

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD ON MONDAY
APRIL 4, 2017, AT 6:30 P.M. IN COMMISSION CHAMBERS, CITY HALL
100 E. BOYNTON BEACH BOULEVARD, BOYNTON BEACH, FLORIDA**

PRESENT:

Steven B. Grant, Mayor
Mack McCray, Vice Mayor
Justin Katz, Commissioner
Christina Romelus, Commissioner
Joe Casello, Commissioner

Lori LaVerriere, City Manager
James Cherof, City Attorney
Judith A. Pyle, City Clerk

1. OPENINGS

A. Call to Order - Mayor Steven B. Grant

Mayor Grant called the meeting to order at 6:30 p.m.

Invocation was given by the Poinciana STEM winning robot performing the National Anthem.

Pledge of Allegiance to the Flag

Commissioner Katz led the Pledge of Allegiance to the Flag.

Roll Call

City Clerk Pyle called the roll. A quorum was present.

Accept the Official Election Results from the March 28, 2017, Run-off Election

City Clerk Pyle announced the official results were received and filed.

Motion

Vice Mayor McCray moved to approve. Ms. Romelus seconded the motion.

Vote

The motion unanimously passed.

Swearing In of Commissioner, District II - Mack McCray

City Clerk Pyle administered the oath of office to Mack McCray as Commissioner in District II.

Commissioner McCray acknowledged his opponents, Dr. Jim DeVoursney and Reverend Hay. When he first entered the race and learned Reverend Hay had also entered, individuals asked why he would run. Commissioner McCray explained he had every right to run because the Charter advised he could sit out one term and run for office again. Commissioner McCray thanked Reverend Hay and commented he made it worthwhile to run. When he was told it would split votes, he prayed and trusted God. The first race, he did not receive the 50% plus one and he had to have a runoff. He thanked Dr. DeVoursney for running a good, clean race. Dr. DeVoursney made the election important for all the citizens in Boynton. Commissioner McCray received phone calls from Congressmen thanking him noting the run-off election had more voters going to the polls than the first election. During the run-off, his mother passed. He was uncertain of the future, but trusted God. He thanked the Coalition of Clergy for their meetings, foresight and vision and for helping the City. He commented Black Votes Matter and all votes matter, but this time, Black Votes did matter. He thanked his supporters as they made a difference. He appreciated Commissioners Katz, Romelus and Casello calling to congratulate him and he was gratified to be part of this team. Individuals came on the scene and they hit the ground running. He thanked David Katz for being his campaign manager and John McMahon for his support. He commented Mr. Katz was given a bad rap, but he trusts him with his life. Reverend Hay always said if you are not on the table, you are on the menu. He commented they are at the table, they have the menu and they own the restaurant.

Selection of Vice Mayor

Mayor Grant explained there was a memo regarding the selection of the Vice Mayor. Attorney Cherof explained the Charter has a provision that indicates that when selecting the Vice Mayor, the Vice Mayor holds office to the next general election and whoever is selected would serve for two years.

Commissioner Romelus asked if the City Commission could turn the position over in 2018 instead of 2019. Attorney Cherof explained if the City Commission approved and the selected individual for Vice Mayor consented, the City Commission could fill the position in a year. Mr. Katz thought the position should be relinquished in one year.

Vice Mayor McCray nominated Commissioner Romelus for Vice Mayor.

Motion

Commissioner Romelus appreciated the nomination, but declined, as she felt someone else was more deserving. She nominated Commissioner Katz as Vice Mayor. It was explained the City Commission would reserve the selection of the next Vice Mayor in 2018. Commissioner McCray seconded the nomination.

Commissioner Katz accepted the nomination and thanked Commissioner Romelus for the honor. One year from now, he will share the title and relinquish it so each member

can serve as Vice Mayor. Since there is only one nomination, Mayor Grant declared Vice Mayor Katz was appointed by acclimation.

Swearing In of Vice Mayor

City Clerk Pyle administered the oath of office to Vice Mayor Katz.

Agenda Approval:

1. Additions, Deletions, Corrections

Mayor Grant moved agenda item 14. B. discussion of cancelling the 5th of July City Commission meeting to item 12.A. and added introducing the new Economic Development Coordinator David Scott as item 3 H.

Commissioner Katz requested moving Item 14. F. on the agenda to Item 12. B.

Commissioner Romelus pulled Consent Agenda Item 6.E.

2. Adoption

Motion

Commissioner McCray moved to approve the agenda as amended. Vice Mayor Katz seconded the motion.

Vote

The motion unanimously passed.

2. OTHER

A. Informational items by Members of the City Commission

Mayor Grant announced he attended the Annual Citizens Observer Patrol BBQ on March 22nd, the International Boat Show on the 23rd and the Due South Party Deck on the 27th. He went to the Hack Lab on the 28th and attended the ribbon-cutting ceremony for Home Away From Home. He met with Bernard Silver, the new President of Hunters Run, spoke at Boca Middle School and attended a ribbon cutting at Rafeana's Beauty Shop. He met with Lutheran Services on the 31st and participated in the Let's Move Campaign. He attended the Marina Open Space event held by the CRA, attended Lake Park Shores 24th Annual BBQ and while there, he heard a lot of praise for Chief Katz. He attended a University of Maryland meet-up, met with ALDI representatives and held a fun Town Hall meeting at Bay Bays Chicken and Waffles advising he spoke to many people and he looked forward to having another Town Hall event next month.

Commissioner Romelus spoke to residents in Casa Costa at a well-attended meeting and received lots of good feedback. She was a guest speaker at the Empower Her Conference in Palm Beach County, attended the South Florida K-9 Competition, met with representatives of the Shoppes of Woolbright, Ocean One, and Head Start in Boynton Beach. She attended the ribbon cutting at the Boynton Harbor Marina. She suggested all visit the Marina as it is amazing.

Commissioner Casello attended the K-9 competition and the Harbor Marina ribbon cutting. He admitted he was opposed to demolishing the Old Dive Shop, but he embraced what is there as it is beautiful. He attended the Coalition of Boynton West Residential Association to discuss what is occurring out west and noted there is much development occurring there and they have some of the same concerns as the City. He met with Moran Capital LLC from Dallas, Texas about potential development, Mr. Jordon Ford, Director of Real Estate for all of the ALDI Markets and Dr. Julian Cinero, Executive Director of Lutherans Services for Children.

Vice Mayor Katz also met with a person from Texas regarding a potential development and representatives from Wawa Corporation and attended the Marina Green Space opening. He supported keeping the dive shop, but appreciated the landscaping and design as it is a great addition to the harbor.

