



BOCA RATON CITY COUNCIL

REGULAR MEETING

MARCH 23, 2021

6:00 PM

Pursuant to City Emergency Order No. 2020-02 the meeting will be a Virtual Meeting conducted using Communications Media Technology. The Virtual Public Meeting Procedures are attached and are available on the City website [here](#).

1. **INVOCATION:**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG:**

3. **ROLL CALL:**

Mayor Scott Singer
Deputy Mayor Andrea Levine O'Rourke
Council Member Yvette Drucker
Council Member Monica Mayotte
Council Member Andy Thomson

4. **AMENDMENTS TO THE AGENDA:**

5. **MINUTES:**

- A. Minutes of the Workshop Meeting of February 22, 2021
- B. Minutes of the Regular Meeting of February 23, 2021

6. **PROCLAMATIONS/PRESENTATIONS:**

7. **BOARD APPOINTMENTS:**

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

- A. Executive Employees' Retirement Plan
- B. General Employees' Pension Board
- C. Permitting and Construction Review Board
- D. Planning and Zoning Board
- E. Police and Firefighters' Retirement System

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) Wildland Bush Truck (Replacement);
Requested by Fire Rescue Services;
South Florida Emergency Vehicles, LLC;
\$526,577

- 2) Fire Rescue Confined Space Training Facility;
Requested by Municipal Services;
Shiff Construction & Development, Inc.;
\$320,000
- 3) Mausoleum Roof Repairs;
Requested by Municipal Services;
Garland/DBS Inc.;
\$227,272
- 4) Fire Support Roofing;
Requested by Municipal Services;
Garland/DBS Inc.;
\$185,952

B. Sole Source

- 1) Wilo-USA Pumps, Parts and Repairs;
Requested by Utility Services;
PSI Technologies, Inc.;
Budgeted Estimate: \$580,000
- 2) Flygt Pumps, Parts and Repairs;
Requested by Utility Services;
Xylem Water Solutions USA, Inc.;
Budgeted Estimate: \$400,000
- 3) Homa Pumps, Parts and Repairs;
Requested by Utility Services;
Barney's Pumps, Inc.;
Budgeted Estimate: \$200,000

C. Resolution No. 37-2021

A resolution of the City of Boca Raton authorizing the Chief of Police to execute an interlocal agreement with the Palm Beach County Sheriff's Office providing for the Police Services Department's participation in the Operation Stonegarden Grant Program; providing for severability; providing for repealer; providing an effective date

D. Resolution No. 38-2021

A resolution of the City of Boca Raton authorizing the Mayor to execute Agreement No. 21PB5 with the Florida Department of Environmental Protection for the purpose of receiving grant funding for the North Boca Raton Shore Protection Project; providing for severability; providing for repealer; providing an effective date

E. Resolution No. 39-2021

A resolution of the City of Boca Raton authorizing the expenditure of additional funds for the agreement between the City and CherryRoad Technologies, Inc., which agreement was approved by Resolution No. 87-2019; providing for severability; providing for repealer; providing an effective date

F. Resolution No. 40-2021

A resolution of the City of Boca Raton authorizing the City Manager to execute a Memorandum of Understanding with the Florida Department of Highway Safety and Motor Vehicles (DHSMV), and documents contained in the attachments thereto, in order to exchange online data from the driver and vehicle information database for parking enforcement and employment status verification; providing for repealer; providing an effective date

G. Resolution No. 41-2021

A resolution of the City of Boca Raton authorizing the execution of software licenses and software use documents that may contain indemnity provisions; authorizing the acceptance of use agreements on hosted websites and other digital platforms that may contain indemnity provisions; providing for severability; providing for repealer; providing an effective date

H. Resolution No. 42-2021

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the first amended agreement with Motorola Solutions Inc. for the purpose of an intelligence-led public safety hardware and software solution; providing for severability; providing for repealer; providing an effective date

I. Resolution No. 43-2021

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an interlocal agreement with Palm Beach County for joint participation and project funding for the purpose of construction and utility adjustment of Palmetto Park Road from SW 7th Avenue to SW 5th Avenue, over El Rio Canal; providing for severability; providing for repealer; providing an effective date

J. Resolution No. 44-2021

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an Amended and Restated Interlocal Agreement with the Greater Boca Raton Beach and Park District related to the acquisition, funding and use of the "Ocean Breeze" property; providing for severability; providing for repealer; providing an effective date

