



CITY OF Boca Raton

CITY HALL
201 WEST PALMETTO PARK ROAD • BOCA RATON, FL 33432
PHONE (561) 393-7700
(FOR HEARING IMPAIRED) TDD (561) 367-7043
www.myboca.us

TO: Mayor and Council Members

FROM: Diana Grub Frieser
City Attorney *DGF/GRK*

DATE: October 18, 2022

SUBJECT: Legislative Policy Direction Regarding ALFs (Resolution No. 119-2022)

At the request of Council Member Mayotte, we have prepared the attached proposed Resolution No. 119-2022. Council Member Mayotte has requested, pursuant to Section 28-161(2), Code of Ordinances,¹ that the City Council provide legislative direction as to whether (or not) the City Council desires, as a matter of legislative policy, to consider an amendment to the text of the City's zoning code to introduce assisted living facilities ("ALFs") into the City's single-family residential zoning districts (an "ALF Amendment"), and if the City Council desires to consider an ALF Amendment, then to provide express direction to the City Clerk whether such ALF Amendment should be processed with or without reference to the Development Services Department and/or to the Planning and Zoning Board.

A vote by the City Council in connection with this Resolution No. 119-2022 will be limited solely to providing direction to the City Clerk whether (or not) the Council desires, as a legislative determination, to consider and process an ALF Amendment, and such a vote will not in any way constitute a binding policy determination (or waiver) by the Council (or any Council Member) with respect to an ALF Amendment.

Please feel free to contact us if you have any questions.

cc: Leif J. Ahnell, C.P.A., C.G.F.O., City Manager
Joshua P. Koehler, Deputy City Attorney
Jamie A. Cole, Esq.
Daniel Abbott, Esq.

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¹ Section 28-161(2), Code of Ordinances, provides that to propose an amendment to the City's zoning code "the City Council may direct the City Clerk to schedule a public hearing upon any such proposal without reference of the proposal to the Development Services Department or to the Planning and Zoning Board."

City of Boca Raton



Incorporated 1925

RESOLUTION

119-2022

A RESOLUTION OF THE CITY OF BOCA RATON PROVIDING LEGISLATIVE DIRECTION REGARDING WHETHER (OR NOT) THE CITY COUNCIL DESIRES TO CONSIDER AN AMENDMENT TO THE ZONING CODE TO INTRODUCE ASSISTED LIVING FACILITIES (ALFs) AS AN ALLOWABLE USE IN THE CITY'S SINGLE-FAMILY ZONING DISTRICTS, AND, IF THE COUNCIL DESIRES TO CONSIDER SUCH AN AMENDMENT, DIRECTING THE PROCESSING OF SUCH AN AMENDMENT; PROVIDING AN EFFECTIVE DATE

WHEREAS, amendments to the text of the City's zoning code, including the addition of uses within specified zoning districts, may be adopted through ordinances approved by the City Council, the adoption of which, among other things, requires a legislative determination by the City Council that the amendment should be enacted; and

WHEREAS, the City's Code of Ordinances sets forth the methods for proposing amendments to the City's zoning code; and

WHEREAS, Section 28-161(1), Code of Ordinances, provides, together with additional provisions of the City Code, that a "proposal to amend any provision of [the zoning

1 code] may be initiated by the city council, any member of the city council, the planning and
2 zoning board, the city manager or the city attorney.” A copy of Section 28-161, Code of
3 Ordinances, together with a copy of Section 23-60, Code of Ordinances, is attached hereto as
4 **Exhibit “A”**; and

5 WHEREAS, a private property owner has no right under the City’s Code of
6 Ordinances to propose an amendment to the text of the City’s zoning code; and

7 WHEREAS, the owner of a single-family zoned property located off of SW 12th
8 Avenue near Palmetto Park Road (the “Property Owner”) has expressed a desire to develop its
9 property as an adult living facility (“ALF”), even though ALFs are currently neither a permitted
10 nor a conditional use in any single-family residential zoning district in the City; and

11 WHEREAS, at the request of the Property Owner, on or about August 9, 2021,
12 Council Member Mayotte initiated, pursuant to Section 28-161(1), Code of Ordinances, a
13 proposed amendment to the text of the City’s zoning code to introduce ALFs as a conditional
14 use in the City’s single-family residential zoning districts, attached hereto as **Exhibit “B”**
15 (as revised, the “2021 Proposal”).

16 WHEREAS, based on the initiation of the 2021 Proposal by Council Member Mayotte,
17 a file regarding the proposed amendment was opened by City staff (the “File”), and the Property
18 Owner submitted applications for site plan and conditional use that were contingent on approval
19 by the City Council of the 2021 Proposal; and

20 WHEREAS, pursuant to City staff’s role under the Code, the Property Owner was
21 specifically advised by City staff on December 23, 2021, that ALFs are not allowed within the
22 Low Density (RL) future land use category of the Comprehensive Plan (the land use category of
23 the Property Owner’s property) and, as such, the 2021 Proposal and the Property Owner’s
24 applications to develop its property as an ALF could not be processed further absent a
25 proposed Comprehensive Plan amendment (the “Comments Letter”); and
26

1 WHEREAS, in response to the Comments Letter, on January 4, 2022, the Property
2 Owner requested of City staff: “let us know which future land use designation we should be
3 requesting,” and on January 6, 2022, City staff responded: “there are multiple potential ways of
4 dealing with the conflict between your proposed use (a high-intensity ALF) and the RL future
5 land use category, including seeking a FLUM amendment to another category, or seeking an
6 amendment to the text of the Comprehensive Plan.” A copy of these communications is
7 attached hereto as **Exhibit “C”**; and

8 WHEREAS, in connection with the Property Owner’s resubmittal of a revised,
9 proposed amendment to the City’s zoning code, and applications for site plan and conditional
10 use approval filed with the City on February 23, 2022, no Council Member initiated a
11 contemporaneous amendment to the text of the Comprehensive Plan, nor did the Property
12 Owner request a change to the future land use designation of its property to another category
13 that would allow ALFs; and

14 WHEREAS, because no application had been made to amend the Comprehensive
15 Plan to allow the 2021 Proposal or to change the future land use designation of the Property
16 Owner’s property, on March 1, 2022, City staff notified the Property Owner that it was
17 administratively closing the File (the “Closure Letter”). A copy of the Closure Letter is attached
18 hereto as **Exhibit “D”**; and