Commissioner McCray went to the S. Florida K-9 competition. He met with ALDI representatives. He thanked all for coming to his mom's wake although he did not attend. He noted his niece, who he raised, was there. His niece's best friend lost her father who was at the funeral home where Commissioner McCray works. The niece went to the grandmother's service and he took over the friend's service. He thanked the City and staff for the flowers, prayers and encouragement. He advised he loves all in Boynton unconditionally.

3. ANNOUNCEMENTS, COMMUNITY & SPECIAL EVENTS & PRESENTATIONS

- A. Announcement by Kathleen DePuma, Principal of Poinciana STEM Elementary, about their Lego robotics team. Ms. DePuma will introduce Gloria Gibson, Afterschool Director at Poinciana Elementary STEM Magnet School, who is responsible for the award winning robotics team.

Kathleen DePumpa, Principal, Poinciana Elementary School and a resident for 35 years, invited all to join her at the school and they would love to have volunteers and citizens follow them on Twitter and Facebook as they prepare students to work and serve the City. She introduced Gloria Gibson, Aftercare Director and Coach of their first Lego League World Champs to speak about the robotics team.

Gloria Gibson explained they have amazing fourth and fifth grade students that comprise the Science Technology Engineering and Math (STEM) robotics team. First Lego League is an international competition for 9 to 16-year old youth. Poinciana's

students are 9 and 10 years old. Out of over 200 teams from the South Florida region, they are the South Florida State Champions. They will be attending the World festival in Houston where 100 teams from approximately 40 countries will attend. The theme this year was animal allies. The students had to build a robot to run an obstacle course in less than 2.5 minutes. They are judged on team work which gives them core values and leadership skills. The students also complete a research project. This year, the students studied coral polyps in local coral reefs and came up with an innovative idea. The students CAD designed and 3-D printed their own sea clip that attaches inside a dive mask for those that are visually handicapped. This would avoid paying hundreds of dollars on a dive mask by providing people with the opportunity to use their own glasses with the mask. Poinciana students now have a provisional patent for the sea clip and they hope to bring the product to market. Ms. Gibson explained the team laser cut a pin with the Taz Bot logo saying Poinciana STEM Elementary School and Boynton Beach, Florida. They have 1,000 pins they hope to distribute to those attending the World Festival. She invited all interested in robotics to come to the school.

Commissioner McCray commented his nephew was in Ms. Gibson's afterschool program and was graduating high school. Commissioner Romelus was also proud of the school, the City and South Tech Academy, noting the students will be inventing things faster than they can catch up with technology. Commissioner Casello hoped the sea clips would be manufactured in Boynton Beach

- B. Recognize and pay tribute to the partners and businesses that supported the 5th Annual Barrier Free 5K and Inaugural Magic Wheels & Special Deals events, and join the Realtors Association of the Palm Beach (RAPB) in presenting a check of the proceeds of the 5K to the Greater Boynton Beach Foundation. The Mayor will also join Recreation & Parks Director Wally Majors in presenting plaques to those who supported these events.

Wally Majors explained this was the fifth year they hosted the 5K Run at Barrier Free Park on Congress Avenue. He pointed out there is a 5K in Palm Beach County each weekend, and they try to set themselves apart by showcasing a unique park in Boynton Beach which is Barrier Free Park. Last year, they became acquainted with a magic wheelchair group in Portland that creates wheelchairs for children that have to deal with Halloween and other events that can be anti-climatic for them because of their wheelchair. Staff contacted the organization and they joined with the City two years ago. Last year, the department was in touch with a family who wanted a magic wheelchair to look like Cinderella's carriage. This year, the Department made contact with a family whose child, Emma, has a condition that affects her ability to grow. She is almost 11 and has a younger brother who is autistic. Just before Thanksgiving, Emma's father passed away from pancreatic cancer and staff felt this family would be a good candidate.

Emma's dad's favorite car was a Camaro. A picture of the finished Camaro was viewed. Emma's father was member of the Coral Springs Fire Department and the Fire

Department got a license plate with the name Emma. The vehicle was used to start the 5K race the next day. The two employees who built the Camaro, Officer Will Rodriguez, Boynton Beach Police Officer and Kevin Ramsey, City Project Manager, were not present. A short video of the event from the Realtors Association was viewed.

In addition to Officer Rodriguez and Mr. Ramsey, Mr. Majors recognized the Greater Boynton Beach Foundation. Mayor Grant also presented plaques to the Realtors Association of the Palm Beaches and Hunters Run in appreciation of their support.

Lori Wilkinson, Chair of Boynton Beach Foundation thanked all who participated in the event. Karen and Emma were not able to attend the meeting as they have had a very busy few months and now they just moved from Wellington to Coral Springs. Karen wanted to express her thanks to all who came out. It was an amazing few days.

Renee Stern commented it was a pleasure to be part of the event and she encouraged all to bring their children, grandchildren and family to enjoy the park.

- C. Announcement by Recreation & Parks Director, Wally Majors, of the Concert on the Green that will be held April 22, at The Links of Boynton Beach, from 5 - 7 p.m.

Amy Blackman, Recreation Supervisor, announced the concert at the *Links* Golf Course on Earth Day, Saturday April 22nd, featuring the Fabulons, a great party dance band. An interpreter for the deaf and hearing impaired will be available. She noted the course is Audubon Certified and tours will be given as part of the event.

- D. Announcement by Recreation Superintendent Amy Blackman regarding the annual Egg-Stravaganza, which will be held at Barrier Free Park on Saturday, April 15, 2017, from 10 a.m. - 1p.m.

Ms. Blackman advised the Egg-Stravaganza begins at 10 a.m. and ends at 1 p.m. There will be face painting and bunnies, bounce houses, live music and dancing.

- E. Announcement by The Links at Boynton Beach Golf Course Manager, Ron Tapper, of the winners of the 2016/17 Palm Beach County Women's Interclub Match Play League.

Ron Tapper, Golf Course Manager, announced the *Links* at Boynton Beach Ladies Interclub as the winners of 16/17 Palm Beach County Women's Interclub Golf League. He advised Palm Beach County Match Play was established in 1959. There are several country clubs and golf courses that participate in this event. The Ladies Club joined the *Links* in 2006 and came in 2nd one year. They play from October through February every year, alternating different courses and this was the first time they came in 1st Place. The event is very competitive. He recognized each member of the team and noted one member, Mary Lou Casley, who participated, recently passed away. A

moment of silence was observed in her honor. The LGA at the *Links* of Boynton took up a collection and will plant a flowering tree at the course in her memory with a plaque on a rock. He thanked the ladies for participating, who also support the Play for Pink. He congratulated them and advised they represent Boynton Beach when they travel and they do a great job.

A member of the Interclub Golf League announced how proud they are of Mr. Tapper and how the staff is the best they have had contact with from any golf course.