K. Receive and File Election Certifications

- 1) March 9, 2021 Regular Election – Yvette Drucker (Seat C), Monica Mayotte (Seat D), approval of two Charter amendments
- 2) Darryl Kingman as the Police Services Representative to the Police and Firefighters' Retirement System

L. Receive and File Board Minutes

- 1) Community Appearance Board
November 3, 2020
November 4, 2020
February 2, 2021
- 2) Executive Employees' Retirement Plan
January 20, 2021
- 3) General Employees' Pension Board
January 14, 2021 Regular
January 28, 2021 Special
February 11, 2021 Regular
- 4) Historic Preservation Board
February 10, 2021
- 5) Police and Firefighters' Retirement System Board
January 5, 2021 Regular
January 21, 2021 Investment
January 21, 2021 Regular
- 6) Special Magistrate
January 27, 2021 Parking
February 24, 2021 Parking

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 listed under sections 11, 12, or 13 of the agenda, please state your name and address for the record and limit your remarks to five (5) minutes. Note: The conduct of any public hearing under section 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. 5551 **(Second and final public hearing. Four votes required for adoption.)**

An ordinance of the City of Boca Raton considering amendments to the Infrastructure Element of the City's Comprehensive Plan to update the City's 10-Year Water Supply Facilities Work Plan, incorporate alternative water supply projects identified in the South Florida Water Management District's Regional Water Supply Plan, and revise potable water level of service standards; providing for severability; providing for repealer; providing an effective date (SC-20-03)

B. Ordinance No. 5568 **(Item B.1. will be considered upon adoption of the ordinance.)**

An ordinance of the City of Boca Raton amending Chapter 14, "Solid Waste," Section 14-20, "Prohibited Activities," Code of Ordinances, to provide for enhanced minimum civil penalties for various littering offenses, including littering of personal protective equipment used to prevent disease transmission; providing for repealer; providing for codification; providing an effective date

1. Resolution No. 28-2021

A resolution of the City of Boca Raton amending the "Schedule of Minimum Civil Penalties for Violations Enforced Pursuant to Section 9-60, Code of Ordinances," (Resolution No. 163-2018) to provide for enhanced minimum civil penalties for various littering offenses, including littering of personal protective equipment used to prevent disease transmission; providing for severability; providing for repealer; providing an effective date

C. Ordinance No. 5569

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a platted anchor easement, portions of platted alleys and road rights-of-way, two deeded public utility easements, and portions of platted public utility easements, and approving and accepting a public utility easement deed, for the "Camino Square" project on the property generally located at 171 West Camino Real; providing conditions for vacation and abandonment; providing for repealer; providing an effective date (EA-18-09)

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. 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.)

15. 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. 5570

An ordinance of the City of Boca Raton amending Chapter 6, "Elections," Code of Ordinances, consistent with recent amendments to the City's Charter; amending Section 6-16, "Proof of Residency," to lengthen the residency requirement applicable to candidates for the office of Mayor or Council Member from 30 days to one year; and amending Section 6-17, "Filing of Petition," to revise the procedures/requirements relating to petition signatures in support of a candidate; providing for severability; providing for repealer; providing for codification; providing an effective date

B. Ordinance No. 5571

An ordinance of the City of Boca Raton amending Chapter 25, "Streets and Sidewalks," Article II, Section 25-39, "Abandonment of Required Rights-of-Way or Required Special Purpose Easements Pursuant to a Site Plan," Code of Ordinances, authorizing the Community Redevelopment Agency to abandon rights-of-way and easements contemporaneously with an individual development approval, and confirming the delegation of authority to act upon an application for an abandonment; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-20-12)

C. Ordinance No. 5572

An ordinance of the City of Boca Raton amending Chapter 28 "Zoning," Article XI, Division 3, "R-B-1 Motel-Business District," Section 28-742, "Permitted Uses," Code of Ordinances, to authorize business, trade, technical, or secretarial schools as permitted uses in the Motel-Business (R-B-1) zoning district; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-20-09)

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, http://discover.pbcgov.org/legislativeaffairs/Pages/Lobbying_Regulations.aspx, prior to engaging in lobbying activities before City of Boca Raton staff, boards, committees and/or the City Council, or any member thereof.

