

The City of Boynton Beach



City Commission Agenda Tuesday, February 15, 2022, 5:30 PM

GoToWebinar Online Meeting and City Hall Commission Chambers, 100
E. Ocean Avenue

Boynton Beach City Commission

Mayor Steven B. Grant (At Large)
Vice Mayor Woodrow L. Hay (District II)
Commissioner Justin Katz (District I)
Commissioner Christina L. Romelus (District III)
Commissioner Ty Penserga (District IV)

Lori LaVerriere, City Manager
James Cherof, City Attorney
Crystal Gibson, 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 disputes 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 Crystal Gibson, City Clerk, at cityclerk@bbfl.us or (561) 742-6061.

1. Openings

- A. Call to Order - Mayor Steven B. Grant

Roll Call

Invocation by Pastor Amalie Ash, First Presbyterian Church

Pledge of Allegiance to the Flag led by Vice Mayor Woodrow L. Hay

Agenda Approval:

1. Additions, Deletions, Corrections
2. Adoption

2. Other

- A. Informational items by the Members of the City Commission.

3. Announcements, Community And Special Events And Presentations

- A. Announcement by Tess Lacroix, Grants Manager, regarding funding awarded (\$16.5M) through the Department of Economic Opportunity's "Rebuild Florida Mitigation General Infrastructure" Program.
- B. Public Art Manager Glenn Weiss to announce upcoming art exhibitions managed and sponsored by the Public Art Program and Art Advisory Board.
- C. Announcement by Kacy Young, Recreation & Parks Director, regarding Oceanfront Bark at Oceanfront Park on Saturday February 19, 2022, from 9am-12pm.
- D. Announcement by Kacy Young, Recreation & Parks Director, regarding the Black History Month Celebration on February 26, from 12-6pm at Sara Sims Park.
- E. Early Voting for the March 8, 2022 Special Election for the office of State Representative, District 88, and the Municipal Election will begin on Saturday, February 26, 2022 and will continue through Sunday, March 6, 2022. The Early Voting hours are from 10:00 a.m. until 7:00 p.m. daily at the Ezell Hester Community Center located at 1901 North Seacrest Boulevard. A listing of Early Voting locations throughout Palm Beach County is available at the following website: <https://www.votepalmbeach.gov/Voters/Early-Voting>. Please note that due to public feedback, the PBC Supervisor of Elections has extended Early Voting, moving the daily end time from 6:00 p.m. to 7:00 p.m.
- F. A Community Meeting will be held on February 22, 2022 from 6:00-8:00 p.m. at Boynton Beach Police Department located at 2100 High Ridge Road, Boynton Beach, Florida. There will be a presentation and discussion regarding the processes and procedures for the Stanley Davis III accident investigation.
- G. Proclamation recognizing the month of February as African American History Month.
- H. Proclamation recognizing the 45th anniversary of the Boynton Beach Gold Coast Band. Patricia Truscello and Barbara Rubenstein will accept the proclamation.
- I. Proclamation recognizing the week of February 21, 2022 to February 27, 2022 as "Eating Disorders Awareness Week" and the weekend of February 25, 2022 to February 27, 2022 as "Not One More Weekend." Ya'el Sarig with the National Alliance for Eating Disorders will be online to accept the proclamation.
- J. Proclaim February 21, 2022 as International Mother Language Day. Imon Karim, CEO/Founder of American Bangladesh Public Affairs Committee (ABPAC), will accept the proclamation.

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**

- A. Appointment of eligible members of the community to serve in vacant positions on City advisory boards.
- B. Approve the request of Commissioner Christina Romelus to distribute \$500.00 of her Community Support Funds to the Boca Raton's Promise Organization to support the Boynton Beach Mental Health Committee.
- C. Approve the request of Mayor Steven B. Grant to distribute \$500.00 of his Community Support Funds to Young Men of Distinction, Inc.
- D. Approve the request of Mayor Steven B. Grant to distribute \$200.00 of his Community Support Funds to Congress Middle School.
- E. Approve the request of Mayor Steven B. Grant to distribute \$500.00 of his Community Support Funds to Emanuel Jackson Sr. (EJS) Project, Inc.

6. **Consent Agenda**

Matters in this section of the Agenda are proposed and recommended by the City Manager for "Consent Agenda" approval of the action indicated in each item, with all of the accompanying material to become a part of the Public Record and subject to staff comments

- A. Approve Task Order GIS-EPW-06-22 with Florida Technical Consultants, LLC, in the amount of \$44,800 in accordance with RFQ No. 007-2821-20/TP, for Geographic Information Services (GIS) for re-evaluation of the City-wide Pavement Condition Assessment, awarded by the City Commission on July 7, 2020 .
- B. **Proposed Resolution No. R22-028** - Approve the Memorandum of Understanding (MOU) between the Palm Beach County PBA Police Officers and Detectives and the City regarding Covid-19 policies and practices.