F. Announcement of the annual Boynton Beach Firefighters Fishing Tournament and Chili Cook-Off. Saturday April 15, 2017 between 11:00 am and 6:00 pm at Boat Club Park, 2010 North Federal Highway, Boynton Beach. A fun day for all to benefit the Boynton Beach Firefighters Benevolent Association and the Boynton Beach Kiwanis Club.

Mayor Grant announced this event.

G. Proclaim April 2017 as Water Conservation Month. Laura Corry Regional Representative with South Florida Water Management District will be present to accept the proclamation.

Mayor Grant read the proclamation declaring April 2017 as Water Conservation Month. Present to accept the proclamation was Laura Corry, Regional Representative with the S. Florida Water Management District. Ms. Corry thanked the City Commission on behalf of the District, the Governing Board and Executive Director, Peter Antonacci. She explained water is a finite resource they have to protect. As partners to create community awareness about water conservation, they thanked all and will continue to raise awareness of the issue especially during the dry months.

H. New Economic Development Director, David Scott.

Mayor Grant introduced the new Economic Development Coordinator, David Scott. Mr. Scott thanked all for the opportunity to make the presentation and explained he was the new Economic Development Director/Department of Development and Strategy. He had worked in Delray Beach as an Assistant City Manager, a Public Works Director for the City of Atlanta and Deputy Mayor for the City of Baltimore. He has 30 years of public service and strong Boynton Beach roots as he attended the same school as the Mayor and Mr. Tapper.

Mr. Scott explained they were focusing on regionalism and how to bring business and investments into the City. As they work through initiatives, the public will learn about them. They want to engage the community and obtain feedback from them and the City Commission. The City has an initiative named Building Wealth in the Community, and they recognize they not only want to bring business into the City, they look to focus their resources on ensuring they spend and invest funds as much as they can in local

businesses. Local businesses will build and create jobs, economic development and keep the growth local.

Commissioner McCray welcomed Mr. Scott and announced to District II and the Coalition of Clergy they should utilize him.

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)

Meredith Cruz, Public Information Consultant for the FDOT, announced a bridge painting project on Ocean Avenue beginning April 24th. A tentative open house is planned at the Town of Ocean Ridge. She will share information as it becomes available. Also present was the FDOT Project Manager and a representative from the engineering firm.

The Project Manager explained they will have the open house and they wanted to let people know the project will begin. There will be a lane closure, but not a full closure. Some night work was estimated for 6 to 10 nights, but they are trying to reduce it as much as possible. They will change the plan so they can work as much as possible during the day and they are working with Jeff Livergood and with the Town of Ocean Ridge. They will distribute flyers to the community with the dates and contact information.

Jerry Taylor, 1086 SW 26th Avenue, explained on March 29th, the Boynton Beach Mental Health Committee, in cooperation with the City, presented a Mental Health First Aid Course at Fire Station No. 5 and about 35 department heads and employees who work with the public attended. Since Mr. Taylor is on the Committee, they asked him to welcome the class and talk about the First Aid Committee. He advised Woodrow Hay, Committee Chair was present. Since Mr. Taylor had not taken the class, he decided to stay for the eight-hour course and was impressed. The class dealt with many of the issues dealing with mental health and educated people about what they can do as first aid when they interact with people with these problems. It was an outstanding course and he complimented the City, City Commission and City Manager for supporting this program. He understood some police officers and firefighters are scheduled to take the class and he encouraged the City to continue the program as it is beneficial and many people needing help do not know where to turn. He also attended the Women's Circle 13th Annual Fundraising Gala at Westchester Country Club. He complimented the Women's Circle as they got new jobs for 43 women. They teach skills and English. Nine women were assisted to get American citizenship and over 26 women are going through training programs to find employment and gain work.

Susan Oyer, 140 SE 27th Way, congratulated Commissioner McCray on his re-election, congratulated Vice Mayor Katz and wished all Happy Earth Day. She distributed information on ways to fight global warming including flat rooftops, white roofs and reflective paint. She suggested going green and putting plants on rooftops as long as the roofs are constructed to support the weight. She noted a USA today story that indicated "it is estimated that covering all eligible urban roofs in the tropics and temperate regions to white and slope roofs to cool colors could offset emissions of 300 million cars for 20 years." She hoped the City would consider instituting this. She had also discussed living walls for the parking garage as no one wants an ugly parking garage. Living Walls could satisfy the Art in Public Places requirement and put Boynton Beach in the forefront, mitigating global warming and be on the forefront having spectacular development. She requested the City Commission think green.

Alexandria Wilson, 1202 NW 5th Street, congratulated Commissioner McCray on the election and hoped he would continue to work hard to redevelop District II and she congratulated Vice Mayor Katz. She was interested in holding community activities and learned that there was a moratorium on events at Sara Sims. She learned the moratorium prohibited activities in the park and thought the City Commission should have initiated some type of committee or outreach to mitigate this issue. She did not see anything about the moratorium online and asked who they should contact to lift the moratorium. Commissioner McCray explained a concert started with one boom box and it grew to about 1,500 and the roads were blocked. She asked if there could be some type of a program so the community can have events and noted the policy for insurance and permits is cumbersome for residents. Commissioner McCray agreed to review it, but commented the attendees left the park, went to Cherry Hill and they started shooting. Event organizers have to provide security. He commented they could work together on the matter, and if they try it again and the same thing happens, there will be another moratorium because the elderly people in the community are being disrespected. He will listen to any ideas they have.

Yvonne Skovron, 350 N. Federal Highway, Unit 1405, was aware the City Commission was seeking to make the downtown walkable and advised currently, there are issues with crossing the road at traffic lights between Boynton Beach Boulevard and Federal Highway. Presently, they have to wait three cycles to cross and when doing so they have to hurry to make it through. She requested the traffic signal be adjusted to allow adequate time to cross and not having to wait for three or four cycles before being able to cross. She clarified this pertained to all four corners. Mayor Grant noted the light is 25 seconds long. Mayor Grant was aware on Boynton Beach Boulevard, east to west traffic, they have to wait for cars to turn and there are lights and a waiting area in-between. He asked if more than 25 seconds was needed. Ms. Skovron indicated it was not only the length of time they had to cross, it was the wait to cross the road. Mayor Grant agreed to speak with the Florida Department of Transportation. Commissioner McCray also recommended she speak with Mr. Livergood.

Charles Williams, 171 NE 19th, explained he been going to the cemetery every Friday since 1989. When he went on Friday, he cut the weeds on his aunt's grave. He tries to beautify the lot and put a plastic border around it, but a cemetery worker said he had to remove it so he came to the City Commission. His aunt died in June and it was four to five months before grass was planted. Commissioner McCray explained it was a common complaint and a group is volunteering to assist with the cemetery grounds. Mr. Livergood is also in charge of the cemetery and enforces the rules. He commented he would review the matter. Commissioner McCray appreciated the feedback and thought the City needs to do a better job where their loved ones remain.

