

The City of Boynton Beach



City Commission Agenda

Tuesday, July 18, 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

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 Rabbi Simon, Temple Beth Kodesh

Pledge of Allegiance to the Flag led by Mayor Penserga.

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. [Recreation & Parks Advisory Board Annual Report](#)

Recreation & Parks Advisory Board Annual Report Presentation to City Commission by Board Chair Julie Mondello.

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. R23-085- Grant Agreement for the Marketing and Digital Connectivity Small Business Grant Program for ENEW Enterprises LLC/Newsome International Basketball Association.](#)

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 ENEW Enterprises LLC/Newsome International Basketball Association.

- B. [Proposed Resolution No. R23-086- Approve Interlocal Agreement between the Palm Beach County Sheriff and the City of Boynton Beach pertaining to the Operation Stonegarden Grant Program.](#)
Approve and authorize the City Manager to sign an interlocal agreement between the Palm Beach County Sheriff and the City of Boynton Beach, Florida pertaining to the Operation Stonegarden Grant Program.
- C. [Proposed Resolution No. R23-087- Assignment Agreement to assigning the business name of Bill2Pay, LLC to Catalis Payments, LLC.](#)
Approve and authorize the City Manager to sign the Assignment Agreement changing the company/firm from Bill2Pay, LLC to Catalis Payments, LLC. The Agreement is based on services provided for Request for Proposal RFP No. 074-2821-16/KTR Bill Printing, Mailing, Electronic Bill Presentment and Payment Processing.
- D. [Proposed Resolution No. R23-088- Watershed Management Plan subrecipient grant agreement time extension.](#)
Approve and authorize the Mayor to sign Modification No. One to extend the Subrecipient Grant Agreement No. H0861 with Florida Division of Emergency Management (FDEM) Hazard Mitigation Grant Program (HMGP) for the City's Watershed Management Plan to September 30, 2024.
- E. [Annual estimated expenditures for AT&T Mobile Communication Devices.](#)
Approve an increase to the annual estimated expenditures for AT&T Mobile Communication Devices, piggybacked from state contract # DMS-19/20-006A to \$75,000.
- F. [Annual expenditures for Tower Site Lease Agreement with Crown Castle.](#)
Approve an increase in annual expenditure for Tower Site Lease Agreement with Crown Castle of Canonsburg, PA 15317, lease amount \$4,800 base fee per year, plus an annual 3% increase for the Utility Meter Services Automated Meter Infrastructure (AMI) third antenna.
- G. [Proposed Resolution No. R23-089- Amendment to the City's State Housing Initiatives Partnership \(SHIP\) Program, Local Housing Assistance Plan \(LHAP\), for the period 2021 thru 2024.](#)
Approve and adopt an amendment to the City's State Housing Initiatives Partnership (SHIP) Program, Local Housing Assistance Plan (LHAP), for the period 2021 thru 2024, by adding two Housing Strategies; one Housing Incentive Strategy; and Technical Revision; and authorize the Mayor to execute the necessary certification for the transmittal of the document to Florida Housing Finance Corporation.
- H. [Proposed Resolution No. R23-090- Amendment of Utilities Capital Improvement Fund 403](#)
Amend Utilities FY 2022-23 Capital Project accounts. This request will adjust budgeted appropriations, provide budget transfers, and continue spending authority for the Utilities Capital Improvement Fund 403.
- I. [Vehicle Purchase FY22/23](#)

Approve the purchase of one (1) replacement vehicle that was approved in the FY22/23 budget for an estimated amount of \$51,131.83 by utilizing the Bradford County Sheriff's Contract 22-27-1.0.

J. [Legal Invoices May 2023.](#)

Information at the request of the City Commission. No action required.

K. [Commission Meeting Minutes.](#)

Approve minutes from the May 13, 2023, May 30, 2023, and June 6, 2023 City Commission Meetings and Workshops.

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

A. [Proposed Resolution No. R23-091- Geographic Information System \(GIS\) Services](#)

Approve the ranking as recommended by the Selection Committee and authorize the City Manager to sign a Professional Services Agreement with SAM Surveying and Mapping, LLC. of Austin, TX as a result of RFP No. CW23-009 for Geographic Information System (GIS) Services, with a not to exceed \$300,000.00 annually.

B. [Amendment to Digitech Services.](#)

Amendment to increase the PO for Digitech Services for Fire Rescue EMS and Fire Inspection Billing to \$150,000.

C. [Approve a purchase order for the Quantum Park Stormwater Cured-In-Place Pipe Lining Project.](#)

Approve and award the expenditure with Inliner Solutions, LLC as the lowest pre-qualified bidder as determined by review of bids submitted on June 6, 2023 for the Quantum Park Stormwater Piping Cure-In-Place Project in response to the request for bids for Cured-in-Place Pipe Lining, (Bid No. ITB 02-CIPP2-23) in the amount of \$489,777.00 plus a 10% contingency of \$48,977.70.00 if needed for staff approval of change orders for unforeseen conditions for a total expenditure of \$538,754.70 based on unit costs provided by Inliner Solutions, LLC.

