



BOCA RATON CITY COUNCIL

REGULAR MEETING

NOVEMBER 23, 2021

6:00 PM

The meeting will be held in-person in the Auditorium at 6500 N. Congress Avenue.

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 November 8, 2021
- B. Minutes of the Regular Meeting of November 9, 2021

6. **PROCLAMATIONS/PRESENTATIONS:**

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**

- 1) Fiber Optic Engineering, Design, Material, Supplies and Installation;
Requested by City Wide;
Precision Contracting Services, Inc.;
Budgeted Estimate: \$465,000.00
- 2) Tires and Related Equipment, Supplies and Services;
Requested by Municipal Services;
The Goodyear Tire and Rubber Company;
Budgeted Estimate: \$770,000.00
- 3) Cabling and Networking Products & Solutions;
Requested by Utility Services;
Anixter, Inc.;
Budgeted Estimate: \$120,000.00

B. Resolution No. 159-2021

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Calvin, Giordano & Associates, Inc., for the provision of professional architecture services for Countess de Hoernle Park Phase II; providing for severability; providing for repealer; providing an effective date

(Item 9.C. was inadvertently advertised as a quasi-judicial public hearing but is appropriately considered under this consent portion of the agenda.)

C. Resolution No. 160-2021

A resolution of the City of Boca Raton considering acceptance of two water and sewer easement deeds from FR Florida, Inc. over certain lands located at 7015, 7035, 7045 Beracasa Way in unincorporated Palm Beach County; providing for severability; providing for repealer; providing an effective date

D. Resolution No. 161-2021

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 53 with Kimley-Horn and Associates, Inc. for the purpose of providing professional engineering services for NW 1st Avenue streetscape upgrades; providing for severability; providing for repealer; providing an effective date

E. Resolution No. 163-2021

A resolution of the City of Boca Raton authorizing the City Manager to accept a grant from the Bureau of Justice Assistance for the FY 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; authorizing the acceptance of said grant; authorizing and directing the City Manager to comply with the terms and conditions of said grant; providing for severability; providing for repealer; providing an effective date

F. Resolution No. 164-2021

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Tri-Party Agreement with Palm Beach County and ESPN Productions, Inc. for the Boca Raton Bowl Game at Florida Atlantic University Stadium; providing for severability; providing for repealer; providing an effective date

G. Resolution No. 165-2021

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a Regional Television Sponsorship Agreement with ESPN Productions, Inc. for the Boca Raton Bowl Game at Florida Atlantic University Stadium; providing for severability; providing for repealer; providing an effective date

H. Resolution No. 166-2021

A resolution of the City of Boca Raton authorizing the City Manager to execute the National Opioid Litigation Settlement Agreements and all other documents required by the Florida Attorney General for the City to claim a share of the settlement funds available as a result of the Opioid Litigation Settlement; providing for severability; providing for repealer; providing an effective date

I. Resolution No. 167-2021

A resolution of the City of Boca Raton authorizing the City Manager to execute agreements with Boca Raton Regional Hospital, Inc. and Kimley-Horn and Associates, Inc., for the purpose of 12" water main design and cost sharing; providing for severability; providing for repealer; providing an effective date

J. Board Resignation

- 1) Sidney Seligman from the General Employees' Pension Board

K. Board Minutes Received

- 1) Citizens' Pedestrian and Bikeway Advisory Board
January 13, 2020
February 10, 2020
- 2) Community Appearance Board
October 5, 2021
October 19, 2021
- 3) General Employees' Pension Board
October 14, 2021
- 4) Library Board
January 15, 2020
- 5) Parks and Recreation Advisory Board
March 3, 2020
- 6) Planning and Zoning Board
September 2, 2021
October 7, 2021
- 7) Police and Firefighters' Retirement System Board
September 23, 2021
- 8) Special Magistrate
September 22, 2021 Parking Hearing
October 27, 2021 Code Hearing
October 27, 2021 Parking Hearing
- 9) Sustainability Advisory Board
February 28, 2020

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. 5603

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a platted utility easement, and approving and accepting a utility easement deed from Bocar Master Association, for upgraded infrastructure for Well 35W, over certain lands generally located at 3201 Clint Moore Road; providing for severability; providing for repealer; providing an effective date (EA-21-04)

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. 5604

An ordinance of the City of Boca Raton considering an amendment to the City's Comprehensive Plan to create a property rights element; providing for severability; providing for repealer; providing an effective date (SC-21-06)

B. Ordinance No. 5605

An ordinance of the City of Boca Raton amending Chapter 19, "Building Regulations," Article VI, Division 3, "Permitting and Construction Review Board," Section 19-216, "Membership," Code of Ordinances, to require at least one member of the board hold a state license or certification as a professional engineer with experience in electrical engineering; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-21-11)

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. The Office of the City Clerk is located at City Hall, 201 W. Palmetto Park Rd., Boca Raton, 33432.

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 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.