Irwin Cineus, 223 NE 12th Avenue, congratulated Commissioner McCray on his re-election, expressed his condolences on the loss of his mother and congratulated Vice Mayor Katz. He read an article about the Boynton Beach runoff. He explained the publication made it clear this was all about race. He put it on record they cannot avoid race in a system where race is built into the DNA of it, but with this election and the leadership of the clergy and Black Votes Matter, they had a strategy built around a platform that was executed. He was proud of the community coming forward. He hoped they could all work together and with the runner up as well. He wanted the Heart of Boynton to be developed and not colonized. Commissioner McCray commented when he received his congratulatory remarks from Dr. DeVoursney, he had indicated to him he would do whatever he could to help. He is part of the Heart of Boynton Association and although he lost, he will support them.

Peter Guillaume 305 SW 5th Avenue, asked about the new Economic Director as there are things residents are interested in that are backed up. He asked if he would work with the community to target issues they have an interest in.

Commissioner Romelus explained she asked the Director about his objectives and plans for the community and she believes in what he is doing. He is open to suggestions, from the community. She recommended he get his email and phone number. Mr. Guillaume asked how City officials relate to foreign business economic wise. Mayor Grant explained Mr. Scott was the person to speak to. Commissioner McCray recommended he speak with Mr. Scott first, him second and he will go to Ms. LaVerriere. Ms. LaVerriere requested he call the City Manager's office and she will connect to him.

Pastor Richard Dames congratulated Commissioner McCray on his re-election and Vice Mayor Katz. He thanked the Mayor and City staff for the CareerSource Job Fair. He received several phone calls from several residents who got jobs. He was aware over 20 businesses participated in the fair and he went to the CRA and distributed flyers. He encouraged the Commission to help create wealth in District II. He commented there seems to be a label about District II, but they want their fair share.

Herb Suss, 1711 Woodfern Drive, congratulated Commissioner McCray and Vice Mayor Katz. He noted one department that gets very little recognition is the Sanitation

Department. They work very hard and one worker in particular that works on recycling, known as Big Al, is outstanding. He wanted Chris Roberts, Assistant Director Public Works, to recognize he is an asset. He also requested the City Commission send a letter to the County Commission as Palm Beach County is paying taxes for President Trump to go back and forth from Washington to Mar-a-Lago. It is impacting Lantana, costing jobs at Lantana Airport as flights are affected, and it affects restaurants. He asked the City Commission to send a letter to the County, governor, or president because taxpayers are paying the bill. He thought it was not right.

Rae Whitely, 223 NE 12th Avenue, congratulated Vice Mayor Katz and Commissioner McCray and Mr. Scott on his new position. He announced the last election meant a lot because they put a lot of work into it so they could engage the community that felt disenfranchised. They spent months making telephone calls. He thanked the community who came out to vote, noting it was a great turnout. This winner was not a win. The win was the platform created by the community. They held candidate screenings, forums and follow up. He thought Boynton Beach could be the greatest City because they believe in the process. He thought Mr. Scott was a great hire and building wealth starts with a Community Benefits Agreement on each development.

Rev. Bernard Wright congratulated Vice Mayor Katz and Commissioner McCray. He agreed they did a lot of work and he enjoyed the platform. He announced he has a Facebook post about this race. He explained race is a factor in this country and the world. He stands on Black principals and pointed out Dr. DeVourseny is his doctor. Anyone who attacks him as a black racist does not know his history. There will be a better Boynton and District II.

Willie Aikens, 726 NE 1st Street, President of the Heart of Boynton Neighborhood Association, thanked Commissioner McCray for his win. The community is looking forward to working with all. They have a lot of plans and they need assistance from each Commissioner. He expressed his condolences to Commissioner McCray on the passing of his mother and his congratulations on his winning. The work will begin and with the Commission's support in the Heart of Boynton, they can make changes in the City.

No one else came forward. Public Audience was closed.

5. ADMINISTRATIVE

A. Appoint eligible members of the community to serve in vacant positions on City advisory boards.

The following Regular (Reg) and Alternate (Alt) Student (Stu) and Nonvoting Stu (N/V Stu) openings exist:

Arts Commission: 1 Alt

Building Board of Adjustments & Appeals: 1 Reg and 2 Alts
Library Bd: 2 Alts
Recreation & Parks Bd: 2 Alts
Senior Advisory Bd: 1 Reg and 2 Alts

Mayor Grant read the vacancies. There were no applicants.

B. PROPOSED RESOLUTION NO. R17-030 - Appoint a City Commission representative and alternate to the Coalition of Boynton West Residents Association (COBWRA).

Commissioner Casello commented he has been the representative to this organization for four years. He built relations and friendships there and he would like to continue to serve. It was noted Commissioner McCray is the alternate.

Motion

Commissioner McCray moved to approve. Commissioner Romelus seconded the motion.

Vote

The motion unanimously passed.

C. PROPOSED RESOLUTION NO. R17-031 - Appoint a City Commission representative and alternate to the Countywide Intergovernmental Coordination Program.

Mayor Grant commented Commissioner Romelus is the representative and she advised she wanted to remain. The alternate is Lori LaVerriere, City Manager.

Motion

Commissioner McCray moved to approve. Vice Mayor Katz seconded the motion.

Vote

The motion unanimously passed.

D. PROPOSED RESOLUTION NO. R17-032 - Appoint a City Commission representative and alternate to the Metropolitan Planning Organization

Mayor Grant wanted to continue as he was making relations with the Florida Department of Transportation and the Metropolitan Planning Organization. Commissioner McCray is the alternate.

Motion

Commissioner McCray moved to approve. Commissioner Romelus seconded the motion.

Vote

The motion unanimously passed.

E. PROPOSED RESOLUTION NO. R17-033 - Appoint a City Commission representative and alternate to the Palm Beach County League of Cities

Commissioner Casello explained he was recently re-elected to the Board of Directors for the League of Cities and he wanted to continue to serve in that capacity. Commissioner McCray is also a representative because Commissioner Casello sits on the Board. Mayor Grant commented they could have two representatives, although almost every Commissioner has attended at different times.

Motion

Commissioner McCray moved to approve. Vice Mayor Katz seconded the motion.

Vote

The motion unanimously passed.

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. PROPOSED RESOLUTION NO. R17-034 - Authorize the City Manager to apply for, execute all documents associated with the Florida Boating Improvement (FBIP) grant, accept and administer the grant on behalf of the City, and execute the Grant Agreement subject to approval by the City Attorney.

B. PROPOSED RESOLUTION NO. R17-035 - Authorize the Mayor to sign a Consent to Assignment between the City of Boynton Beach, Layne Heavy Civil, Inc., and Reycon Partners, LLC. The company will assign to Reynolds Construction, LLC, a wholly owned subsidiary of Reycon Partners, LLC.