19 WHEREAS, thereafter, the 2021 Proposal was no longer being processed and no
20 longer pending; and

21 WHEREAS, the Property Owner then filed a lawsuit against the City on
22 April 22, 2022, currently pending in the 15th Judicial Circuit Court and styled *Religious Science*
23 *Unlimited, Inc. v. City of Boca Raton*, Case No. 502022CA003848XXXXMB (the “Lawsuit”),
24 seeking, among other things, (i) for the court to compel the City Council to process and consider
25 the 2021 Proposal (based on the Property Owner’s alleged legal entitlement to compel
26 processing/consideration), and (ii) for the court to determine (without public hearings before the

1 City or a determination by the City Council) that the 2021 Proposal would be consistent with the
2 City's Comprehensive Plan, and therefore no amendment to the Comprehensive Plan would be
3 required; and

4 WHEREAS, subsequent to the filing of the Lawsuit, the City Attorney confirmed
5 during two different public meetings of the City Council, on May 16, 2022, and again on
6 September 13, 2022, that the 2021 Proposal was not pending processing or consideration by
7 the City Council (the "Confirmations"), which Confirmations were unanimously approved by the
8 City Council and confirmed by Council Member Mayotte, respectively. A copy of the minutes of
9 the City Council meetings reflecting such Confirmations are attached hereto as **Exhibit "E"**;
10 and

11 WHEREAS, notwithstanding the Confirmations, the Property Owner continues to
12 assert in the Lawsuit that the 2021 Proposal "was sponsored by City Council Member Mayotte
13 who but for the City's improper 'termination' thereof would continue to sponsor the [2021
14 Proposal]", and states that the Lawsuit "is based upon the City's improper failure to process the
15 [2021 Proposal]." Notwithstanding the language of the City's Code of Ordinances, the Lawsuit
16 asserts, among other things, that the City has an obligation to process and consider the 2021
17 Proposal; and

18 WHEREAS, Section 28-161(2), Code of Ordinances, provides that to propose an
19 amendment to the City's zoning code "the City Council may direct the City Clerk to schedule a
20 public hearing upon any such proposal without reference of the proposal to the Development
21 Services Department or to the Planning and Zoning Board"; and

22 WHEREAS, Council Member Mayotte has requested, pursuant to Section 28-161(2),
23 Code of Ordinances, that the City Council **provide legislative direction:**

24 (a) **whether (or not)** the City Council desires, as a matter of legislative policy, to
25 **consider** and process an amendment to the text of the City's zoning code to introduce ALFs
26 into the City's single-family residential zoning districts (an "ALF Amendment"), and
27

1 (b) *if the City Council desires to consider an ALF Amendment*, then to provide
2 express direction to the City Clerk whether such ALF Amendment should be processed with or
3 without reference to the Development Services Department and/or to the Planning and Zoning
4 Board; and

5 WHEREAS, a vote by the City Council in connection with this Resolution will be
6 limited solely to providing direction to the City Clerk regarding whether (or not) the Council
7 desires, as a legislative determination, to consider and process an ALF Amendment to the text
8 of the City's zoning code to introduce ALFs into the City's single-family residential zoning
9 districts, and such a vote will not in any way constitute a binding policy determination (or waiver)
10 by the Council (or any Council Member) with respect to an ALF Amendment; and a vote on this
11 Resolution will grant no rights or entitlements to any party (including any property owner), and
12 does not restrict the Council (or any Council Member) in any way from considering (or
13 withdrawing consideration of), and/or adopting or electing not to adopt, an ALF Amendment or
14 any similar legislative policy proposal in the future, all such legislative decisions being in the
15 legislative discretion of the City Council; and

16 WHEREAS, this Resolution has been placed on the agenda for consideration by the
17 City Council, at a public meeting, as to whether (or not) the City Council desires, as a matter of
18 legislative policy, to consider and process an ALF Amendment and/or a similar amendment to
19 the text of the City's zoning code to introduce ALFs into the City's single-family residential
20 zoning districts (and if the City Council does not desire to consider such ALF Amendment or
21 similar ordinance, then to determine that the conduct of a public hearing by the City Council
22 would not further the City Council's legislative policy goals, and would be a waste of City
23 resources); now therefore

1 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOCA
2 RATON:

3 Section 1. The City Council hereby legislatively determines that it [does/does not]
4 desire to consider and process a potential legislative amendment to the zoning code in the form
5 of an ALF Amendment, or similar ordinance to introduce ALFs as an allowable use in the City's
6 single-family zoning districts; and **only if the City Council does so desire**, then it also directs
7 (for purposes of processing and consideration only) the City Clerk to [refer/not refer] the ALF
8 Amendment (or similar ordinance) to the Development Services Department and/or to the
9 Planning and Zoning Board for public hearings, consideration and recommendation to the City
10 Council; and **if the City Council does not so desire**, then it directs that the ALF Amendment
11 (or similar ordinance) should not be processed for consideration.

12 Section 2. This resolution shall take effect immediately upon adoption.

13 PASSED AND ADOPTED by the City Council of the City of Boca Raton this _____
14 day of _____, 2022.

15
16 CITY OF BOCA RATON, FLORIDA

17
18 ATTEST:

19
20
21 _____
22 Scott Singer, Mayor

23 _____
24 Mary Siddons, City Clerk

25
26 gpk
27
28

COUNCIL MEMBERS	YES	NO	ABSTAINED
MAYOR SCOTT SINGER			
DEPUTY MAYOR ANDREA LEVINE O'ROURKE			
COUNCIL MEMBER YVETTE DRUCKER			
COUNCIL MEMBER MONICA MAYOTTE			
COUNCIL MEMBER ANDY THOMSON			

EXHIBIT "A"

Sec. 28-161. Amendments.

