

The City of Boynton Beach



City Commission Agenda

Tuesday, June 6, 2023, 6:00 PM

City Hall Commission Chambers
100 E. Ocean Avenue

Boynton Beach City Commission

Ty Penserga, Mayor (At Large)
Thomas Turkin, Vice Mayor (District III)
Angela Cruz, Commissioner (District I)
Woodrow L Hay, Commissioner (District II)
Aimee Kelley, Commissioner (District IV)

Daniel Dugger, City Manager
Michael Cirullo, City Attorney
Maylee De Jesus, City Clerk

City Commission Meeting
6:00 PM

Mission

To create a sustainable community by providing exceptional municipal services, in a financially responsible manner.

America's Gateway to the Gulfstream



www.boynton-beach.org

Welcome
Thank you for attending the City Commission Meeting

General Rules & Procedures for Public Participation at City of Boynton Beach Commission Meetings

The Agenda:

There is an official agenda for every meeting of the City Commissioners, which determines the order of business conducted at the meeting. The City Commission will not take action upon any matter, proposal, or item of business, which is not listed upon the official agenda, unless a majority of the Commission has first consented to the presentation for consideration and action.

- **Consent Agenda Items:** These are items which the Commission does not need to discuss individually and which are voted on as a group.
- **Regular Agenda Items:** These are items which the Commission will discuss individually in the order listed on the agenda.
- **Voice Vote:** A voice vote by the Commission indicates approval of the agenda item. This can be by either a regular voice vote with "Ayes & Nays" or by a roll call vote.

Speaking at Commission Meetings:

The public is encouraged to offer comment to the Commission at their meetings during Public Hearings, Public Audience, and on any regular agenda item, as hereinafter described.

City Commission meetings are business meetings and, as such, the Commission retains the right to impose time limits on the discussion on an issue.

- **Public Hearings:** Any citizen may speak on an official agenda item under the section entitled "Public Hearings."
- **Public Audience:** Any citizen may be heard concerning any matter within the scope of the jurisdiction of the Commission - Time Limit - Three (3) Minutes.

Regular Agenda Items: Any citizen may speak on any official agenda item(s) listed on the agenda after a motion has been made and properly seconded, with the exception of Consent Agenda Items that have not been pulled for separate vote, reports, and presentations. - Time Limit - Three (3) Minutes.

Addressing the Commission: When addressing the Commission, please step up to either podium and state your name for the record.

Decorum: Any person who disrupts the meeting while addressing the Commission may be ordered by the presiding officer to cease further comments and/or to step down from the podium. Failure to discontinue comments or step down when so ordered shall be treated as a continuing disruption of the public meeting. An order by the presiding officer issued to control the decorum of the meeting is binding, unless over-ruled by the majority vote of the Commission members present.

Please turn off all cellular phones in the City Commission Chambers while the City Commission Meeting is in session.

The City of Boynton Beach encourages interested parties to attend and participate in public meetings either in-person or via communications media technology online. To view and/or participate in the City Commission meeting online you have the following options:

1. Watch the meeting online, but not participate:

You may watch the meeting via the GoToWebinar platform. Visit the City's website at www.boynton-beach.org to access the up-to-date link to the meeting.

2. Watch the meeting online and provide public comment during the meeting:

To request to speak during the meeting, you can electronically "raise your hand" or type a question using the GoToWebinar platform. The meeting moderator will announce when it is your turn to speak or have your question addressed. Please note that time limits will be enforced so comments must be limited to no more than 3 minutes.

For additional information or for special assistance prior to the meeting, please contact Maylee De Jesús, City Clerk at cityclerk@bbfl.us or (561) 742-6061.

1. Openings

A. Call to Order - Mayor Ty Penserga

Roll Call

Invocation by Pastor Chuck Brannon, Gateway Community Church.

Pledge of Allegiance to the Flag led by Commissioner Hay.

Agenda Approval:

1. Additions, Deletions, Corrections
2. Adoption

2. Other

Information Items by members of the City Commission.

