutes of the Tentative Budget Meeting of September 25, 2017

 Minutes

D. Minutes of the Regular Meeting of September 26, 2017

 Minutes

6. PROCLAMATIONS/PRESENTATIONS:

**Defendant/City of Boca Raton's Trial
Exhibit No. 16
Otto, et al vs. City of Boca Raton, et al
Case No. 18-cv-80771**

City - 00319

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7. BOARD APPOINTMENTS
(Prior to consideration of motions to approve board appointments, the Mayor shall provide for public comment.)

8. RESPONSES TO WORKSHOP INFORMATION REQUESTS:

9. 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 immediately following the vote on the Consent Agenda or as otherwise directed by the City Council.)


A. Intergovernmental Agreements

- 1) Anhydrous Ammonia; Requested by Utility Services; Tanner Industries, Inc.; \$73,582

- 2) Sodium Hypochlorite; Requested by Utility Services; Allied Universal Corp.; \$65,320

- 3) Bunker Gear and Accessories (Replacement); Requested by Fire Rescue Services; Bennett Fire Products Company, Inc.; \$1,000,000

- 4) Bunker Gear and Accessories (Replacement); Requested by Fire Rescue Services; Bennett Fire Products Company, Inc.; Fisher Scientific Company, LLC; \$100,000

 Bids


B. Change Orders

- 1) Tree Trimming, Pruning and Removal Services for Various; City Locations; Requested by Recreation Services; Real Tree Trimming & Landscaping, Inc.; \$279,740

 Bid

C. Resolution No. 127-2017

A resolution of the City of Boca Raton authorizing the City Manager to execute an agreement with Florida Lambdarail, LLC, for the purpose of high-bandwidth optical network service; providing for severability; providing for repealer; providing an effective date

 Resolution No. 127-2017

D. Resolution No. 128-2017

A resolution of the City of Boca Raton recommending Project Wizard be approved as a qualified applicant for state incentives pursuant to Section 288.106, Florida Statutes; authorizing payments of up to \$30,000 as the required local participation for the Qualified Target Industry Tax Refund (QTI) Program; providing for severability; providing for repealer; providing an effective date


 Resolution No. 128-2017

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E. Resolution No. 129-2017

A resolution of the City of Boca Raton authorizing the City Manager to execute an agreement with the United States Tennis Association, Incorporated for the purpose of hosting the 2017 USTA National Women's Intersectional Team Event; providing for severability; providing for repealer; providing an effective date

 [Resolution No. 129-2017](#)


F. Resolution No. 131-2017

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Memorandum of Agreement with the Florida Department of Transportation ("FDOT"), allowing FDOT and its contractors to enter City right-of-way and construct a shared use pathway along Palmetto Park Road between NW 4th Avenue and NW 2nd Avenue and accepting maintenance responsibility for this segment of the shared use pathway after it is constructed; providing for severability; providing for repealer; providing an effective date

 [Resolution No. 131-2017](#)


G. Board Certification – City Manager Appointee

- 1) Christopher Helfrich to the Executive Employees' Retirement Plan

 [Certification](#)

H. Board Resignation

- 1) Jay Abrams from the Financial Advisory Board

 [Resignation](#)

I. Board Minutes Received

- 1) Community Appearance Board August 29, 2017 September 5, 2017
- 2) Financial Advisory Board August 28, 2017
- 3) General Employees' Pension Board August 10, 2017
- 4) Historic Preservation Board July 25, 2017
- 5) Library Board June 21, 2017

 [Minutes](#)

10. QUASI-JUDICIAL CONSENT AGENDA:

(Prior to consideration of a motion to approve the Quasi-Judicial Consent Agenda, the Mayor shall provide for the opportunity for the public to request removal of any resolution for public hearing; the

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conduct of same will be governed by the quasi-judicial procedures attached to this agenda.)

(If you are planning to speak during any public hearing under listed under Numbers. 11, 12, or 13, please state your name and address for the record and limit your remarks to five (5) minutes. The conduct of any public hearing under Number 11 will be governed by the "quasi-judicial procedures" attached to this agenda.)


11. QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

12. REGULAR PUBLIC HEARINGS:

(Prior to consideration of a motion to approve any matter on the Regular Public Hearings section of the agenda, the Mayor shall provide for public comment.)