- (1) A proposal to amend any provision of this chapter may be initiated by the city council, any member of the city council, the planning and zoning board, the city manager or the city attorney, in accordance with the following procedure:
 - (a) All such proposals shall be forwarded to the development services department, which will take the following action:
 1. Set dates for the public hearings to be held by the planning and zoning board and the city council;
 2. Provide notice of public hearings as set forth in section 28-8; and
 - (b) The planning and zoning board shall report its recommendation on the proposal to the city council promptly after the conclusion of the public hearing.
 - (c) The city council shall consider the recommendation of the planning and zoning board and shall either accept, modify or deny the recommendation, or return the recommendation to the board for additional study. If by acceptance, modification, or denial of the recommendation a change in the ordinances of city is required, an ordinance setting forth the change shall be introduced as soon as possible.
- (2) In the alternative, the city council may direct the city clerk to schedule a public hearing upon any such proposal without reference of the proposal to the development services department or to the planning and zoning board.

(Ord. No. 2639, § 4, 9-25-79; Ord. No. 4170, § 27, 9-27-94; Ord. No. 5600, § 19, 10-26-21)

Sec. 23-60. Adoption or amendment of land development regulations and codes.

- (1) Generally. In addition to all other requirements established by ordinance, no land development regulation or code shall be adopted or amended except in a manner consistent with the comprehensive plan. If it is determined that a land development regulation or code is desirable but is inconsistent with the comprehensive plan, the comprehensive plan shall first be amended to resolve the inconsistency prior to final action on the proposed land development regulation or code.
- (2) Proposals referred to board. Prior to the adoption of any proposed land development regulation or code, or any amendment thereto, in addition to all other applicable requirements established by ordinance:
 - (a) The board shall review all proposed land development regulations and codes referred to it by the city council and make a recommendation as to the relationship of such proposal to the plan. The board's recommendation shall include a determination whether the proposal is consistent with the plan. The board may recommend modifications to the proposal necessary to achieve consistency with the plan. The board may also recommend amendments to the plan in order to achieve consistency with the proposal.
 - (b) Upon a determination by the board that a proposed land development regulation or code, or any amendments thereto, with or without recommended modifications, is consistent with the plan, and upon completion of review by other boards of the city if required, the proposal shall be considered by the city council and may be adopted, adopted with modifications, rejected or referred to any board of the city or to the city manager or city attorney for further review. The city council may adopt modifications other than those recommended by the board, and may adopt some or all of the modifications recommended by the board, or none. However, the city council shall not adopt the proposal without all of those modifications recommended by the board as necessary to achieve consistency with the plan except by the affirmative vote of at least $\frac{4}{5}$ of the city council membership. A proposal determined by the board to be not consistent with the plan may be adopted by the city council only by the affirmative vote of at least $\frac{4}{5}$ of the city council membership.
- (3) Action by council without reference of proposal to board. The city council may consider and adopt any proposal to amend the regulations and codes of the city without reference of the proposal to the board. However, the city council shall expressly find and declare the proposal to be consistent with the plan prior to or simultaneously with adoption of the proposal.

(Code 1966, § 12A-19)

(Supp. No. 68, Update 4)

EXHIBIT "B"

Initiated 2021 Proposal (August 9, 2021)

Sec. 28-340. - Conditional uses.

Conditional use approval may be requested in single-family residential districts by the owner of property for the following uses in accordance with division 4 of article II:

#

(13) Assisted Living Facilities that abut a Major Collector on two sides, which Major Collector feeds into a Major Arterial, which Major Arterial shall be within 150 feet of the proposed Assisted Living Facility.

Sec. 28-336. - District classifications.

Assisted living facilities, convalescent homes, and nursing homes shall be regulated by beds per acre (BPA), and shall have a maximum BPA (assuming 1 person per bed) of 35.

Sec. 28-342. - Building height.

#

(2) The maximum building height of an Assisted Living Facility shall not exceed 35 feet, but any portion of the building in excess of 25 feet shall be at a minimum 50' from property zoned R-1-D, and provide at a minimum a 10' landscape buffer.

#

(First Revised) 2021 Proposal (October 26, 2021)

Sec. 28-340. - Conditional uses.

Conditional use approval may be requested in single-family residential districts by the owner of property for the following uses in accordance with division 4 of article II:

#

(13) Assisted Living Facilities that abut a Major Collector on two sides, which Major Collector feeds into a Major Arterial, which Major Arterial either abuts or shall be within 150 feet of the proposed Assisted Living Facility.

Sec. 28-336. - District classifications.

Assisted living facilities, convalescent homes, and nursing homes shall be regulated by beds per acre (BPA), and shall have a maximum BPA (assuming 1 person per bed) of 35.

Sec. 28-342. - Building height.

#

(2) The maximum building height of an Assisted Living Facility shall not exceed 35 feet, but any portion of the building in excess of 25 feet shall be at a minimum 50' from other properties zoned R-1-D, and provide at a minimum a 10' landscape buffer.

#

(Second Revised) 2021 Proposal (February 23, 2022)

Sec. 28-340. - Conditional uses.

Conditional use approval may be requested in single-family residential districts by the owner of property for the following uses in accordance with division 4 of article II:

#

(13) Assisted Living Facilities that abut or within 150 feet of a Major Arterial of no less than 120' of right-of way and has either (1) been developed with institutional or (2) has not been developed with single family homes in excess of 50 years.

Sec. 28-336. - District classifications.

Assisted living facilities, convalescent homes, and nursing homes shall be regulated by beds per acre (BPA), and shall have a maximum BPA (assuming 1 person per bed) of 35.

Sec. 28-342. - Building height.

#

(2) The maximum building height of an Assisted Living Facility shall not exceed 35 feet, however where the building exceeds 25 feet in height, setbacks shall be increased by 1 foot for each 1 foot of building height greater than 25 feet and provide at a minimum a 10' landscape buffer.

#

EXHIBIT "C"

From: [Schaad, Brandon](#)
To: [Brown, George S](#); [Frieser, Diana Grub](#); [Koehler, Joshua](#)
Subject: FW: Park Square
Date: Thursday, January 6, 2022 10:27:18 AM
Attachments: [image001.png](#)

FYI

From: Hansen, Heather <HHansen@ci.boca-raton.fl.us>
Sent: Thursday, January 6, 2022 10:15 AM
To: [Schaad, Brandon](#) <BSchaad@ci.boca-raton.fl.us>
Subject: FW: Park Square

Heather A. Hansen | Senior Planner
P 561-393-7866 | hhansen@myboca.us

From: Hansen, Heather
Sent: Thursday, January 6, 2022 10:15 AM
To: Ele Zachariades <ele@dmblaw.com>
Cc: [Rahman, Tamashbeen](#) <TRahman@ci.boca-raton.fl.us>
Subject: RE: Park Square

Good morning Ele,

First, there are multiple potential ways of dealing with the conflict between your proposed use (a high-intensity ALF) and the RL future land use category, including seeking a FLUM amendment to another category, or seeking an amendment to the text of the Comprehensive Plan. There are a number of future land use categories that potentially allow a high-intensity ALF including (but not necessarily limited to) the RMH, RH, PI and C categories. To state the obvious, a proposed FLUM amendment, and an application to place any particular use on a property, would be subject to review based on all applicable requirements, standards and policy considerations of the Comprehensive Plan and the Code.