3. Announcements, Community and Special Events And Presentations

A. Announcement- Juneteenth Celebration.

Juneteenth "Celebration of Freedom" Festival, hosted by the City of Boynton Beach will be held on Monday, June 19th, from 12 pm - 5 pm at Sara Sims Park located at [209 NE 9th Avenue](#). This free, family friendly event will include music, food trucks, vendors, Kids Zone, and Live Performances by the J Sharp Band and Valerie Tyson Band. The Juneteenth Committee is hosting the "Who's Bad" Bar B Que Cookoff Contest to determine the best griller in the City. For more information to be a vendor or event sponsor visit the website boynton-beach.org/juneteenth.

B. Presentation of the "Bob Borovy Student Citizen of the Year" award by the Education & Youth Advisory Board.

The Bob Borovy Student Citizen of the Year Award was created in the year 2000, to recognize a graduating high school senior from Boynton Beach who best epitomizes the spirit of volunteerism and giving back to the community as exemplified by the late Bob Borovy, a United States Veteran and former advisory board member who was an active citizen in Boynton Beach for many years. The student award recipient will receive \$1,000 scholarship presented by Members of the Education and Youth Advisory Board.

4. Public Audience

Individual Speakers Will Be Limited To 3 Minute Presentations (at the discretion of the Chair, this 3 minute allowance may need to be adjusted depending on the level of business coming before the City Commission).

5. Administrative**6. Consent Agenda****A. Proposed Resolution No. R23-067- Interlocal Agreement with School Board of Palm Beach County.**

Authorize the Mayor to sign the Interlocal Agreement between the City of Boynton Beach and the School Board of Palm Beach County for the mutual use of recreation facilities.

B. Proposed Resolution No. R23-068- Grant Agreement for the Marketing and Digital Connectivity Small Business Grant Program, for Intention Enterprises, LLC.

Approve and authorize the City Manager to sign a Grant Agreement for the Marketing and Digital Connectivity Small Business Grant Program funding in the amount of \$2,224.00 for Intention Enterprises, LLC

C. Proposed Resolution No. R23-069- Grant Agreement for the Marketing and Digital Connectivity Small Business Grant Program, for Zelta Home Watch, LLC.

Approve and authorize the City Manager to sign a Grant Agreement for the Marketing and Digital Connectivity Small Business Grant Program funding in the amount of \$2,260.00 for Zelta Home Watch, LLC

D. Proposed Resolution No. R23-070- Grant Agreement for the Marketing and Digital Connectivity Small Business Grant Program, for Margo's Kitchen, LLC.

Approve and authorize the City Manager to sign a Grant Agreement for the Marketing and Digital Connectivity Small Business Grant Program funding in the amount of \$2,500 for Margo's Kitchen, LLC.

E. Piggyback the Brevard County Contract with SP Designs for the purchase of uniforms for the City's general employees.

Approve piggyback of the Brevard County Contract B-5-22-25 with SP Design for the purchase of Uniforms for the City's general employees on an as needed basis, with an estimated annual purchase of \$95,000. The Brevard County's procurement process satisfies the City's competitive bid requirements.

F. Proposed Resolution No. R23-071- Assignment Agreement to change the business name of Granite Inliner, LLC to Inliner Solutions, LLC.

Approving and authorizing the City Manager to sign the Assignment Agreement changing the company/firm name from Granite Inliner, LLC to Inliner Solutions, LLC. The Agreement is based on services provided for Request for Qualification RFQ No. UTL22-013 Cured-In-Place Pipe Lining pre-qualified contractors.