A. Ordinance No. 5407

An ordinance of the City of Boca Raton amending Chapter 9, Code of Ordinances, to create a new Article VI, "Prohibition of Conversion Therapy on Minors," prohibiting the practice of conversion therapy on patients who are minors; providing for severability; providing for repealer; providing for codification; providing an effective date

 Ordinance No. 5407


B. Ordinance No. 5411

An ordinance of the City of Boca Raton amending the fiscal year 2016-2017 budget through the Third Budget Amendment; providing for severability; providing for repealer; providing an effective date

 Ordinance No. 5411


C. Ordinance No. 5412

An ordinance of the City of Boca Raton amending Chapter 17, "Utilities," Article II, Section 17-43, "Guaranty Deposits," Code of Ordinances, relating to water utility guaranty deposits; providing for severability; providing for repealer; providing for codification; providing an effective date

 Ordinance No. 5412

D. Ordinance No. 5415 (First of two public hearings. No vote will be taken.)

An ordinance of the City of Boca Raton amending Chapter 28 "Zoning," Code of Ordinances; amending Section 28-1326 to prohibit medical marijuana treatment center dispensing facilities in all zoning districts in the City, and clarifying the impact of a list of prohibited uses on authorized uses within zoning districts; amending Section 28-2 to provide a definition for medical marijuana treatment center dispensing facility; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-16-03)

 Ordinance No. 5415


E. Ordinance No. 5416

An ordinance of the City of Boca Raton amending Chapter 23 "Planning and Development", Code of Ordinances, relating to sidewalks and bikeways; amending Section 23-161 to modify City - 00322

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and clarify the definitions, delete the definition for "pathway", and add a definition of "owner"; amending Section 23-162 to specify when sidewalks are required and their widths and excluding sidewalks on Yamato Road between Military Trail and Saint Andrews Boulevard from the 8 feet width requirement; amending Section 23-161(d), 23-162(2)(e), 23-162(3), 23-162(4), 23-163(1), 23-163(3), 23-164(1) and 23-165 to replace "developer" with "owner", replace "touring courses" with "existing bikeways", and replace "obstructions" with "objects"; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-17-08)

 Ordinance No. 5416


F. Ordinance No. 5417

An ordinance of the City of Boca Raton amending the fiscal year 2016-17 budget through the First Budget Amendment for Hurricane Irma; providing for severability; providing for repealer; providing an effective date

 Ordinance No. 5417

G. Ordinance No. 5418

An ordinance of the City of Boca Raton repealing Chapter 21, Code of Ordinances, "Flood Damage Prevention and Protection," in its entirety; adopting a new Chapter 21, Code of Ordinances, entitled "Flood Damage Prevention and Floodplain Management"; providing for definitions, applicability, and flood hazard areas; designating the City Manager as the Floodplain Administrator and providing duties and powers; providing for permit requirements and inspections; providing procedures for variances and appeals; affirming and providing for floodplain management in areas annexed pursuant to Ordinance Nos. 4717, 4718, 4719, 4734, 4795, and 4796; adopting regulations consistent with the 2014 Florida Building Code; adopting the Federal Emergency Management Agency's Flood Insurance Rate Maps and the Flood Insurance Study; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-17-05)

 Ordinance No. 5418

13. REGULAR PUBLIC HEARINGS/SETTLEMENTS:

(Prior to consideration of a motion to approve any matter on the Regular Public Hearings/Settlements section of the agenda, the Mayor shall provide for public comment.)

14. 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.)

A. Ordinance No. 5419

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a non-exclusive Construction and Demolition (C&D) Debris Collection and Disposal Services Franchise Agreement with Mammoth Recycling, Inc., pursuant to Section 14-21, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

 Ordinance No. 5419

15. 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.)

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16. RESOLUTIONS AND OTHER BUSINESS:
(Prior to consideration of a motion to approve any matter on the Resolutions and Other Business section of the agenda, the Mayor shall provide for public comment.)
17. QUASI-JUDICIAL PUBLIC HEARINGS/VARIANCES & APPEALS
(If you are planning to speak during any of the public hearings under section 17, please state your name and address for the record and limit your remarks to five (5) minutes. The conduct of these hearings will be governed by the quasi-judicial procedures attached to this agenda.)