Respectfully,

Heather A. Hansen | Senior Planner
P 561-393-7866 | hhansen@myboca.us

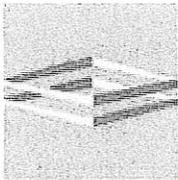
From: Ele Zachariades <ele@dmblaw.com>
Sent: Tuesday, January 4, 2022 12:46 PM
To: Hansen, Heather <HHansen@ci.boca-raton.fl.us>
Subject: [EXTERNAL] Park Square

Hi Heather. HAPPY NEW YEAR!

We are in receipt of Planning staff comments with regard to the above referenced project. You noted in your comments that "Upon further review, assisted living facilities are not allowed within the Low Density (RL) future land use category and, as such, the application cannot be processed further absent a proposed Comprehensive Plan amendment." With that, can you please let us know which future land use designation we should be requesting?

Sincerely,

Ele Zachariades
Partner
Dunay, Miskel & Backman, LLP
14 S.E. 4th Street, Suite 36
Boca Raton, FL 33432
Tel (direct): 561-405-3349
Tel (main): 561-405-3300
Fax: 561-409-2341
Email: ele@dmbblaw.com



**DUNAY
MISKEL
BACKMAN_{LLP}**

EXHIBIT "D"



CITY OF
Boca Raton

CITY HALL
201 WEST PALMETTO PARK ROAD • BOCA RATON, FL 33432
PHONE: (561) 393-7700
(FOR HEARING IMPAIRED) TDD: (561) 367-7043
www.myboca.us

Via E-Mail and U.S. Mail
(ele@dmbblaw.com)

March 1, 2022

Ele Zachariades, Esq.
Dunay, Miskel & Backman, LLP
14 S.E. 4th Street, Suite 36
Boca Raton, FL 33432

RE: Case File Nos. CA-21-03, SPA-21-06 and AM-21-07 (S.W. 12th Avenue – proposed ALF)

Dear Ms. Zachariades:

As you know, with respect to the above-referenced applications, the City advised you on December 23, 2021, that, as submitted, the applications cannot be processed further. We are in receipt of your resubmittal of February 23, 2022. However, that resubmittal does not address the noted deficiencies. As submitted, the applications have been determined to be incomplete, noncompliant with the minimum technical requirements of the City Code, and/or inconsistent with the intent of the Code (including the City's Comprehensive Plan). Accordingly, each of the above-referenced applications are hereby deemed abandoned, and have automatically expired (and are null and void). A portion of the application fees will be refunded, as detailed on the attached sheet. (This letter shall in no way limit the City, and the City expressly reserves the right to raise or elaborate on any issues relating to the applications in the future.)

Sincerely,

A handwritten signature in black ink, appearing to read "BR Schaad".

Brandon R. Schaad, Director
Development Services Department

cc: George S Brown, Deputy City Manager
Tamashbeen Rahman, Chief Planner
Heather Hansen, Senior Planner
Diana Grub Frieser, City Attorney

Attachment – Refund calculation

<u>Account Name:</u> Park Square (CA-21-03/SPA-21-06/21-95000005)	<u>Amount</u>
Conditional Use application (\$3500.00 less 50%)	\$1750.00
Site Plan Modification application (\$3000.00 less 50%)	\$1500.00
Radius Map (not prepared)	\$25.00
Advertising Credit P&Z (Return of Unused Funds)	\$2300.00
Resubmittal Fee After Compliance (Non-Refundable-\$255.00)	.00
Resubmittal Fee Subsequent (Non-Refundable-\$400.00)	.00
Refund Processing Fee (Non-Refundable- \$255.00)	-255.00
TOTAL REFUND DUE:	\$5320.00

<u>Account Name:</u> Park Square Text Amendment (AM-21-07/21-92500024)	<u>Amount</u>
Code Amendment Application Fee (\$3610.00 less 50%)	\$1805.00
Resubmittal Fee After Compliance (Non-Refundable-\$255.00)	.00
Resubmittal Fee Subsequent (Non-Refundable-\$400.00)	.00
Refund Processing Fee (Non-Refundable- \$255.00)	-255.00
TOTAL REFUND DUE:	\$1550.00

EXHIBIT "E"

MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, MAY 10, 2022
6: 00 PM

The Regular Meeting of the City Council of the City of Boca Raton, Florida was held in the Auditorium at 6500 Congress Avenue. The meeting was called to order by Mayor Scott Singer at 6:02 PM.

1. **INVOCATION:**

Council Member Mayotte offered the 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:**

Mayor Singer advised that item 9.C. would be removed from the Consent Agenda and considered as item 11.A.1. He then highlighted item 9.E.2, a letter of resignation from Nicole Flier from the Permitting and Construction Review Board, as she had moved outside of the City limits. The Mayor noted that Council Members had the option to appoint applicants who were not City residents, and the provision of the City Code was confirmed by the City Attorney. Members weighed in and there was direction by Council to allow Ms. Flier's service on the board to continue.

Motion was made by Mayor Scott Singer, seconded by Council Member Monica Mayotte, to amend the agenda to move item 9.C. to 11.A.1., and to remove item 9.E.2. Motion carried unanimously on a voice vote.

5. **MINUTES:**

- A. Minutes of the Workshop Meeting of April 25, 2022
- B. Minutes of the Regular Meeting of April 26, 2022

Motion was made by Council Member Andy Thomson, seconded by Deputy Mayor Andrea Levine O'Rourke, to approve Minutes as presented. Motion carried unanimously on a voice vote.

6. **PROCLAMATIONS/PRESENTATIONS:**

- A. Asian American Pacific Islander Heritage Month

Taketa King Pang, Executive Director of Women's Foundation of Florida, accepted the proclamation.