G. State Forfeiture Donation - Law Enforcement Trust Fund.

Approve donation of \$20,300 from the State Forfeiture Funds to the following non-profit agencies:

Connect to Greatness, Inc. (\$3,800)

Boynton Beach Bulldogs (\$5,000)
The Bill Tome Foundation for Kids & Families (\$7,500)
Boy Scouts of America (\$4,000)

- H. [Police Accounts Receivable Write Off Request](#)
Authorize the Finance Department to reduce the allowance for uncollectible accounts and the account receivable accounts for the Police Department by \$39,386.35. This amount consists of unpaid Police detail charges and other adjustments. The write-off period is defined as FY2018 to FY 2019.
- I. [Proposed Resolution No. R23-072- Waiver of Right of First Refusal.](#)
Approve Waiver of Right of First Refusal for the house belonging to Latoya McCormick located at 220 NE 11th Avenue, Boynton Beach, Florida 33435.
- J. [Proposed Resolution No. R23-073- Amended MOA for Boynton Beach Blvd.](#)
Approve and authorize the City Manager to sign the Florida Department of Transportation's Amendment Number One to the Boynton Beach Boulevard's Landscape Memorandum of Agreement.
- K. [Proposed Resolution No. R23-074- Restaurant Concession for the Links at Boynton Beach](#)
Authorize the City Manager to sign a five (5) year lease agreement with SW Hospitality Group, LLC. for Restaurant Concession for the Links at Boynton Beach.
- L. [Proposed Resolution No. R23-075- Wireless Leasing and Administration Services.](#)
Authorize the City Manager to sign a five (5) year agreement with CityScape Consultants, Inc. for Comprehensive Wireless Leasing Consulting for City-owned wireless facility leases.
- M. [Settlement in the case of Natalie Flake v. City of Boynton Beach.](#)
Approved negotiated settlement in the amount of \$175,000.00 in the case of Natalie Flake v. City of Boynton Beach
- N. [Legal Invoices April 2023.](#)
Information at the request of the City Commission. No action required.
- O. [Commission Meeting Minutes.](#)
Approve minutes from the May 2, 2023 and May 16, 2023 City Commission Meetings.

7. Consent Bids and Purchases over \$100,000

- A. [Proposed Resolution No. R23-076- Esri Small Government Enterprise Agreement.](#)
Approve and authorize the City Manager to sign a new three year Small Government Enterprise License agreement with Environmental Systems Research Institute (Esri) with a total cost of \$170,100.00 to continue the use of the Esri's ArcGIS (Geographic Information Systems) software platform.
- B. [Proposed Resolution No. R23-077- Approve Award of Bid No. UTL23-025 for Silverwood Area Wastewater Force Main Installation](#)
Approve Award of Bid No. UTL23-025 for Silverwood Area Wastewater Force Main Installation project and authorize the City Manager to sign a contract with and issue a purchase order to the lowest responsive and responsible bidder Southern Underground

Industries, Inc. of Pompano Beach, Florida in the amount of \$1,660,135.00 plus a 10% contingency of \$166,013.50 if needed for staff approved change orders for unforeseen conditions for a total expenditure of \$1,826,148.50.

C. [Increase the estimated annual expenditure of the US Communities Contract # R-TC-17006 with Amazon Business.](#)

Approve an increase to the estimated annual expenditure of the US Communities Contract # R-TC-17006 with Amazon Business in the amount of \$90,000, increasing the estimated annual expenditure from \$175,000 to \$265,000.

D. [Bid Extensions and Piggy-Backs Over \\$100,000](#)

Approve the one-year extension for RFPs/Bids and/ or piggy-backs for the procurement of services and/or commodities over \$100,000 as described in the written report for June 6, 2023 - "Request for Extensions and/or Piggybacks."

8. **Public Hearing**

6 P.M. or as soon thereafter as the agenda permits. The City Commission will conduct these public hearings in its dual capacity as Local Planning Agency and City Commission.

A. [Proposed Ordinance No. 23-009- Second Reading- Towing Services Administrative Charge.](#)
Amending Chapter 14 "Motor Vehicles and Traffic" by creation of Section 14-5.1. Title "Towing Services Administrative Charge."