C. Approve the purchase of an upgrade our Geographical Information System (GIS) software to a Small Government Enterprise License Agreement through a sole source from ESRI at a cost of \$35,000.

D. Approve the quote received from Tinker LLC of Alamo, CA for the FY 2017 implementation of the Water Conservation Education program for all 5th grade students at schools within the City of Boynton Beach for an estimated cost of \$30,712.71. Recommendation is based on staff's ability to only identify two (2) vendors for this program and that issuing a formal bid would not produce additional vendors.

E. Approve a \$5,000 donation to the Boy Scouts of America - Gulf Stream Council to go directly to support our Police Explorers; a youth mentoring program designed to help cultivate interest among our community youth in a future law enforcement career.

Commissioner Romelus wanted to ensure the community is informed about the events and to grow officers from the community.

Jeff Katz, Police Chief, explained the Explorer program, in partnership with the scouting program, resulted in the Department starting a Cub Scout Troop in the HOB. They want the Police Explorers to mentor the Cub Scouts. This is a 15-year pipeline from the Cub Scouts, to the Boy Scouts into Police Explorers and onto being hired as a community service officer and police officers from the community. They also offer academy sponsorships. The program is consistent with youth literacy and mentoring.

Commissioner Romelus asked about minority recruiting to be representative of the City's demographics. Chief Katz commented the Department has an Architects Council to bring forward ideas, suggestions and programs to better the community. Sgt. Widy Jean is the minority recruitment liaison working with the department to identify recruitment strategies. They hold fairs in black colleges, other counties and police academies to recruit candidates. Their last recruitment study showed they are very selective with personnel and they hire 1.2% of those who apply, but over 50% of conditional job offers extended to candidates are minorities. Their brand is increasing in the Department and the quality of their candidates is improving. Seventy-five percent of the Department have college degrees. Commissioner McCray was pleased they have Cub Scouts in District II. He noted years ago, they had the Boy Scouts.

The Explorer program is led by Sgt. DeLosRios. Commissioner Casello had observed the Explorers are hard workers. They participate in neighborhood clean-ups, Farm Share, paint homes, and they decorated a home for Christmas.

Commissioner McCray asked where the \$5,000 donation came from and learned it was from the forfeiture account. It is a reinvestment of funds seized from drug dealers.

Motion

Commissioner McCray moved to approve. Commissioner Romelus seconded the motion.

Vote

The motion unanimously passed.

F. Approve release of a Bond, in the form of a Letter of Credit, in the amount of \$163,235 for the completion of the clearing and grubbing in association with the High Ridge Landing project.

G. Accept the Fiscal Year 2016-2017 Budget Status Report of the General Fund and the Utilities Fund for the five (5) month period ended February 28, 2017.

H. Approve the minutes from the Regular City Commission meeting held on March 21, 2017.

Motion

Commissioner Romelus moved to approve the Consent Agenda. Commissioner McCray seconded the motion.

Vote

The motion unanimously passed.

7. BIDS AND PURCHASES OVER \$100,000

- A. **PROPOSED RESOLUTION NO. R17-036** - Approve the piggyback of the Palm Beach County, FL Agreement R2014-1489 with IXOM (formerly Orica Watercare, Inc.) for MIEX DOC Anion Exchange Resin with the same terms, conditions, specifications and pricing, and authorize the City Manager to sign a contract with IXOM. The maximum anticipated annual expenditure for the purchase of MIEX DOC Resin is \$402,000. Palm Beach County has complied with purchasing policies and considered this as a sole source provider of resin.

Mayor Grant read Resolution No. R17-036. Bevis Pigott, Acting Utilities Director, explained the resin is a synthetic product used to remove organic compounds from raw water. Over time, it breaks down and has to be replenished to maintain facility operations. The East Water Treatment Plant is running and a grand opening was planned for it and the on-site medical clinic.

Motion

Commissioner McCray moved to approve. Commissioner Casello seconded the motion.

Vote

The motion unanimously passed.

8. CODE COMPLIANCE and LEGAL SETTLEMENTS - None

9. PUBLIC HEARING

7 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.

Attorney Cherof explained the next four items are related to the Ocean One project. There are two ordinances: one to rezone and the other for an abandonment. Two other items are the community design appeal and the other is a new site plan. He asked if the applicant consented to discussing the items together and voted on by separate motions. Bonnie Miskel, representing the applicant, had no objection.

Attorney Cherof read Proposed Ordinance No. 17-008 by title only on second reading.

Attorney Cherof read Proposed Ordinance No. 17-009 by title only on second reading.

Attorney Cherof administered an oath to all those intending to testify.

Motion

Commissioner McCray moved to remove items C and D from the table. Commissioner Casello seconded the motion.

Vote

The motion unanimously passed.

A. PROPOSED ORDINANCE NO. 17-008 - SECOND READING - PUBLIC HEARING - Approve Ocean One rezoning from Central Business District (CBD) to Mixed Use High Intensity (MU-H) District with a proposed two-phase master plan for a total of 358 multi-family rental units, 12,075 square feet of commercial retail space and a 120-room hotel.

Bonnie Miskel, 14 SE 4th Street, Boca Raton, commented she represents developers all over Broward and Palm Beach County, but enjoys coming to Boynton Beach because the staff is the most professional staff they have worked with. They help offer solutions.

There are four applications: the rezoning from Central Business District (CBD) to Mixed Use High (MU-H) intensity and the second is an abandonment of a portion of NE 6th Court between Boynton Beach Boulevard and Ocean Avenue. There are two community design appeals and a site plan. The site plan is phase I of a two phase project.

The property is on the southeast corner of Boynton Beach Boulevard and Federal Highway between Boynton Beach Boulevard and Ocean to the north and south, Federal Highway to the west and NE 6th Court to the east. It is two different parcels. A strip on the north is owned by the CRA and the majority of the parcel balance is owned by the petitioner. It formerly had a bank and office building on it. There was a small strip motel on the CRA's property, which currently has asphalt parking and grass. Views of the project from different directions were viewed.

Over 10 years ago, the City and CRA were looking to enhance the vitality of the core. In 2001, the City Commission adopted the Federal Highway Corridor Redevelopment Plan which required an update to the CRA Redevelopment Plan and the Comprehensive Plan (Comp Plan) was amended to create two subcategories of mixed use land use designations. It redesigned the downtown as MU-H, which is the most intense category and then it re-designated the gateway communities as Mixed Use Low (MU-L). It created development standards for the MU-H District which the Comp Plan identified as the core downtown area. It addressed maximum allowable height, eliminated restrictions on density and allowed residential uses by right if the first floor is dedicated for commercial, retail, or office use.

At that time, the redevelopment plan focused on expanding the CRA area. Boundaries were drawn to take into account the need for physical redevelopment as well as to protect the existing viable area from blighted influences.