Proposed Resolution No. R22-029 - Approve the Memorandum of Understanding (MOU) between the Palm Beach County PBA Police Sergeants and the City regarding Covid-19 policies and practices.
- C. Approve the one-year extension for RFPs/Bids and/ or piggy-backs for the procurement of services and/or commodities under \$100,000 as described in the written report for February 15, 2022 - "Request for Extensions and/or Piggybacks."
- D. Approve the authorization of staff to issue a purchase order in the amount of \$45,240.00 for the annual estimated expenditure for janitorial services with Clean Space based utilizing COBB Bid No. 010-2511-19/IT for Utility Administration Building, East Water Treatment Plant, West Water Treatment, and District Energy Plant.
- E. **Proposed Resolution No. R22-033** - Approve and authorize the City Manager to sign a Notice to Proceed pursuant to the Professional Services Agreement between the City of Boynton Beach and American Traffic Solutions, Inc., d/b/a Verra Mobility ("Verra") for the expansion of the Red Light Traffic Enforcement system.
- F. Approve Task Order UT-3B-03 with AECOM in the amount of \$52,812.00 for professional engineering services for the Raw Water Transmission Main Repair and Replacement Alternatives Analysis in accordance with RFQ No. 046-2821-17/TP, General Consulting Services Contract, Scope Category B awarded by City Commission on August 7, 2018, renewed on August 3, 2021.

- G. Approve minutes from the February 1, 2022 City Commission meeting.

7. Consent Bids And Purchases Over \$100,000

- A. Add scope to Task Order UT-1E-03 with Alexis Knight Architects, in the amount of \$55,753 in accordance with RFQ No. 046-2821-17/TP, General Consulting Services Contract, Scope Category E awarded by City Commission on August 7, 2018 to add the design of a replacement force main to the Mangrove Park and the Boynton Beach Boulevard Extension Project.
- B. Approve and authorize acquisition of commodities from IXOM Watercare, Inc. for the purchase of MIEX Doc Resin with an estimated annual expenditure of \$330,585.
- C. Approve the purchase of these two (2) replacement vehicles that were approved in the FY21-22 budget for an estimated amount of \$230,750.00 by utilizing the Florida Sheriffs Association Contract No. FSA20-EQU18.0.
- D. 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 February 15, 2022 - "Request for Extensions and/or Piggybacks."
- E. Approve additional scope in Task Order ASPS-93-031721 with Atlantic Southern Paving & Sealcoating, Inc., in the amount of \$62,938 in accordance with Bid No. 010-2512-18/IT to replace damaged asphalt paths, concrete sidewalks and curbing on High Ridge Road. The amended task order amount will be \$296,856.65.
- F. Authorize the City Manager to issue a Purchase Order in the amount of \$163,751 to Gentile, Glas, Holloway, O' Mahoney & Associates, Inc. for professional services for a Parks & Recreation System Master Plan. These services will be performed in accordance with the City of Boynton Beach General Consulting Services Agreement RFQ No. 046-2410-17/TP executed August 20, 2018.

Proposed Resolution R22-030 - Budget amendment to increase Park Impact Fee Fund by \$175,000 to bring appropriated expenditures from \$66,067 to \$241,067.

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. 22-006- First Reading** - Approving amendments to the LAND DEVELOPMENT REGULATIONS, Chapter 1, Article II. Use Definitions, Chapter 3. Zoning, and Chapter 4, Article V. Minimum Off-Street Parking Requirements that address Medical Care or Testing (In-patient), Beverage Manufacturing, Micro-Brewery, Brewpub, Taproom Brewery, and Take Out Restaurant uses. Staff initiated.
- B. **Proposed Ordinance No. 22-007 - First Reading** - Approving WXEL request for Future Land Use Map Amendment from Recreation (R) to Office Commercial (OC), property located at 3401 South Congress Avenue. Applicant: Gene H. Talley, South Florida PBS Inc.
- Proposed Ordinance No. 22-008 - First Reading** - Approving WXEL request for Rezoning from Recreation (REC) to Office Professional (C-1), property located at 3401 South Congress Avenue. Applicant: Gene H. Talley, South Florida PBS Inc.
- C. Approve request for New Major Site Plan (NWSP 22-002) for the 1320 S. Federal Highway project to allow construction of a 10,898 square foot commercial structure and associated site improvements, on a 0.51-acre parcel, located at the northeast corner of S. Federal Highway and Riviera Drive, in the Mixed Use 1 (MU-1) zoning district. Application Ty Eriks, MH Jackson Holdings, LLC.