(Prior to consideration of a motion to approve any matter presented under Sections 18, 19 or 20 of the agenda, the Mayor shall provide for public comment.)
18. CITY MANAGER RECOMMENDATIONS AND REPORTS:
19. CITY ATTORNEY REPORTS:
20. MAYOR AND COUNCIL MEMBER REPORTS:
21. ADJOURNMENT:

NOTICES

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. This 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.

Pursuant to Chapter 2 (Administration), Article VIII (Lobbyist Registration), Sections 2-351 through 2-357, Palm Beach County, Florida, Code of Ordinances, any person who acts as a lobbyist must register at Palm Beach County's Lobbyist Registration site, www.pbegov.com/legislativeaffairs/lobbying.htm, prior to engaging in lobbying activities before City of Boca Raton staff, boards, committees and/or the City Council, or any member thereof.

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/petitioner 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 City - 00324**

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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 applicant/petitioner will then make a presentation. During the staff and applicant/petitioner's presentation, only the members of the City Council are permitted to ask questions.

6. After the applicant/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. No person may give/yield time to any other person. During this time, only the members of the City Council are permitted to ask questions.

*7. After the staff, the applicant/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 applicant/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.

10. For purposes of an appeal to the City Council filed by a third party (a party other than the initial applicant), the following clarification is provided: both the appellants (the party who filed the appeal) and the appellee (the party whose interest has been challenged by the appeal) shall be afforded the same rights to an initial presentation, cross-examination and rebuttal as provided to the "applicant/petitioner" described above. The time allotted to the appellee shall be equal to the total time allotted to the appellants.

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
Tuesday, October 10, 2017
6: 00 PM

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

1. INVOCATION:

Council Member O'Rourke offered the invocation.

2. PLEDGE OF ALLEGIANCE TO THE FLAG:

3. ROLL CALL:

Mayor Susan Haynie
Deputy Mayor Jeremy Rodgers
Council Member Andrea Levine O'Rourke
Council Member Scott Singer
Council Member Robert S. Weinroth

4. AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

5. MINUTES:

- A. Minutes of the Workshop Meeting of September 25, 2017
Minutes
- B. Minutes of the Special Meeting of September 25, 2017
Minutes
- C. Minutes of the Tentative Budget Meeting of September 25, 2017
Minutes
- D. Minutes of the Regular Meeting of September 26, 2017
Minutes

Motion was made by Deputy Mayor Jeremy Rodgers, seconded by Council Member Robert S. Weinroth, to approve the minutes as presented. Motion carried unanimously on a voice vote.

6. PROCLAMATIONS/PRESENTATIONS:

There were no proclamations or presentations.

7. BOARD APPOINTMENTS:

There were no board appointments.

8. RESPONSES TO WORKSHOP INFORMATION REQUESTS:

There were no items requiring follow up.

9. CONSENT AGENDA:

A. Intergovernmental Agreements

- 1) Anhydrous Ammonia;
Requested by Utility Services;
Tanner Industries, Inc. \$73,582
- 2) Sodium Hypochlorite;
Requested by Utility Services;
Allied Universal Corp. \$65,320
- 3) Bunker Gear and Accessories (Replacement);
Requested by Fire Rescue Services;
Bennett Fire Products Company, Inc. \$1,000,000
- 4) Bunker Gear and Accessories (Replacement);
Requested by Fire Rescue Services;
Bennett Fire Products Company, Inc.;
Fisher Scientific Company, LLC \$100,000
Bids

B. Change Orders

- 1) Tree Trimming, Pruning and Removal Services for
Various City Locations;
Requested by Recreation Services;
Real Tree Trimming & Landscaping, Inc. \$279,740
Bid

C. Resolution No. 127-2017

A resolution of the City of Boca Raton authorizing the City Manager to execute an agreement with Florida Lambdarail, LLC, for the purpose of high-bandwidth optical network service; providing for severability; providing for repealer; providing an effective date
Resolution No. 127-2017

D. Resolution No. 128-2017

A resolution of the City of Boca Raton recommending Project Wizard be approved as a qualified applicant for state incentives pursuant to Section 288.106, Florida Statutes; authorizing payments of up to \$30,000 as the required local participation for the Qualified Target Industry Tax Refund (QTI) Program; providing for severability; providing for repealer; providing an effective date
Resolution No. 128-2017