D. [Proposed Resolution No. R23-092- Approve Award of Bid No. UTL23-026 for the 36-inch Raw Water Transmission Main Repair.](#)

Approve Award of Bid No. UTL23-026 for the 36-Inch Raw Water Transmission Main Repair Project and authorize the City Manger to sign a contract with and issue a purchase order to the lowest responsive and responsible bidder Murphy Pipe Contractors LLC of Jacksonville, Florida in the amount of \$2,971,255.00 plus a 10% contingency of \$297,125.50 for staff approval of change orders for unforeseen conditions (if needed) for a total expenditure of \$3,268,380.50, and approve a Utility Capital Improvement Fund (403) budget transfer.

E. [Amendment to Task Order UT-3E-05, Purchase Order 230791 for West Architecture + Design, LLC for the Master Site and Phasing Plan of Little League Park.](#)

Approve amendment to Task Order UT-3E-05, Purchase Order 230791 for West Architecture + Design, LLC for the Master and Phasing Plan of Little League Park, not to exceed \$500,000.00 per The City of Boynton Beach General Consulting Services Contract 046-2821-17/TP. This action is requested since the initial Task Order was to obtain a

Conceptual design. The Conceptual Plan phase has been completed and staff is ready to move to the next forward with completing the Master Plan and Construction Phasing.

- F. [Medical, Dental and Vision RFP by the Gelin Group.](#)
 Authorize staff to negotiate a contract with Aetna to become the new insurance carrier for Medical, Dental and Vision.

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. 23-007- Second Reading- General Employees' Pension - Board Secretary Duties & Long-term Disability Determinations.](#)
 Approve General Employees Pension - Board Secretary Duties & Long-term Disability Determinations.

- B. [Proposed Ordinance No. 23-012 - Second 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.

- C. [Proposed Ordinance No. 23-013- Second Reading- Park Impact Fee Ordinance.](#)
 Approve an Ordinance of the City of Boynton Beach, Florida amending the Land Development Regulations, Chapter 2, Land Development Process; Article VI "Impact and Selected Fees" to amend Section 2 to adopt a Comprehensive Impact Fee Schedule for Parks and Recreation Facilities; adopting an Impact Fee Study; Establishing criteria and administrative procedures for individual assessment of Impact Fees, Refunds, Credits, and Collection of Fees; Creating Section 9 to create an Impact Fee Schedule; Providing for implementing administrative acts; Providing for Codification, Severability, Conflicts, and an effective date.

9. City Manager's Report

- A. [Future agenda item review and discussion.](#)
 City Commission to discuss list of future agenda items and provide direction and/or consensus to staff.

10. Unfinished Business

11. New Business

- A.

Proposed Resolution No. R23-093- Lutheran Services of Florida (Head Start) Lease Extension.

Approve and authorize the Mayor to execute the First Amendment to the Lease Agreement between the City of Boynton Beach and Lutheran Services Florida, Inc. extending the current lease twelve (12) additional months.

- B. **Interim City Attorney firm until in-house attorney is hired.**
Authorize and Approve the City Manager to temporality work with Weiss Serota Helfman Cole + Bierman until the In-House Attorney is hired.
- C. **Commission discussion on Advisory Board Ordinance.**
Hear presentation and provide direction to staff on the draft ordinance as requested by Commissioner Kelley.
- D. **Discussion regarding artificial reef.**
Discussion regarding artificial reef. Requested by Vice Mayor Turkin.

12. **Legal**

- A. **Proposed Resolution No. R23-094- Short-Term Rental application corresponding to Ordinance No. 23-012.**

Approve a proposed application corresponding to the Ordinance No. 23-012 to be used for Short-Term Rental submittals.

- B. **Proposed Ordinance No. 23-014- First Reading- Environmental Protection Standards Land Development Regulation Amendment (CDRV 23-005).**
Approve modifications (CDRV 23-005) amending Part III. Land Development Regulations, Chapter 2, Article II, Section 5. Permit Applications and Chapter 4, Article I. Environmental Protection Standards, to create a landscape permit review and approval process and to modify preservation and mitigation regulations.
- C. **Proposed Ordinance No. 23-015-First Reading- Comprehensive Plan EAR Update (2023)**
Approve amendments to the City of Boynton Beach Comprehensive Plan for transmittal to the Department of Economic Opportunity for the State-Coordinated Review. The proposed amendments address new statutory requirements pertaining to the establishment of a Property Rights element (Chapter 163.3177(6)(i)2, F.S.).

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. **Consider revised local rules for approval.-TBD**
Discussion requested by Mayor Penserga.

- D. Discussion regarding bringing more jobs to the City at former ToysRUS.-**TBD**
Discussion requested by Vice Mayor Turkin.
- E. Discussion regarding changing minimum requirements for traffic studies.-**TBD**
Discussion requested by Vice Mayor Turkin.
- F. Discussion regarding housing for the homeless in the City.-**TBD**
Discussion requested by Commissioner Hay.
- G. 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.
- H. Discussion regarding in-depth study on annexation. -**TBD**
In-depth study on annexation and feasibility of what areas would be potential candidates
and the impact to the City. Requested by Commissioner Hay.
- I. Discussion regarding Legislative break during the Summer months.-**TBD**
Discussion regarding the City Commission taking a Legislative break during the Summer
months. Requested by Mayor Penserga.

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.