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact the Office of the City Clerk at BRCityClerk@myboca.us at least three business days prior to the proceeding (whenever possible) to request such accommodation.

**CITY OF BOCA RATON
AND
BOCA RATON COMMUNITY DEVELOPMENT AGENCY
VIRTUAL PUBLIC MEETING PROCEDURES
FOR NON-QUASI-JUDICIAL MATTERS
UTILIZING COMMUNICATIONS MEDIA TECHNOLOGY (CMT)
DURING DECLARED EMERGENCIES**

1. Intent.

The intent of these emergency public meeting procedures is to ensure that, during a declared Federal, State, County, or Municipal emergency (“Declared Emergencies”) the City Council, the Community Redevelopment Agency (“CRA”), and the various Boards and Committees appointed by the City Council (“Board” or “Boards”) may still meet, when necessary, to conduct official business and to consider and hear various matters that are not required to be considered pursuant to quasi-judicial procedures. The City has established separate procedures for quasi-judicial matters. These procedures are intended to maintain citizen access to the local government decision-making process and to provide an equitable and efficient method for the City Council, the CRA, and the City’s Boards to conduct public meetings and hearings and to receive public input.

2. Applicability.

These procedures shall be utilized only during Declared Emergencies where the City Council, the CRA, or a Board is unable to have a physical quorum present at a specific public place for a public meeting (or determines it is in the best interest of the City and its residents to conduct the public meeting without a physical quorum). These procedures shall apply to all business before the City Council, the CRA, or a Board that is not determined by the City or Agency Attorney to be quasi-judicial in nature.

3. Definitions.

The following words, terms and phrases, when used in these emergency procedures, and notwithstanding any other definitions in the City Code, shall have the meanings ascribed to them in this section.

Attendees shall mean members of the general public who offer comment via Communications Media Technology during the Virtual Public Meeting for the purpose of being heard on an Item of Consideration.

Board shall mean any one of the Boards or Committees appointed by the City Council whose meetings are subject to the Government in the Sunshine Law.

Items of Consideration shall mean any of the following matters that may come before the City Council, the CRA, or a Board for consideration on an agenda:

- (1) Amendments to the published agenda.
- (2) Approval of minutes.
- (3) Consent agenda items, including, but not limited to, purchasing authorizations, resolutions approving contracts, other actions approved by resolution, and receipt and filing of minutes of City Boards and Committees.
- (4) Appointments to City Boards and Committees, including interviews of applicants.
- (5) Legislative actions of the City Council, including, but not limited to, the consideration of ordinances.
- (6) Legislative actions of the CRA.
- (7) Recommendations to the City Council or the CRA on legislative actions or other matters not requiring quasi-judicial review.

- (8) Reports from Staff.
- (9) Adoption of Board rules of procedure and election of officers.
- (10) Comments and requests from members of the public.
- (11) Resolutions considering settlements and other resolutions not considered on the Consent Agenda.
- (12) Discussion of future agenda matters and items of public concern.
- (13) Other Board actions as required by the City Code of Ordinances.
- (14) Recommendations by the City Manager and City Attorney, the CRA Executive Director and Agency Attorney, or the Staff.
- (15) Comments and reports from individual City Council Members, CRA Commissioners, or Board Members.
- (16) Adjournment.

Chair shall mean the mayor or, in his/her absence, the deputy mayor of the City presiding over the proceedings; the CRA Chair, or, in his/her absence, the Vice-Chair of the CRA presiding over the proceedings; or the Chair or, in his/her absence, the Vice-Chair, of any other Board.

Communications Media Technology ("Technology or CMT") shall mean the electronic transmission of printed material, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available, as provided in Section 120.54(5)(b)(2), Florida Statutes.

Virtual Public Meeting shall mean a meeting held by the City Council, CRA or any Board to consider an Item of Consideration, to receive public input on any Item of Consideration where public comment is permitted or other matter concerning the City, or to discuss matters of City business by means of a hearing or discussion which is conducted utilizing CMT and comports with these emergency procedures and applicable due process requirements.

Staff shall mean members of the CRA and City of Boca Raton staff.