E. Resolution No. 129-2017

A resolution of the City of Boca Raton authorizing the City Manager to execute an agreement with the United States Tennis Association, Incorporated for the purpose of hosting the 2017 USTA National Women's Intersectional Team Event; providing for severability; providing for repealer; providing an effective date
Resolution No. 129-2017

F. Resolution No. 131-2017

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Memorandum of Agreement with the Florida Department of Transportation ("FDOT"), allowing FDOT and its contractors to enter City right-of-way and construct a shared use pathway along Palmetto Park Road between NW 4th Avenue and NW 2nd Avenue and accepting maintenance responsibility for this segment of the shared use pathway after it is constructed; providing for severability; providing for repealer; providing an effective date
Resolution No. 131-2017

G. Board Certification – City Manager Appointee

- 1) Christopher Helfrich to the Executive Employees' Retirement Plan
Certification

- H. Board Resignation
 - 1) Jay Abrams from the Financial Advisory Board
Resignation

- I. Board Minutes Received
 - 1) Community Appearance Board
August 29, 2017
September 5, 2017
 - 2) Financial Advisory Board
August 28, 2017
 - 3) General Employees' Pension Board
August 10, 2017
 - 4) Historic Preservation Board
July 25, 2017
 - 5) Library Board
June 21, 2017
Minutes

Mayor Haynie provided an opportunity for public input on the Consent Agenda. No one came forward to speak.

Motion was made by Council Member Robert S. Weinroth, seconded by Deputy Mayor Jeremy Rodgers, to approve the Consent Agenda. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

10. QUASI-JUDICIAL CONSENT AGENDA:

There was no business to consider.

11. QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

There was no business to consider.

12. REGULAR PUBLIC HEARINGS:

A. Ordinance No. 5407

An ordinance of the City of Boca Raton amending Chapter 9, Code of Ordinances, to create a new Article VI, "Prohibition of Conversion Therapy on Minors," prohibiting the practice of conversion therapy on patients who are minors; providing for severability; providing for repealer; providing for codification; providing an effective date
Ordinance No. 5407

The Mayor shared that the Palm Beach County Human Rights Council reached out to her with regard to adoption of this ordinance, noting that many other municipalities have passed such an ordinance.

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

Motion was made by Council Member Robert S. Weinroth, seconded by Council Member Andrea Levine O'Rourke, to approve Ordinance No. 5407.

Deputy Mayor Rodgers asked about enforcement. The City Manager and the City Attorney both noted that it is a code enforcement process. He stated that he sees this as a State rather than local issue.

Motion carried on a 4 to 1 vote; Mayor Susan Haynie, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes. Deputy Mayor Jeremy Rodgers voting no.

B. Ordinance No. 5411

An ordinance of the City of Boca Raton amending the fiscal year 2016-2017 budget through the Third Budget Amendment; providing for severability; providing for repealer; providing an effective date

Ordinance No. 5411

Sharon McGuire, Office of Management and Budget Director, reviewed the ordinance, providing details of the revenues and expenses being recognized. Upon concluding, she made herself available for questions. Ms. O'Rourke asked about overtime pay for public safety. The City Manager provided information, as did Ms. McGuire. Members asked to see more detailed information.

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

Motion was made by Council Member Robert S. Weinroth, seconded by Deputy Mayor Jeremy Rodgers, to approve Ordinance No. 5411. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

C. Ordinance No. 5412

An ordinance of the City of Boca Raton amending Chapter 17, "Utilities," Article II, Section 17-43, "Guaranty Deposits," Code of Ordinances, relating to water utility guaranty deposits; providing for severability; providing for repealer; providing for codification; providing an effective date

Ordinance No. 5412

Linda Davidson, Finance Director, gave a brief explanation of the ordinance. Council Member Weinroth noted that he was the driving force behind this ordinance. Ms. Davidson responded to questions from other members.

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

Motion was made by Council Member Robert S. Weinroth, seconded by Council Member Scott Singer, to approve Ordinance No. 5412. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

D. Ordinance No. 5415

An ordinance of the City of Boca Raton amending Chapter 28 "Zoning," Code of Ordinances; amending Section 28-1326 to prohibit medical marijuana treatment center dispensing facilities in all zoning districts in the City, and clarifying the impact of a list of prohibited uses on authorized uses within zoning districts; amending Section 28-2 to provide a definition for medical marijuana treatment center dispensing facility; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-16-03)

Ordinance No. 5415

Mayor Haynie noted that this is the first of two public hearings and no vote would be taken.