This property is located in planning area 3, which has its own standards and requirements. It established a focal point as a hotel and residential and encourages mixed use development, creates a destination atmosphere including specialty retail, restaurants and residential uses. It encourages an urban form of development which adds intensity, bulk and building mass for the downtown core. In this planning area, height is encouraged as is public activity. It defines pedestrian spaces, creates a safe pedestrian environment and establishes an aesthetically pleasing look. The Federal Highway Corridor study recommended amending the Future Land Use Map (FLUM) to re-designate the downtown area 3 to MU-H, and recommended creating development standards for the MU-H District, eliminating restrictions on density, but maintaining

control of the appearance of the development. It recommended increasing the permitted height from 100 feet to 150 feet.

Ms. Miskel explained this was not the first project in the works for the property. Once the land use category was established, the regulations to implement it needed to be developed. In 2002, there was an amendment to the Land use regulations that created a MU-H zoning district and adopt a guide for development of the downtown to encourage diversity of compatible uses. The regulations applied to certain areas where a mixture of uses and building densities are intended to carry out elements in the City's redevelopment plan in the corridor. When MU-H was applied to the MU-Core area, it centered on Boynton Beach Boulevard and Federal Highway. When MU-H was created, it was intended to overlay and replace the CBD. The City could have rezoned, but it was intended the applicant would come in with the development they were proposing. Casa Costa, Marina Village and 500 Ocean were rezoned to MU-H.

The first application was to rezone the CBD classification to MU-H. She listed the zoning criteria explaining how they met each requirement. They are fulfilling the vision that was established years ago. The rezoning cannot reduce commercial or industrial development. She advised staff reviewed the project with the regulations and the plan is consistent, with two minor exceptions which were the design appeals.

The first phase of the project included 231 residential units and 8,575 square feet of retail. The building is eight stories with seven stories of structured parking for a total of 439 parking spacing, exceeding the parking requirements by about 26 spaces. Phase II included 127 condominiums, 3,500 square feet of additional retail and a 120-room hotel. She advised Mr. Simon, the Interim CRA Director, referred a potential hotel operator to them. In total, there was 358 residential units, which was part of the planned vision to increase the residential downtown, 12,075 square feet of retail and the 120 room hotel for the entire master plan. The structured parking was intended for both phases. One garage would be included with each phase.

The property is a vacant lot. The 2016 assessed value for the site was \$2,661,348 with a taxable value of \$58,096. The City's portion of that was \$19,645. The new assessed value, after construction, was estimated for the tax roll in 2020 as \$55,010,726. The anticipated taxes were \$1,153,690, and the anticipated portion of tax to the City \$406,067. Ms. Miskel noted there was a question about parking and explained with mixed-use projects, parking ratios are blended. She explained there are 152 one-bedroom units with a parking code requirement at 1.33 parking spaces per unit for a total of 203. There are 79 two-bedroom units at 1.66 parking spaces totaling 132, spaces. Guest parking is .15 spaces per unit adding another 35 spaces and the retail is 1 for 200 which adds 43 spaces. The total required is 413 and this has 439.

Compared to other projects, 500 Ocean was approved for 341 units, just over 13,000 square feet of retail and 6,600 square feet of office. The required parking was 656 and they provide 703 spaces up 47 for public parking. Casa Costa was short 41 spaces and

Marina Village was even so there was not really a public parking component. Ms. Miskel advised they have committed to 50 public parking spaces in Phase I and 50 more for Phase II. A breakdown of the spaces will be 360 spaces inside the structure in phase I and 39 on-street parking spaces, which are mostly around the border of the site on Federal Highway, Ocean and NE 6th Court. The open lot is an additional 40 spaces.

The building is designed as the focal core for resident units, having a view of something other than a street or building. The building is U-shaped around an amenity deck and pool area with parking on the bottom. There is a health club and fitness center on Federal Highway that is open to the public as well as serving the community, which is included in the 8,575 square feet of non-residential space. Retail is on the corner of Federal and Boynton Beach Boulevard. The center facing Boynton Beach is the lobby and reception area and the NE corner is retail wrapping around onto NE 6th Court. Visuals were viewed.

One goal was for the garage to blend with the building so no one would know it is a garage. The first floor has active uses. They also tried to provide large pedestrian walkways and sidewalks, ranging from 19 feet to 32 feet with lots of vegetation for pedestrian safety. There could be a restaurant with outdoor seating. Pedestrians like a buffer which they attempted to provide with the landscaping. Various pictures of the project were viewed.

Commissioner Romelus asked about the stop and drop off area for Uber and learned the carve-out in the sidewalk is in front of the lobby on Boynton Beach Boulevard. There is a younger population that is much less car driven. Mayor Grant noted the garage has terraces to look like the building. Ms. Miskel explained it is the nicest garage buildings she has ever presented. One entrance is off NE 6th Court and the other off an interior driveway connector. The access was designed tastefully.

Until Phase II is ready for site plan approval and permitting, they will landscape the entire perimeter as if Phase II was there. Sidewalks and trees will be installed around Phase II and they will have the 50 space public surface parking on an improved lot. When they are ready for Phase II, they have other locations nearby they will relocate the parking to on a temporary basis until parking is incorporated back in the project.

Staff challenged the developer to provide a sustainable project that meets the Code and there were a few minor issues they could not accommodate. The first was a build-to line that requires the building to be between 0 to 15 feet from the property line and the project exceeds it. In one instance it is at 19 feet. They felt it was important to have a plaza component as there will be on Phase II. The width of sidewalk and plaza area on Boynton Beach Boulevard is there for a purpose, but was greater than the 15 feet maximum and they are appealing that section of the Code. She thought it was a legitimate request as it has a public purpose and could accommodate outdoor seating for a restaurant.

The other requirement pertained to Chapter 4, Article 3, Section 6 .f. relating to parking garage façades that front on an arterial or collector roads to be wrapped with habitable space. The developer was asking for some relief. They wrapped the garage on the lower levels, and the lowest level would have habitable non-residential space, but going to the upper levels of the garage, they would have difficulty making the turning radius into the ramps with the habitable space, so they could not meet that provision. It was challenging. They are dedicating an area on the westerly property line to build on-street parking. The developer was shrinking the project, but thought it improved the viability of non-residential space when there is convenience parking. She noted Casa Costa struggled with that as parking was not convenient and the non-residential tenants struggled as a result. The depth of the lot is constrained and in order to meet the standards regarding ramps and turning radii, if they encroached into the space, it would have affected the number of public parking spaces and challenged the flow of the garage. In exchange for the request, they designed a garage that looks like a residential building. In all other aspects, the project and application fully meets the Code.

