



AGENDA BOCA RATON CITY COUNCIL

REGULAR
MEETING

NOVEMBER 22, 2022

06:00 PM

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

4. AMENDMENTS TO THE AGENDA:

5. MINUTES:

A. Minutes of the Workshop Meeting of November 7, 2022

B. Minutes of the Regular Meeting of November 8, 2022

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. Sealed Bids

- 1) Rock Salt (Bulk) – Low Bromide Sodium Chloride; Requested by Utility Services; Odyssey Manufacturing Company; Budgeted Estimate: \$398,000.00

- 2) Countess DeHoernle Park New Maintenance Facility; Requested by Utility Services; Ahrens Enterprise, Inc. dba Ahrens Companies; \$7,017,467.00

B. Intergovernmental

- 1) Irrigation Supplies; Requested by Recreation Services; SiteOne Landscape Supply LLC; Melrose Supply and Sales Corps; Rice Pump and Motor; Repair, Inc.; Budgeted Estimate: \$350,000.00
- 2) Sugar Sand Park Field House Chiller Replacement; Requested by Municipal Services; Trane U.S. Inc.; \$313,396.00

C. Board Minutes Received

- 1) Citizens' Pedestrian and Bikeway Advisory Board July 11, 2022
- 2) Community Appearance Board September 6, 2022 September 20, 2022 October 4, 2022 October 18, 2022
- 3) Executive Employees' Retirement Plan August 17, 2022 September 21, 2022
- 4) Historic Preservation Board September 14, 2022
- 5) Planning and Zoning Board September 8, 2022 September 22, 2022
- 6) Police and Firefighters' Retirement System July 28, 2022 Regular Meeting August 25, 2022 Investment Committee August 25, 2022 Regular Meeting September 22, 2022 Investment Committee September 22, 2022 Regular Meeting September 22, 2022 Disability Hearing
- 7) Special Magistrate September 14, 2022 Code
- 8) Sustainability Advisory Board August 26, 2022 September 30, 2022

(If you are planning to speak during any public hearing listed under sections 10 or 11 of the agenda, please state your name and address for the record and limit your remarks to five (5) minutes.)

10. QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

(The conduct of any public hearing under section 10 will be governed by the quasi-judicial procedures attached to this agenda.)

11. 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. 5633

An ordinance of the City of Boca Raton amending the Fiscal Year 2022-2023 Budget through the First Budget Amendment; providing for severability; providing for repealer; providing an effective date

B. Ordinance No. 5634

An ordinance of the City of Boca Raton amending the Fiscal Year 2021-2022 Budget through the Third Budget Amendment; providing for severability; providing for repealer; providing an effective date

C. Ordinance No. 5635

An ordinance of the City of Boca Raton amending Chapter 12, "Pensions and Retirement," Code of Ordinances, Article V, "Executive Employees' Retirement Plan," to specify in Section 12-163 the multipliers applicable to members; providing for severability; providing for repealer; providing for codification; providing an effective date

12. 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.)

13. 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.)

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. 5636

An ordinance of the City of Boca Raton amending Chapter 28, "Zoning," Code of Ordinances, relating to required yards (setbacks), encroachments, and accessory buildings and structures; amending Article IX, "Single-Family Residential Districts," and Article XV, Division 3, "Encroachments," to set forth the applicable regulations with regard to required yards (setbacks), encroachments, and accessory buildings and structures in residential districts; amending, reorganizing and/or restating provisions of Chapter 28, "Zoning," with regard to required yards (setbacks), encroachments, and accessory buildings and structures, for clarity and improved organization; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-21-10)

B. Ordinance No. 5637

An ordinance of the City of Boca Raton proposing an amendment to the City Charter changing the terms of office of the Mayor and City Council Members from three (3) years to four (4) years; extending the terms of those council members whose terms are due to expire March 2024 by one additional year; providing for submission of the proposed City Charter amendment to the electors of the City at the regular election on March 14, 2023; providing for severability; providing for repealer; providing for codification; providing an effective date

C. Ordinance No. 5638

An ordinance of the City of Boca Raton amending Chapter 6, "Elections," Section 6-11, "Canvassing Board; Composition; Duties," to provide that the City Council may delegate to the Palm Beach County Canvassing Board the duties of the City's Canvassing Board for municipal elections; providing for severability; providing for repealer; providing for codification; providing an effective date

15. 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. 130-2022

A resolution of the City of Boca Raton considering an appointment to fill a vacancy on the City Council (Seat A) for the remainder of the current term (which expires March 2023); providing for repealer; providing an effective date

16. 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.)

17. CITY MANAGER RECOMMENDATIONS AND REPORTS:

18. CITY ATTORNEY REPORTS:

19. MAYOR AND COUNCIL MEMBER REPORTS:

20. 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.

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.*