Brandon Schaad, Development Services Director, gave the PowerPoint presentation. He began with background information on the past actions of the State, the City and the County. The proposed Code amendment was reviewed. The Planning and Zoning Board did not recommend approval; Mr. Schaad detailed the objections of Board members. He noted that this ordinance does not prohibit anyone from obtaining medical marijuana through a licensed prescriber and then noted what other cities have done.

The public hearing was opened. Eric Sevell, noting that he was the son of a Planning and Zoning Board member, stated his opposition to the ordinance. He gave a brief PowerPoint presentation reviewing the actions taken to date, making his case for allowing marijuana dispensaries. He cited studies that support allowing dispensaries and provided handouts of same. Cristina Escalante agreed with Mr. Sevell. She stated her support for having easy access to marijuana dispensaries. Seeing no one else come forward to speak, the public hearing was closed.

Mayor Haynie asked the City Attorney if the City has the power to regulate cameras, lighting and other security measures at dispensaries as suggested by Mr. Sevell. The City Attorney stated that the legislative framework is limited and this is an area of uncertainty. She noted that the ordinance addresses a zoning issue, not an assessment of the value of medical marijuana. Members asked further questions, to which Ms. Frieser responded, and made further comments. Mayor Haynie then announced the date of the second public Hearing

E. Ordinance No. 5416

An ordinance of the City of Boca Raton amending Chapter 23 "Planning and Development", Code of Ordinances, relating to sidewalks and bikeways; amending Section 23-161 to modify and clarify the definitions, delete the definition for "pathway", and add a definition of "owner"; amending Section 23-162 to specify when sidewalks are required and their widths and excluding sidewalks on Yamato Road between Military Trail and Saint Andrews Boulevard from the 8 feet width requirement; amending Section 23-161(d), 23-162(2)(e), 23-162(3), 23-162(4), 23-163(1), 23-163(3), 23-164(1) and 23-165 to replace "developer" with "owner", replace "touring courses" with "existing bikeways", and replace "obstructions" with "objects"; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-17-08)

Ordinance No. 5416

Jim Bell, Development Services, gave the PowerPoint presentation. He provided background information on the genesis of this ordinance, and then reviewed the proposed amendment and the cross references in various sections of Chapter 23. Mr. Bell noted that the amendment is consistent with the City's Comprehensive Plan, and then reviewed the staff analysis of the ordinance. The Planning & Zoning Board did not recommend approval. The Board members concerns and recommendations were detailed. Despite the Board's position, staff recommends approval of the ordinance. Upon concluding, Mr. Bell responded to Council members' questions.

The public hearing was opened and, seeing no one come forward, closed. Members commented and expressed their opinions. Staff responded to further questions. Extensive discussion ensued. Brandon Schaad, Development Services Director, stated that staff would soon bring forward a discussion of complete streets, which was a part of the initial discussion of the sidewalk size, and would offer a comprehensive solution to these issues. Members made further comments and further discussion ensued. The City Attorney confirmed that no Council member has a potential conflict due to their membership in a church or synagogue.

Motion was made by Council Member Robert S. Weinroth, seconded by Council Member Andrea Levine O'Rourke, to postpone Ordinance No. 5416.

Members made final comments and asked further questions.

Motion carried on a 4 to 1 vote; Mayor Susan Haynie, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes. Deputy Mayor Jeremy Rodgers voting no.

F. Ordinance No. 5417

An ordinance of the City of Boca Raton amending the fiscal year 2016-17 budget through the First Budget Amendment for Hurricane Irma; providing for severability; providing for repealer; providing an effective date

Ordinance No. 5417

Sharon McGuire, Office of Management and Budget Director, briefly reviewed the ordinance and then responded to questions. She noted that it is anticipated that these expenses will qualify for FEMA reimbursement. The City Manager responded to questions.