4. General procedures.

- (a) *Virtual Public Meeting (or Meeting)*. The Virtual Public Meeting shall be held through the use of CMT accessible to all Attendees to the extent technologically practicable.
- (b) *Official file*. All written communication received by Staff (from any source) concerning any matter on a Virtual Public Meeting Agenda shall be filed in the record of the Meeting, which shall be maintained by Staff.
- (c) *Meeting agenda*. The printed agenda for the Virtual Public Meeting shall explain the procedures for accessing the Virtual Public Meeting and the matters to be considered at the Virtual Public Meeting. A copy of the Meeting agenda, along with instructions for accessing the agenda materials shall be posted on the City's website.
- (d) *Attendee Materials*. Attendees desiring to make presentations or provide materials to be considered by the City Council, the CRA, or the Board at the Virtual Public Meeting shall submit all materials, presentations, and statements to the City, preferably in electronic format, no later than twelve (12) hours prior to the beginning of the Virtual Public Meeting, as provided in the Technical Information for CMT Meetings.
- (e) *Public comment*.
 - (i) Members of the public that desire to submit comments in advance to be considered at the Virtual Public Meeting may submit their comments, via any of the CMT utilized by the City, which may include, but not be limited to e-mail and voice mail, as provided in the Technical Information for CMT Meetings section of these procedures, as well as written correspondence.

(ii) Pursuant to the Technical Information for CMT Meetings section of these procedures, comments by members of the public previously submitted by voicemail or email will be viewable by the members of City Council, the CRA, or the Board and will be included as part of the record of the Virtual Public Meeting.

(iii) Members of the public will, to the extent technologically practicable, be provided an opportunity, pursuant to the Technical Information for CMT Meetings section of these procedures, **to provide comments during the Virtual Public Meeting**. During the Meeting, individuals will be provided: (i) only one opportunity to provide comment upon each specific agenda item (where public comment is permitted), either by spoken comment limited to five (5) minutes or by having their question or comment, submitted electronically via the GoToWebinar software during the meeting, read, up to five hundred (500) words, into the record by Staff; and (ii) only one opportunity to provide general comment during public requests, either by spoken comment limited to five (5) minutes or by having their question or comment, submitted electronically via the GoToWebinar software during the meeting, read, up to five hundred (500) words, into the record by Staff.

- (f) *Virtual Public Meeting Procedures and Technical Information for CMT Meetings*. The technical information for CMT Meetings is detailed below, and a copy of these Virtual Public Meeting Procedures shall be posted on the City website.
- (g) *Notice*. Notice requirements as contained in Florida Statutes and the City Code of ordinances shall apply to the Virtual Public Meeting. Any notice of a meeting, and any agenda for such meeting, to be conducted as a Virtual Public Meeting shall include a reference to the Virtual Public Meeting Procedures for information on the method and access to view and provide comment before and during the Virtual Public Meeting.
- (h) In the event the City's CMT malfunctions during the Virtual Public Meeting, the City shall use its best efforts to address the malfunction and, if the meeting is continued to a specific date and time, or rescheduled, to provide notice as to the date and time of the continuation of the Virtual Public Meeting. Malfunction of an individual's CMT equipment, including, but not limited to, computers and/or telephones, shall not require continuation of the Virtual Public Meeting, provided the City's CMT continues to function.

5. Technical Information for CMT Meetings.

The notice of virtual public meeting will provide that instructions, as detailed below, for accessing the meeting using communications media technology will be available on the City's website.

(a) Participating in the Virtual Public Meeting:

To participate as a Attendee in the Virtual Meeting using computer access or your smartphone, register via your internet browser through the link **CRA and City Council Meeting** provided on the City's webpage www.myboca.us/webinar. Virtual meeting attendees to City Council and CRA Meetings will be able to see the City Council Members or the CRA Commissioners and Staff's meeting presentation materials and to hear other parties when speaking. Virtual meeting attendees to all other meetings will be able to see Staff's presentation materials and hear the Board Members and other parties when speaking.

To provide real-time comment using GoToWebinar on an agenda item where public comment is permitted or to provide general comments during public requests, you may use the **ask a question function** (as described below) to provide your name and the address where you reside and your written comment, or you may electronically **raise your hand** (as described below) to provide your name and address where you reside and be provided an opportunity to give spoken comment or ask a question. Comments or questions submitted via the *ask a question* function will be read into the record (limited to the portion, starting from the beginning, that is 500 words or less, with the full written comment made a part of the record) along with your name and the address where you reside. Spoken comments will be limited to five (5) minutes.