7. **BOARD APPOINTMENTS:**

- A. Boca Raton Airport Authority

Gene Folden interviewed.

Motion was made by Council Member Andy Thomson, seconded by Deputy Mayor Andrea Levine O'Rourke, to reappoint Mitchell Fogel, Gene Folden, Randy Nobles, Melvin Pollack, and Bob Tucker to the Boca Raton Airport Authority. Motion carried unanimously on a voice vote.

B. Environmental Advisory Board

Motion was made by Council Member Monica Mayotte, seconded by Council Member Yvette Drucker, to appoint Cristina Hicks to the Environmental Advisory Board term expiring in 2024. Motion carried unanimously on a voice vote.

C. Library Board

Deputy Mayor O'Rourke nominated Patricia Keating. Council Member Andy Thomson nominated Jeffery Gordon. In the voting, Ms. Keating received three votes and Mr. Gordon received two votes. Therefore, Ms. Keating was appointed to the Library Board.

D. Permitting and Construction Review Board

No one interviewed.

E. Sustainability Advisory Board

No one interviewed.

8. **RESPONSES TO WORKSHOP INFORMATION REQUESTS:**

There were no items requiring follow up.

9. **CONSENT AGENDA:**

A. Intergovernmental

- 1) Vehicle Lighting and Accessories;
Requested by Municipal Services, Fire Rescue Services;
The Syft Group Upfit Services, Inc. dba Strobes-R-U's;
Budgeted Estimate: \$683,000.00
- 2) Corrosion and Odor Control Products;
Requested by Utility Services;
Evoqua Water Technologies, LLC;
Budgeted Estimate: \$608,400.00
- 3) Minor Construction for Various City Projects;
Requested by Municipal Services, Utility Services;
Shiff Construction & Development, Inc.;
\$401,500.00

B. Change Orders

- 1) Pressure Pipe, Insert Valve, and Line Stop Group A – Pressure Pipe Repair;
Requested by Utility Services;
Madsen-Barr Corporation;
\$200,000.00
- 2) Pressure Pipe, Insert Valve, and Line Stop Group C – Line Stop Installations;
Requested by Utility Services;
Madsen-Barr Corporation;
No Charge - Extension Only

- 3) Wastewater Collection System Rehabilitation Group A – Excavated Point Repairs;
Requested by Utility Services;
Envirowaste Services Group, Inc.;
\$200,000.00
- 4) Wastewater Collection System Rehabilitation Group C – Cure-in-Place (CIP) Pipe Lining;
Requested by Utility Services;
Envirowaste Services Group, Inc.;
\$550,000.00

D. Transmittal of Citizens' Oversight Committee Annual Report

- 1) Annual Report

E. Board Resignation

- 1) Derek Vander Ploeg from the Historic Preservation Board

Motion was made by Council Member Monica Mayotte, seconded by Deputy Mayor Andrea Levine O'Rourke, to approve the Consent Agenda as amended. Motion carried unanimously; Mayor Scott Singer, Deputy Mayor Andrea Levine O'Rourke, Council Member Yvette Drucker, Council Member Monica Mayotte, Council Member Andy Thomson voting yes.

10. QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS

There was no business to consider.

11. REGULAR PUBLIC HEARINGS:

A. Ordinance No. 5613

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

Sharon McGuire, OMB Director, reviewed the ordinance. Ms. McGuire noted the funds and associated amounts being affected by the amendment. Upon concluding, she made herself available for questions.

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

Motion was made by Council Member Monica Mayotte, seconded by Council Member Yvette Drucker, to approve Ordinance No. 5613. Motion carried unanimously; Mayor Scott Singer, Deputy Mayor Andrea Levine O'Rourke, Council Member Yvette Drucker, Council Member Monica Mayotte, Council Member Andy Thomson voting yes.

1. Resolution No. 41-2022

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the second amendment to Project Agreement No. 2021-010 with Burkhardt Construction, Inc. for the purpose of providing the guaranteed maximum price for the construction of the NW 1st Avenue Train Station Gateway Beautification Project; providing for severability; providing for repealer; providing an effective date

City Manager Leif Ahnell briefly explained the resolution, noting that a presentation on the project had been made at the prior day's CRA meeting, and made himself for available for questions.

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

Motion was made by Council Member Yvette Drucker, seconded by Council Member Andy Thomson, to approve Resolution No. 41-2022. Motion carried unanimously; Mayor Scott Singer, Deputy Mayor Andrea Levine O'Rourke, Council Member Yvette Drucker, Council Member Monica Mayotte, Council Member Andy Thomson voting yes.

B. Resolution No. 39-2022

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule to set forth fees for the Building Recertification Inspection Program; providing for severability; providing for repeal; providing an effective date

City Manager Leif Ahnell briefly reviewed the resolution and made himself available for Members' questions.

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

Motion was made by Council Member Monica Mayotte, seconded by Deputy Mayor Andrea Levine O'Rourke, to approve Resolution No. 39-2022. Motion carried unanimously; Mayor Scott Singer, Deputy Mayor Andrea Levine O'Rourke, Council Member Yvette Drucker, Council Member Monica Mayotte, Council Member Andy Thomson voting yes.

12. REGULAR PUBLIC HEARINGS/SETTLEMENTS:

There was no business to consider.

13. PUBLIC REQUESTS:

Bill Snow expressed his objection to a proposed assisted living facility (ALF) on SW 12th Avenue and stated his support for Ordinance No. 5614.

Catie Durocher shared concerns regarding potential traffic issues with the proposed ALF.

Joan Snow spoke in opposition to the proposed ALF, citing her questions regarding the developers' intent.

Patricia Boylan stated that she was against the proposed ALF and asked Council to approve Ordinance No. 5614.

Shane Kittlesen expressed his support for Ordinance No. 5614 and conveyed his concerns regarding the proposed change to the allowed density of his residential neighborhood and his desire for full transparency.

Sheila Mahon shared her objections to the proposed ALF on SW 12th Avenue.

Holli Sutton stated her support of Ordinance 5614 and her opposition to the proposed assisted living facility.

The Mayor provided responses to a number of the comments and the City Attorney clarified the order of upcoming public hearings for Ordinance No. 5614.