B. [Proposed Ordinance No. 23-010- Second Reading- Historical Designation of 413 NE 12th Avenue.](#)

Approve the request from Dr. Martha Light Meeks, the property owner for the designation of 413 NE 12th Avenue, and the addition of the c.1941 Wood Frame Vernacular, one-story single-family house to the City's Local Registry of Historic Sites.

C. [Proposed Ordinance No. 23-011- First Reading- Amendments to the Land Development Regulations for car washes and indoor training facilities.](#)

Approval to amend the Land Development Regulations, Chapter 1, Article II. Definitions; Chapter 3, Article IV, Section 3. Use Regulations; and Chapter 4, Article V. Minimum Off-Street Parking Requirements, to modify definitions, use regulations, and parking requirements for car wash uses and to establish indoor athletic instruction/training uses as an accessory use within the REC zoning district (CDRV 23-004).

9. **City Manager's Report**

10. **Unfinished Business**

11. **New Business**

A. [Proposed Resolution No. R23-078- Purchase Agreement and Donation Letter Between City of Boynton Beach and FDOT for 2191 North Seacrest Boulevard.](#)

Declaring the property at 2191 North Seacrest Boulevard as surplus in accordance with Section 2-56, City of Boynton Beach Code of Ordinances; approve and authorize the Mayor to sign a Purchase Agreement and Donation Letter between the City of Boynton Beach and Florida Department of Transportation as sale in lieu of condemnation for the property located at 2191 North Seacrest Boulevard and Temporary Construction Easement.

12. Legal

A. Proposed Ordinance No. 23-012 - First Reading - Proposed regulations for Short-Term Rentals

Approve modifications to the Code of Ordinances, Chapter 13. Licenses, Article I and Article V to establish a new Article V. named Rental Housing with a regulatory framework for Short-Term Rentals including an application process, applicable terms and definitions, operational and technical standards and processes, and specific enforcement measures and penalties. Corresponding amendments also include reformatting existing Article V as Article VI, and changes to Chapter 2. Article V of the Code Compliance portion of the Code for appropriate insertions for consistency with and references to the new Short-Term Rental sections.

13. Future Agenda Items

- A. Advisory Board Annual Reappointments and Appointments.- Tabled from April 4, 2023.-**TBD**
City Commission to reappoint and appoint eligible members of the community to serve in vacant positions on City Advisory Boards.
- B. Discussion for Ordinance regarding tints for paraphernalia shops.-**TBD**
Discussion requested by Vice Mayor Turkin.
- C. Discussion regarding future cemetery lots in Boynton Beach.-**TBD**
Discussion requested by Commissioner Hay.
- D. Discuss and review Advisory Board Ordinance changes- first reading.-**TBD**
Discussion requested by Commissioner Kelley.
- E. Consider revised local rules for approval.-**TBD**
Discussion requested by Mayor Penserga.
- F. Discussion regarding downtown parking master plan.-**TBD**
Discussion requested by Mayor Penserga.
- G. Discussion regarding changing minimum requirements for traffic studies.-**TBD**
Discussion requested by Vice Mayor Turkin.
- H. Discussion regarding bringing more jobs to the City at former ToysRUS.-**TBD**
Discussion requested by Vice Mayor Turkin.
- I. Discussion regarding housing for the homeless in the City.-**TBD**
Discussion requested by Commissioner Hay.
- J. Discussion regarding Grant Program for HOA's.- **TBD**

Discuss creating a grant program to help HOA's in the City with street calming initiatives.
Requested by Commissioner Cruz.

14. **Adjournment**

Notice

If a person decides to appeal to any decision made by the City Commission with respect to any matter considered at this meeting, He/She will need a record of the proceedings and, for such purpose, He/She 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. (F.S. 286.0105)

The City shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the City. Please contact the City Clerk's office, (561) 742-6060 or (TTY) 1-800-955-8771, at least 48 hours prior to the program or activity in order for the City to reasonably accommodate your request.

Additional agenda items may be added subsequent to the publication of the agenda on the City's web site. Information regarding items added to the agenda after it is published on the City's web site can be obtained from the office of the City Clerk.