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

Motion was made by Council Member Scott Singer, seconded by Deputy Mayor Jeremy Rodgers, to approve Ordinance No. 5417. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

G. Ordinance No. 5418

An ordinance of the City of Boca Raton repealing Chapter 21, Code of Ordinances, "Flood Damage Prevention and Protection," in its entirety; adopting a new Chapter 21, Code of Ordinances, entitled "Flood Damage Prevention and Floodplain Management"; providing for definitions, applicability, and flood hazard areas; designating the City Manager as the Floodplain Administrator and providing duties and powers; providing for permit requirements and inspections; providing procedures for variances and appeals; affirming and providing for floodplain management in areas annexed pursuant to Ordinance Nos. 4717, 4718, 4719, 4734, 4795, and 4796; adopting regulations consistent with the 2014 Florida Building Code; adopting the Federal Emergency Management Agency's Flood Insurance Rate Maps and the Flood Insurance Study; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-17-05)

Ordinance No. 5418

Keith Carney, Zoning Officer, gave the PowerPoint presentation. He reviewed the purpose of the ordinance and then noted that a revised version of ordinance had been provided to the Council, as had the report of the Community Assistance Visit. Details of the new Code Chapter 21 were provided. It was noted that new FEMA Flood Insurance Rate Maps were included in the ordinance. Mr. Carney then provided information regarding the Community Rating System, an important aspect of floodplain management. Benefits of the ordinance were summarized and it was noted that the ordinance is consistent with the Comp Plan. The Planning and Zoning Board unanimously recommended adoption. Staff recommends approval. Upon concluding, Mr. Carney responded to questions from Council members. The City Attorney confirmed the intent of certain wording in the ordinance with regard to the role of the Environmental Advisory Board.

The public hearing was opened. Jo-Ann Landon inquired as to the effect of removal of environmentally sensitive vegetation, to which Mr. Carney responded. Seeing no one else come forward to speak, the public hearing was closed.

In response to a question, Mr. Carney provided further information on the Community Rating System. The City Attorney clarified a section of the ordinance, suggesting inclusion of language on p. 25, subparagraph h, line 7, addressing alteration of sand dunes and mangrove stands.

Motion was made by Council Member Robert S. Weinroth, seconded by Deputy Mayor Jeremy Rodgers, to adjourn Ordinance No. 5418 as revised and amended. Motion carried unanimously; Mayor Susan Haynie, Deputy Mayor Jeremy Rodgers, Council Member Andrea Levine O'Rourke, Council Member Scott Singer, Council Member Robert S. Weinroth voting yes.

13. REGULAR PUBLIC HEARINGS/SETTLEMENTS:

There was no business to consider.

14. INTRODUCTION OF ORDINANCES:

A. Ordinance No. 5419

An ordinance of the City of Boca Raton authorizing the Mayor and City Clerk to execute a non-exclusive Construction and Demolition (C&D) Debris Collection and Disposal Services Franchise Agreement with Mammoth Recycling, Inc., pursuant to Section 14-21, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

Ordinance No. 5419

Council Member Weinroth introduced the ordinance.

15. PUBLIC REQUESTS:

Al Zucaro commented on the next steps in the campus master planning process and suggested that the Council Workshop be held the week before the regular meeting. He also commented on schools in Boca Raton.

Jo-Ann Landon commented on parking, rail traffic on the FEC tracks, information on tree pruning, electric service, and wider sidewalks.

Doug Collier thanked Council for their support of the Beach and Park District's purchase of the Ocean Breeze Golf Course. He requested that a schedule for the financing of the purchase be provided.

Crisitina Escalante commented on the location of public requestson the agenda.

16. RESOLUTIONS AND OTHER BUSINESS:

There was no business to consider.

17. QUASI-JUDICIAL PUBLIC HEARINGS/VARIANCES & APPEALS:

There was no business to consider.

18. CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had no reports.

19. CITY ATTORNEY REPORTS:

The City Attorney had no reports.

20. MAYOR AND COUNCIL MEMBER REPORTS:

Council Member O'Rourke advocated putting a discussion of the campus master plan on a future agenda.

Council Member Singer commented on when to have a workshop on the campus master plan. He also commented on the location of public requests on the agenda.

Council Member Weinroth responded to previous comments regarding the campus master plan and advocated having a workshop at which members can provide their input.

21. ADJOURNMENT:

The meeting was adjourned without objection at approximately 8:20 pm.

Susan Haynie, Mayor

ATTEST:

Susan S. Saxton, City Clerk