14. INTRODUCTION OF ORDINANCES:

A. Ordinance No. 5614

An ordinance of the City of Boca Raton considering revisions to Policy LU.1.1.6. of the Future Land Use Element of the City's Comprehensive Plan to: (i) remove double asterisks regarding density limits for convalescent homes, nursing homes, assisted living facilities, hospitals, and similar uses (which double asterisks were added in July 2020 during the City's statutorily-

required evaluation and appraisal process); (ii) remove single asterisks regarding density limits for hotels; and for both matters, retaining the purpose of the asterisks in a note; providing for severability; providing for repealer; providing an effective date (SC-22-05)

Deputy Mayor O'Rourke introduced the ordinance.

15. RESOLUTIONS AND OTHER BUSINESS:

There was no business to consider.

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

There was no business to consider.

17. CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had no report.

18. CITY ATTORNEY REPORTS:

The City Attorney read the following statement into the record:

"In connection with this recent lawsuit filed against the City (which is styled *Religious Sciences Unlimited Inc. vs. the City of Boca Raton*, case number is 502022CA003848XXXXMB), the Plaintiff in that complaint cites to a proposed amendment to the City's land development regulations generally relating to introducing ALFs into the single-family zoning districts, including the R1D zoning district. That proposed amendment was "sponsored" by Council Member Mayotte and was assigned Case File number AM-21-07. That proposed amendment was closed by City staff on March 1st of 2022 and is no longer a pending application nor being processed by the City. In addition, I am hereby confirming that there is no pending request or sponsorship to process a proposed amendment to the list of uses with respect to ALFs for the City's single-family zoning districts, including the R1D zoning district, by any person or body authorized to sponsor a proposed amendment. Accordingly, the City's attorneys will defend the City in the lawsuit, based on, among other things, the fact there is no proposed amendment to the City's single-family zoning districts relating to ALFs that is pending processing, nor consideration by the City Council."

Upon concluding, Ms. Frieser made herself available for Members' questions.

19. MAYOR AND COUNCIL MEMBER REPORTS:

Council Member Mayotte commented on issues affecting operations at the Loggerhead Marinelife Center and inquired of the City Manager if the Gumbo Limbo Nature Center was prepared to take on additional responsibilities, should they be needed.

Mayor Singer commented on National Police Week and the upcoming memorial service to honor law enforcement officers killed in the line of duty.

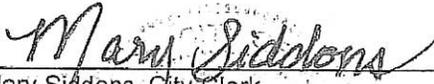
20. ADJOURNMENT:

The meeting was adjourned without objection at approximately 6:53 PM.



Scott Singer, Mayor

ATTEST:



Mary Siddons, City Clerk



MINUTES OF THE REGULAR MEETING
CITY COUNCIL
CITY OF BOCA RATON, FLORIDA
TUESDAY, SEPTEMBER 13, 2022
6: 00 PM

The Regular Meeting of the City Council of the City of Boca Raton, Florida was held in the Auditorium at 6500 Congress Avenue. The meeting was called to order by Mayor Scott Singer at 6:00 PM.

1. **INVOCATION:**

Council Member Andy Thomson offered the 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:**

Council Member Andy Thomson noted that appellants for item 16. A., Resolution No. 96-2022, requested to postpone the public hearing to a future date. Mr. Thomson suggested moving the resolution to the first item for consideration on the agenda.

Motion was made by Council Member Andy Thomson, seconded by Deputy Mayor Andrea Levine O'Rourke, to consider item 16.A., Resolution No. 96-2022 first in the agenda; Motion carried unanimously on a voice vote.

16. **QUASI-JUDICIAL PUBLIC HEARINGS/VARIANCES & APPEALS:**

A. **Resolution No. 96-2022**

A resolution of the City of Boca Raton considering three (3) separate appeals of the decisions of the Planning and Zoning Board in connection with the redevelopment of an approximately 3.5 acre property generally located at 2700 North Federal Highway: (1) an appeal of the site plan approval (Resolution No. 2022-010) authorizing the construction of three new one-story buildings totaling 18,366 square feet in three phases; (2) a second appeal (by the applicant) requesting that the site plan approval be modified to remove certain conditions of approval; and (3) an appeal of the decision of the Planning and Zoning Board to grant variances (Resolution No. 2022-011) from Section 28-752, Code of Ordinances, to allow: (i) a six-foot wide landscaped yard abutting a street right-of-way (North Federal Highway), where the Code requires a ten-foot wide landscaped yard abutting a street right-of-way, and (ii) a sidewalk that is parallel to the western property line (adjoining North Federal Highway) where the Code allows sidewalks only generally perpendicular to the plot line within the required landscaped yard abutting a street right-of-way, in the Motel-Business (R-B-1) zoning district; providing for repealer; providing an effective date (SPA-21-04/21-97500004) (VA-21-08/21-97500004)

Ele Zachariades, attorney for Hotel Properties, L.P. applicant/appellant, requested to postpone the hearing to September 28, 2022, in order to allow additional negotiations with the neighborhood association. Larry Schner, attorney for the Harbour East neighborhood association appellant, also requested postponement of the public hearing to September 28, 2022.

Motion was made by Council Member Andy Thomson, seconded by Council Member Yvette Drucker, to postpone the public hearing for Resolution No. 96-2022 to September 28, 2022. Motion carried unanimously on a voice vote; Mayor Scott Singer, Deputy Mayor Andrea Levine O'Rourke, Council Member Yvette Drucker, Council Member Monica Mayotte, Council Member Andy Thomson voting yes.

5. **MINUTES:**

- A. Minutes of the Special Meeting of August 5, 2022
- B. Minutes of the Executive Sessions of August 22, 2022
- C. Minutes of the Workshop Meeting of August 22, 2022
- D. Minutes of the Special Meeting of August 22, 2022
- E. Minutes of the Regular Meeting of August 23, 2022

Motion was made by Council Member Andy Thomson, seconded by Council Member Monica Mayotte, to approve the minutes as presented. Motion carried unanimously on a voice vote.

6. **PROCLAMATIONS/PRESENTATIONS:**

- A. Proclamation – Constitution Week

Sally Nemes, 1st Vice Regent of the Estahakee Chapter of the Daughters of the American Revolution, accepted the proclamation.