Ms. Miskel explained public parking would be on the west side of Federal Highway, the south on Ocean Avenue and the east side on NE 6th Court. To fit the parking and make the garage function, they needed the width of the lot to be a certain size. NE 6th Court exceeds the standard needed for its low traffic volume and has the capacity to accommodate the request. Staff recommended shifting the lot, but in order to do so, they have to abandon a portion of NE 6th Court.

Ms. Miskel explained the entire team was present. She advised Mr. Chris Brown, with RMA, is the community benefits consultant. She advised he is doing great things for other communities in case they had questions.

Mayor Grant opened public hearing on the items:

Linda Cross, 65 Casa Loma Boulevard, Unit 601, noted Casa Costa has 111 spaces open to the public, which was why it received Tax Incremental Funds, and Marina Village has 120 spaces dedicated to the CRA on the first and second floor. She thought Ms. Miskel's comment was misleading.

Susan Oyer, 140 SE 27th Way, expressed concern the rents for one bedrooms may result in more than one person occupying the unit and the parking is 1.33 spaces per unit and there may be two cars. She thought they were grossly underparking and suggested bigger apartments, less units and more parking. Ms. Oyer inquired what the Art in Public Places component would be, suggested a living wall and asked where art will be placed. She explained there is 19,000 square feet of commercial space at Casa Costa of which 2,000 square feet is occupied. The buildings downtown are under 50% occupied with retail and she asked why they were adding more empty retail when they need Class B and C office space. She noted Boca Raton has more class A office space

then the entire County and thought Class B and C office space could be the City's specialty. She also wanted the hotel to be constructed first.

Robert Lewis, 350 N. Federal Highway, Apt. 510, learned a lot during the past three years and is a strong advocate for development. He commented development would be the best way to clean up Federal Highway, eliminate abandoned properties and lots littered with trash. Empty store fronts need new development and he fought to convince the City Commission that was the way to proceed. When he first moved, 500 Ocean had not broken ground and soon it would be fully developed and rented. Federal Highway will be changed. Casa Costa and Marina Village were developed and the City has a lovely boating community at the Marina. 500 Ocean will add to the downtown. High Ridge just opened with 184 units and is already occupied. Peninsula and Casa Del Mar is developed. He commented the City is moving and everyone in Palm Beach County is noticing. Businesses are looking at Boynton Beach as Boca is priced out of the market and those in Delray Beach are coming to Boynton.

Commissioner Romelus at 8:57 left the dais.

Herb Suss, 1711 Woodfern Drive, agreed this is a quality project. He was concerned there may not be enough parking and agreed with Ms. Oyer's about commercial offices to bring in more jobs.

Commissioner Romelus returned at 9:00 p.m.

James DeVoursney, 2625 Lake Drive North, asked, during the review of the demonstration of need, if the City was satisfied with the data they reviewed, and if the publication it came from that demonstrated the need for more rental units to be finished in 2020. He asked about the number of one bedroom to two bedrooms units and who they were trying to attract.

Ms. Miskel explained she took information about parking from the approved site plans for Casa Costa. She clarified the negative number regarding public parking was the parking provided versus required. She explained there is a shared parking component with every mixed-use project and she recognized Casa Costa is not fully utilizing its retail components. If they have 231 residential units on top of a restaurant, some residents will use those facilities. They had to park the fitness and health clubs users which many residents would utilize. Factored into the 1.33 and 1.66 parking calculation is an industry formula that assumes there would be the same people going to the same place. In the case of the gym, if the person lived there, their car was already parked in the garage so the shared parking calculations come into play. The shared parking calculations come from Urban Land Institute studies and many other projects use the methodology. As it pertained to Casa Costa and Marina Village they looked at the approved site plans at the required spaces versus the provided.

The smallest unit is 600 square feet and the largest is 1,600. The rate is about \$2 per square foot. The rental rate is improving and is still under Delray's, but people are getting tired of the traffic in Delray and a lot of professionals are moving north, to more affordable housing that is easier to get around.

Before her client embarked on the second site plan for the project, they considered the market demand and are comfortable with the market. Ms. Miskel and the team visited with the Arts Commission and received great suggestions. They have not decided on what art to install, but one suggestion was kinetic art that had something to do with the garage, have stained glass displays and/or a living wall. When they decide, it will have to be approved by the Arts Commission. Ms. Oyer pointed out they had met with Ms. Coles-Dobay, the Public Art Manager, not the Arts Commission.

Commissioner Casello asked if there will be a parking charge on weekends. Ms. Miskel explained they will give the public parking spaces to the CRA. The developer will not manage them, and they had no intention of imposing a charge. It is up to the City and CRA.

Commissioner Romelus noted there were issues at Marina Village regarding where owners park and the public parking. Ms. Miskel explained the parking during Phase I has 50 spaces all outside. Phase II they will have to designate the lower levels to the public and the upper levels for the residential units. Marina Village had an added challenge with parking because when they sold the units, they conveyed a space regardless of unit size. If the unit owner had two cars, they had to find a space in whatever was left over in the pool and the Related Group still has some of the spaces because they were not part of the pool or allocated to the units. The developer intends to designate a convenience space per unit, so parking will be near where the unit is in the building.

Commissioner Romelus also wanted to ensure they develop the project and employ full-time employees that are representative of the demographics in the City during construction and after the project is completed. Ms. Miskel explained they met with Mr. Simon and the CRA attorney to draft language regarding the Community Benefits Agreement, which explicitly states the requirements.

Mayor Grant asked if the rooftop was open and learned the seventh floor deck was. There was no deck on the residential portion of the building and only the parking garage will be exposed. Mayor Grant asked if they could put trees on top for shade, and if the developer considered a light display so the garage will not be a dark canvas at night.

Vice Mayor Katz heard at one point, the garage exterior would have painted windows and learned they would use true materials. The garage will have the same glass and balconies as the rest of the building. He also asked if language would be added to the contract regarding timetables with regard to site approval and moving through the

process. Ms. Miskel explained they added language to the document relating to both Phase I and Phase II.

Vice Mayor Katz noted there were issues with debris and lack of a secure site during construction of 500 Ocean and asked if there would be language that specifies when construction begins there will be extra attention paid to ensure the project site would be secured. Ms. Miskel explained it was not in the document, but she did not think there would be an objection.

Motion

Commissioner Romelus moved to approve. Commissioner McCray seconded the motion.

Vote

City Clerk Pyle called the roll. The vote was 5-0.

B. PROPOSED ORDINANCE NO. 17-009 - SECOND READING - PUBLIC HEARING - Approve request for abandonment of a portion of right-of-way of Boynton Beach Boulevard east of Federal Highway, and NE 6th Court between Boynton Beach Boulevard and Ocean Avenue, in conjunction with request for new site plan approval for the Ocean One mixed-use project. Applicant: Davis Camalier / Ocean One Boynton, LLC.

Motion

Commissioner Romelus moved to approve. Commissioner McCray seconded the motion.