During the meeting, individuals will be provided: (i) only one opportunity by speech or the *ask a question* function to provide comment upon each specific agenda item (where public comment is permitted);, and (ii) only one opportunity by speech or the *ask a question* function to provide general comment during public requests.

If you wish to provide PowerPoint or similar presentations or any materials to the City Council, please provide copies via email to BRCityClerk@myboca.us no later than 12 hours prior to the start of the meeting. Materials must be scanned for security purposes, so we will not be able to accept PowerPoint presentations and similar computer-based materials later than 12 hours prior to the start of the meeting.

(b) Listening to the Virtual Public Meeting:

To listen to the meeting on any phone, dial the conference number given in the agenda and in the meeting notice online at www.myboca.us/1837/City-Public-Meetings and enter the conference code when prompted. You will be able to listen to the meeting, but no comments can be made.

(c) Submitting Public Comments via Email or Voicemail:

EMAIL: If you wish to comment via email on any item on the agenda where public comment is permitted, or to provide general comments as public requests, you may do so by emailing your name and the address where you reside and agenda item number or description, as applicable, and your comment no later than two (2) hours prior to the scheduled starting time for commencement of the meeting. Email your comments to the following email address: meetingcomments@myboca.us. Email comments will be reviewable by the City Council, CRA, or Board as part of the meeting record.

VOICEMAIL: If you wish to comment via voicemail on any item on the agenda where public comment is permitted, or to provide general comments as public requests, you may do so by calling (561) 393-7721 and leaving a message no later than two (2) hours prior to the commencement of the meeting. The greeting will provide instructions for leaving your name, address where you reside, and comments. Voicemail messages will be transcribed and reviewable by the City Council, CRA, or Board as part of the meeting record. Voicemail message recording time will be limited to five (5) minutes.

(d) GoToWebinar Instructions for Virtual City of Boca Raton and CRA Meetings

1. Visit webpage: www.myboca.us/webinar to register to be an Attendee for the meeting OR download the GoToWebinar app using a smartphone.
 - a. **Mute:** Attendees will be automatically placed in **Listen Only** (mute) mode during the meeting. The meeting organizer (Staff) will control mute/unmute.
 - b. **Ask a Question:** Attendees will be able to use the Ask a Question/Question function to enter their name and the address where they reside to make a comment that will be read into the record by Staff, as described above.
 - c. **Raise Hand:** Attendees will be able to raise their hand, which the meeting organizer can use to allow attendees to speak at the appropriate time during the meeting, as described above.
 - d. **Mute/Unmute:** When the meeting organizer recognizes you to speak during the meeting, select the UNMUTE button on your computer, give your name and address, and offer your comments, which will be limited to five (5) minutes.

2. System Requirements

The latest versions of an internet browser should be used, whether it is Google Chrome, Firefox, or Safari. If Internet Explorer is used, version 9 or 10 is recommended as the earlier versions are only partially supported, which may cause some issues when logging into a meeting.

(6) The Virtual Public Meeting shall, to the extent possible, be conducted as follows:

- (a) The Chair (or City, CRA, or Board Attorney) shall read a statement at the beginning of the Virtual Public Meeting that outlines the procedure to be followed.
- (b) If a public hearing is required on any Item of Consideration at the Virtual Public Meeting, the order of the consideration will generally be as follows, unless the City Council, CRA, or Board agrees to a different order, or as the Chair directs, taking proper consideration of fairness and due process:
 - 1. Staff shall present a brief synopsis of the matter and provide any appropriate additional information or exhibits that have not already been transmitted to the City Council, CRA, or Board along with the agenda materials; summarize issues; and may provide a recommendation. Staff will respond to any questions from the City Council, CRA, or Board.
 - 2. Any other persons attending via GoToWebinar may be recognized and may submit public comment/questions by spoken comment or the *ask a question* function pursuant to the Technical Information for CMT Meetings.
 - 3. Members of the City Council, the CRA, or the Board, through the Chair, may ask any questions of the Staff and Attendees.
- (c) After the presentations, and at the conclusion of the public hearing or discussion on the Item of Consideration, the City Council, the CRA, or the Board may consider the Item and take appropriate action on the Item.