- B. Proclamation – Diaper Need Awareness Week

Ashley Craig and Alexis Lannan, on behalf of the Junior League of Boca Raton, accepted the proclamation.

7. **BOARD APPOINTMENTS:**

- A. Community Advisory Panel

No one interviewed.

- B. Community Appearance Board

Jessica Dornblaser and Alan West interviewed.

Motion was made by Council Member Andy Thomson, seconded by Council Member Monica Mayotte, to reappoint Tiery Boykin, Jessica Dornblaser, John Kronawitter, Joe Peterson, and Alan West to the Community Appearance Board. Motion carried unanimously on a voice vote.

- C. Financial Advisory Board

No one interviewed.

- D. Permitting and Construction Review Board

No one interviewed.

- E. Sustainability Advisory Board

Cristina Escalante interviewed.

Motion was made by Council Member Andy Thomson, seconded by Council Member Monica Mayotte, to appoint Cristina Escalante to the Sustainability Advisory 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 Bids

- 1) Center Console Boat and Trailer;
Requested by Municipal Services;
Intrepid Southeast, Inc. of Dania Beach, FL;
\$673,496.00
- 2) Excess & Casualty Lines of Insurance;
Requested by City Manager;
The Gehring Group, Inc.;
\$921,451.00

B. Intergovernmental

- 1) Fire Equipment, Pumps Parts & Supplies for Fire Rescue Ops, Fleet & SCBA;
Requested by Fire Rescue;
Fisher Scientific Company LLC, Ten 8 Fire Equipment, Municipal Equipment
Company, LLC, Municipal Emergency Services, and TechnicalRescue.com;
Budgeted Estimate: \$175,000.00

C. Resolution No. 97-2022

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a quit claim deed conveying a sidewalk easement to the Florida Department of Transportation over certain lands generally located at 5899 North Federal Highway; providing for severability; providing for repealer; providing an effective date

D. Resolution No. 98-2022

A resolution of the City of Boca Raton authorizing a First Amendment to the Real Estate Lease dated March 4, 2006, between Florida East Coast Railway, L.L.C. and the City of Boca Raton, for the lease of certain railway right-of-way areas for turn lane, parking, sidewalk, and beautification improvements, generally between the Hillsboro Canal to the south and Ipswich Street to the north, varying in width from four (4) feet to 25 feet, in order to reduce the leased area to accommodate construction of the Brightline Train Station on City-owned land generally located at 400 Northwest 2nd Street; providing for severability; providing for repealer; providing an effective date

E. Resolution No. 99-2022

A resolution of the City of Boca Raton authorizing the City Manager and City Clerk to execute the Sixth Amendment to Agreement for Legal Services with Weiss Serota Helfman Cole & Bierman, P.L.; providing for severability; providing for repealer; providing an effective date

F. Resolution No. 100-2022

A resolution of the City of Boca Raton authorizing the City Manager to execute a Memorandum of Understanding with the Firefighters of Boca Raton, Local 1560, IAFF, Inc. regarding floating holidays; providing for severability; providing for repealer; providing an effective date

G. Resolution No. 101-2022

A resolution of the City of Boca Raton authorizing the City Manager to execute a Memorandum of Understanding with the Fraternal Order of Police Lodge #35 regarding floating holidays; providing for severability; providing for repealer; providing an effective date

H. Resolution No. 102-2022

A resolution of the City of Boca Raton authorizing the City Manager to execute a Memorandum of Understanding with the Service Employees International Union, Florida Public Services Union, CTW, CLC regarding floating holidays; providing for severability; providing for repealer; providing an effective date

- I. Resolution No. 103-2022
A resolution of the City of Boca Raton authorizing the City Manager and City Clerk to execute an agreement with Oceanside Beach Service, Inc. for the purpose of providing beach concessions; providing for severability; providing for repealer; providing an effective date
- J. Resolution No. 104-2022
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 construction and cost sharing, and engineering services; providing for severability; providing for repealer; providing an effective date

Mayor Singer provided an opportunity for public comment on any Consent Agenda item. No one came forward to speak.

Motion was made by Council Member Monica Mayotte, seconded by Mayor Scott Singer, to approve the Consent Agenda as presented. Motion carried unanimously; Mayor Scott Singer, Deputy Mayor Andrea Levine O'Rourke, Council Member Yvette Drucker, Council Member Monica Mayotte, Council Member Andy Thomson voting yes.

10. QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS

- A. Resolution No. 80-2022
A resolution of the City of Boca Raton considering accepting and approving the plat known as "Reve Del Mizner Plat" (a replat of a portion of Lot 8, Block 8, Rickard's Survey of Boca Raton, Florida) for an approximately 0.39 acre property generally located at 200 East Boca Raton Road, authorizing the Mayor and City Clerk to execute the plat; providing for repealer, providing an effective date (SUB-21-05)

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. Council Members made their ex-parte disclosures. The City Clerk administered the oath to those who wished to speak.

Tamash Rahman, Chief Planner, gave the PowerPoint presentation. She noted that the site plan for the project had been approved by the Community Redevelopment Agency the prior day and advised that the proposed resolution was for the approval of the project plat. Ms. Rahman showed a drawing of the proposed plat and pointed out the right of way dedication, landscape buffer and sidewalk easement. The Planning and Zoning Board and Development Services Staff recommended approval. Upon concluding, she made herself available for Members' questions.

The public hearing was opened. Bonnie Miskel, on behalf of the applicant, referred to her presentation the prior day and made herself available for Members' questions. Seeing no one else come forward, the public hearing was closed.

Motion was made by Council Member Monica Mayotte, seconded by Council Member Yvette Drucker, to approve Resolution No. 80-2022. Motion carried unanimously; Mayor Scott Singer, Deputy Mayor Andrea Levine O'Rourke, Council Member Yvette Drucker, Council Member Monica Mayotte, Council Member Andy Thomson voting yes.

11. REGULAR PUBLIC HEARINGS:

- A. Ordinance No. 5627
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 Management Inc. of Florida, pursuant to Section 14-22, Code of Ordinances; providing for severability; providing for repealer; providing an effective date

Zach Bihr, Municipal Services Director, briefly described the proposed ordinance. He provided information regarding the current number of solid waste franchise agreements with the City and the

amount of revenue received through the agreements. Staff recommended approval. Upon concluding, Mr. Bihr made himself available for Members' questions.