Vote

City Clerk Pyle called the roll. The vote was 5-0.

C. Approve requests for a Community Design Appeal of 1) Chapter 3, Article III, Section 5.C., "Build-to-line", which requires buildings to be constructed with a build-to-line of 0 to 15 feet, to allow a setback of approximately 19 feet; and 2) Chapter 4, Article III, Section 6.F., "Off-Street Parking Area Standards", which requires facades of parking garages that front on an arterial or collector roadway to be wrapped with habitable space. Applicant: Davis Camalier / Ocean One Boynton, LLC. **TABLED TO APRIL 4, 2017 SO THAT FINAL ACTION OCCURS ON THE SAME DATE AS ACTION TAKEN ON THE CORRESPONDING REZONING AND ABANDONMENT ITEMS.**

Motion

Commissioner McCray moved to approve. Commissioner Casello seconded the motion.

Vote

The motion unanimously passed.

D. Approve request for a New Site Plan for multi-family residential (rental apartments) consisting of 231 dwelling units within an eight (8)-story building, retail space, and associated recreational amenities and parking on 1.93 acres. Property located at 114 N. Federal Highway. Applicant: Davis Camalier / Ocean One Boynton, LLC. ***TABLED TO APRIL 4, 2017 SO THAT FINAL ACTION OCCURS ON THE SAME DATE AS ACTION TAKEN ON THE CORRESPONDING REZONING AND ABANDONMENT ITEMS.***

Motion

Commissioner Casello moved to approve. Commissioner McCray seconded the motion.

Vote

The motion unanimously passed.

10. CITY MANAGER'S REPORT - None

11. UNFINISHED BUSINESS - None

12. NEW BUSINESS - None

14.A. Discuss cancelling the July 4th City Commission meeting - April 4, 2017

Mayor Grant did not recall if the City Commission opted to cancel the July 4th meeting and move it to July 5th. Lori LaVerriere explained the City Commission had opted to do so. Mayor Grant announced he would not be present that week and asked if they wanted to skip the meeting. He had spoken with staff who had no objection and it would result in not having to prepare for the meeting on July 3rd.

Motion

Commissioner Romelus moved to cancel the July 5th meeting. Commissioner McCray seconded the motion.

Vote

The motion unanimously passed.

B. The Commission has scheduled a Public Input - Budget Workshop on:
Tuesday, May 30, 2017 @ 6:30 P.M. in the City Commission Chambers

Vice Mayor Katz asked about the workshop format and thought it was important for people to speak out prior to the budget hearings so their ideas could be incorporated. He also would not want to comment in any great detail with any assurances of anything as they would not have seen the budget yet. He wanted to ensure it would not turn into an open forum requiring people giving answers about a budget that is not publically constructed. Mayor Grant agreed it is a workshop so people will not have to wait until July to make their comments about the next fiscal year. The comments will have been received well in advance.

13. LEGAL

A. Accept report by City Attorney regarding status of Red Light Camera Program
Litigation and attorney fees

Attorney Cherof recalled brief discussion at the last City Commission meeting why the City's Red Light Camera program was cancelled December 31, 2016, and why City Attorneys are actively involved in prosecuting or defending cases. He explained in January, the City's net revenue for the camera citations was \$101,332. There was \$5,002 in attorney's fees or about 5%. In February, the net revenue of the program was \$111,175 and attorney fees to prosecute and defend the citations were \$5,769, or about 5%. All of the fees paid to the City Attorney are paid by the individuals who have run the red lights through the City. No monies were coming out of the City's General Fund.

There are approximately 5,519 active violations. Sixty-one percent of the people receiving a citation, on average, pay it without contesting it. The balance of the violators challenge the citations either through the City's special magistrate of which there are 196 pending or, if unpaid, they go to traffic court in front of a judge. There are many active cases pending. It takes five or six months and up to a year to process the camera citations being actively challenged through the courts because the individuals and attorney can raise all kinds of defenses to challenge the legality of the program. The City has won every single appellate court decision. If the collection effort remains active, it would be another six months to zero outstanding active violations.

Attorney Cherof noted there is a pending federal case, known as the Parker case that has challenged the red light camera programs all over the State and it was challenging the State of Florida and the traffic vendors. Numerous cities are defending the lawsuit in federal court. The case is currently pending in Federal District Court and Federal Appellate court proceedings. There are also two state court proceedings pending in the

Florida Supreme Court to challenge whether the original underlying program was valid. He noted Boynton Beach did not have the same type of underlying program the other cities had and they have proven that in court, which is why the City was successful, and part of the program was amended. The fees for the Parker case were only a few hundred dollars the last fiscal year. The City is not participating in a group defense and is not responsible for paying a share of those fees, only the City attorney fees, which is not very active. The Parker case is a class action suit and since October the City spent \$663. During the prior fiscal year, the fees were \$4,200. The fees for the month of March were about \$3,400. He thought the revenues would be constant until all citations are paid in full. Three years ago, there were higher attorney fees. If the Parker case prevails, the fines would be returned; however, Attorney Cherof did not think the City would be affected as the City's program was not the same as the portion of the case that is under consideration.

14. FUTURE AGENDA ITEMS

- A. Consider adopting a Chronic Nuisance Ordinance. - April 2017
- B. Discuss cancelling the July 4th City Commission meeting - April 4, 2017

This item was heard earlier in the meeting.

- C. Monthly Departmental Presentations:

Communications/Marketing - April 18, 2017

- D. Recommend vendor as result of Request for Proposal for Pension Benefit Consultant - April 18, 2017

- E. Budget workshops for the FY 17/18 budget are scheduled in the Library Program Room on the following dates and times:

Monday, July 17, 2017 @ 5:00 P.M.
Tuesday, July 18, 2017 @ 10:00 A.M.
Wednesday, July 19, 2017 @ 2:00 P.M.

- F. The Commission has scheduled a Public Input - Budget Workshop on:
Tuesday, May 30, 2017 @ 6:30 P.M. in the City Commission Chambers

This item was heard earlier in the meeting.

15. ADJOURNMENT

Motion

There being no further business to discuss, Commissioner Romelus moved to adjourn. Commissioner McCray seconded the motion.

Vote

The motion unanimously passed. The meeting was adjourned at 9:31 p.m.

CITY OF BOYNTON BEACH

Mayor - Steven B. Grant

Vice Mayor - Justin Katz

Commissioner - Mack McCray

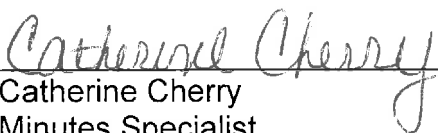
Commissioner - Christina Romelus

Commissioner - Joe Casello

ATTEST



Judith A. Pyle, CMC
City Clerk



Catherine Cherry
Minutes Specialist