Approve request for Master Plan Modification (MPMD 22-004) for 1320 S. Federal Highway to amend the previously approved master plan to be consistent with the proposed revisions to the concurrent New Major Site Plan Application, located at the northeast corner of S. Federal Highway and Riviera Drive, in the Mixed Use 1 (MU-1) zoning district. Applicant: Ty Eriks, MH Jackson Holdings, LLC.

- D. Approve request for a Height Exception (HTEX 22-001) for 1320 S. Federal Highway to allow tower elements and architectural features to be constructed at 54'-10" in height, 9'-10" above the maximum allowable height of 45 feet in the MU-1 (Mixed Use-1) zoning district. Applicant: TY Eriks MJ Jackson Holdings, LLC.
- E. **Proposed Ordinance 22-004 - Second Reading** - Approve Mural Ordinance creating a mural standards section in the City's Land Use Regulations.
- F. **Proposed Ordinance 22-005 - Second Reading** - Approve Ordinance Amending Chapter 26 entitled "Water, Sewers and City Utilities," by Amending Article I, entitled "In General," to create §26-6, entitled "Conditions for Utility Service; Penalties," establishing requirements for utility service, penalties for non-compliance, and appeals; amending Article "IV" entitled "Sewers," §26-57, entitled "Connections Required," to amend the time period to connect to sewer; providing for severability, conflicts, codification, and an effective date.

9. City Manager's Report

- A. Approve a Special Meeting on March 9, 2022, 3PM - 5PM, to consider and approve staff ranking of Notice of Funding Opportunities (NOFOs) for use of the City's American Rescue Plan Act (ARPA) funds for Non-Profit & For-Profit Subrecipient Grant Application and Small Business Assistance Grant Program.

Recommendations to be presented by Carisse LeJeune, ARPA Project Manager and John Durgan, Economic Development Manager for the City of Boynton Beach.

- B. Review enclosed memorandum summarizing staff research and discuss process for potential parks bond.

10. Unfinished Business

- A. **Proposed Resolution R22-031** - Approve the Boynton Beach Mural Guidelines for Art in Public Places.
- B. Continue discussion about creation of a Citizen's Engagement Committee for the Police Department.

11. New Business

- A. **Proposed Resolution No. R22-032** - Adopt the 2021 Affordable Housing Advisory Committee Housing Incentives Report.

12. Legal

- A. **Proposed Ordinance No. 22-009 - First Reading** - Approving amendments to the LAND DEVELOPMENT REGULATIONS, Chapter 2, Article II, Section 2. Standard Applications to revise review criteria for future land use map amendments and rezonings.
- B. **Proposed Ordinance No. 22-010 - First Reading** - An ordinance of the City of Boynton Beach, Florida, amending Article III, of Chapter 18 of the Boynton Beach Code of Ordinances, entitled "Municipal Police Officers' Retirement Trust Fund;" amending Section 18-169, requirements for retirement benefit amounts, providing for conflict, providing for severability; and, providing for an effective date hereof.

- C. Mayor Grant requested a public update from the City Attorney on the JKM lawsuit.

13. Future Agenda Items

- A. Building Department staff will present an update on the implementation of the new SagesGov software for permitting and inspections - **March 1, 2022**
- B. Request approval for ARPA Partnership Agreements with FAU Tech Runway and local Elementary Schools. - **March 1, 2022**
- C. Recommendation from Historic Resources Preservation Board and Commission discussion on options for recognizing Latosha Clemons. - **March 1, 2022**
- D. Presentation of redistricting alternatives by Florida Atlantic University (FAU) and establishment of boundaries for inclusion in Ordinance. **March 1, 2022.**
- E. Staff to provide research for discussion requested by Commissioner Penserga regarding dash cams on police vehicles. - **March 1, 2022**
- F. School Board Member Erica Whitfield to present the 2021-2022 School Year State of Education Report to the City Commission.
- G. Discuss disposition of vacant 3.62 acre parcel adjacent to Leisureville and west of SW 8th Avenue -**TBD**
- H. **Proposed Ordinance No. 21-025** First Reading. Approve Development Agreement Ordinance. **(Tabled from the September 21, 2021 City Commission Meeting.) - TBD**
- I. Discuss Building Safety Inspection Program - **(Pending outcome of 2022 legislative session)**
- J. Discuss the next steps for implementation of City Ordinance No. 21-012 prohibiting the use and distribution of polystyrene foam ("Styrofoam") food ware, unencapsulated polystyrene foam products, balloons, and confetti on City property. - **TBD**

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.