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

Motion was made by Council Member Andy Thomson, seconded by Deputy Mayor Andrea Levine O'Rourke, to approve Ordinance No. 5627. Motion carried unanimously; Mayor Scott Singer, Deputy Mayor Andrea Levine O'Rourke, Council Member Yvette Drucker, Council Member Monica Mayotte, Council Member Andy Thomson voting yes.

B. Ordinance No. 5628

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

Zach Bihr, Municipal Services Director, briefly described the proposed ordinance. Mr. Bihr provided information regarding the current number of authorized C&D franchises operating within the City, and the amount of franchise fees collected through the agreements. Staff recommended approval. Upon concluding, Mr. Bihr made himself available for Members' questions.

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

Motion was made by Deputy Mayor Andrea Levine O'Rourke, seconded by Council Member Monica Mayotte, to approve Ordinance No. 5628. Motion carried unanimously; Mayor Scott Singer, Deputy Mayor Andrea Levine O'Rourke, Council Member Yvette Drucker, Council Member Monica Mayotte, Council Member Andy Thomson voting yes.

C. Ordinance No. 5629

An ordinance of the City of Boca Raton amending Chapter 2, "Administration", Article IV, "Departments", Division 3, "City Manager's Department", Section 2-328(f), to increase the City Manager's authority to enter into contracts for the purchase of budgeted materials and services to \$200,000 and of construction services to \$500,000 without prior approval of the City Council; providing for severability; providing for repealer; providing for codification; providing an effective date

Linda Davidson, Financial Services Director, gave the presentation. She explained that, due to inflation, escalating costs, and supply chain issues, staff recommended that the threshold levels be raised. She noted that recommendation awards are posted to the website. In response to a question posed by Mayor Singer, Ms. Davidson advised that she believed passage of the proposed ordinance would help to expedite certain processes within the City.

Motion was made by Council Member Yvette Drucker, seconded by Council Member Andy Thomson, to approve Ordinance No. 5629.

Mayor Singer commented on the transparency of the purchasing process and stated that the City Manager advised that additional information could be added to the City's website.

Motion carried unanimously; Mayor Scott Singer, Deputy Mayor Andrea Levine O'Rourke, Council Member Yvette Drucker, Council Member Monica Mayotte, Council Member Andy Thomson voting yes.

12. REGULAR PUBLIC HEARINGS/SETTLEMENTS:

There was no business to consider.

13. PUBLIC REQUESTS:

Wayne Whitfield spoke about the Race to Zero and the City's Sustainability Plan, and suggested ideas for the Ocean Breeze Park being designed by the Boca Raton Greater Beach and Park District.

Cristina Escalante commented on City Council Members' past discussions regarding duties and meeting schedules of City advisory boards and requested an update.

Brad Hughes expressed his concerns regarding the current contract negotiations between the City with the Service Employees International Union (SEIU) and the Union's request for a Cost-of-Living Adjustment (COLA).

City Manager Leif Ahnell provided additional information regarding the current union contract negotiations and the subject of COLAs. Members commented on the topics of the Ocean Breeze Park design, City advisory boards and union contract negotiation and request for COLAs.

14. INTRODUCTION OF ORDINANCES:

A. Ordinance No. 5630

An ordinance of the City of Boca Raton adopting final millage rates and levying ad valorem taxes for the fiscal year beginning October 1, 2022 and ending September 30, 2023; 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

Council Member Andy Thomson introduced the ordinance.

B. Ordinance No. 5631

An ordinance of the City of Boca Raton adopting a final budget and appropriating funds for the fiscal year beginning October 1, 2022 and ending September 30, 2023; providing for severability; providing for repealer; providing an effective date

Council Member Yvette Drucker introduced the ordinance.

C. Ordinance No. 5632

An ordinance of the City of Boca Raton amending Section 6-16, "Proof of Residency," Code of Ordinances, to require candidates for the offices of Mayor and City Council Member to submit two (2) or more documents supporting the candidate's residency affidavit; providing for severability; providing for repealer; providing for codification; providing an effective date

Mayor Scott Singer introduced the ordinance.

15. RESOLUTIONS AND OTHER BUSINESS:

There was no business to consider.

17. CITY MANAGER RECOMMENDATIONS AND REPORTS:

The City Manager had no report.

18. CITY ATTORNEY REPORTS:

City Attorney Diana Grub Frieser referred to litigation in which the City is currently involved regarding the potential development of an ALF on S.W. 12th Avenue and a previously proposed ordinance referred to as the "Proposed ALF Ordinance." Ms. Frieser read a memorandum that was from Ms. Frieser to Council Member Mayotte into the record, a copy of which is attached as Exhibit A, which included the following statement:

"As we have discussed, I am hereby re-confirming the following: (i) you initially sponsored the Proposed ALF Ordinance; (ii) on March 1, 2022, the file for the Proposed ALF Ordinance was closed by the City and you were no longer sponsoring the Proposed ALF Ordinance; (iii) at the City Council meeting on May

10, 2022, and as reflected in the minutes for that meeting, I confirmed that there was "no pending request or sponsorship to process a proposed amendment to the [zoning code relating to ALFs], by any person ... authorized to sponsor a proposed amendment", and such confirmation accurately included the fact that you were no longer sponsoring the Proposed ALF Ordinance (or any other proposed ordinance relating to ALFs); and (iv) while you initially sponsored the Proposed ALF Ordinance, you are no longer sponsoring the Proposed ALF Ordinance."

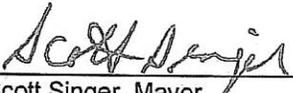
The City Attorney requested that Council Member Mayotte confirm that the City Attorney's memorandum contains correct information and Council Member Mayotte responded with, "Yes it does."

19. **MAYOR AND COUNCIL MEMBER REPORTS:**

The Mayor and Council Members had no reports.

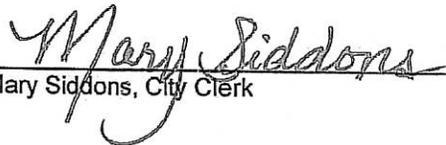
20. **ADJOURNMENT:**

The meeting adjourned without objection at approximately 6:55 PM.



Scott Singer, Mayor

ATTEST:



Mary Siddons, City Clerk