

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD ON TUESDAY,
NOVEMBER 7, 2018, AT 6:30 P.M. AT THE INTRACOASTAL PARK CLUBHOUSE,
2240 N. FEDERAL HIGHWAY, BOYNTON BEACH, FLORIDA**

PRESENT:

Christina Romelus, Vice Mayor
Justin Katz, Commissioner
Mack McCray, Commissioner

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

ABSENT

Steven B. Grant, Mayor

1. OPENINGS

A. Call to Order

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

Invocation

Commissioner McCray gave the invocation.

Pledge of Allegiance to the Flag led by Commissioner Katz

Roll Call

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

Agenda Approval:

1. Additions, Deletions, Corrections

Commissioner McCray wanted to pull the Minutes for discussion.

Vice Mayor Romelus asked if Commissioner Katz wanted to move forward with the ordinance regarding lobbyist on the Future Agenda. Pointed out the Constitutional amendment regarding lobbyist, passed on November 6th 2018 State's election.

Commissioner Katz wanted to leave the lobbyist ordinance on Future Agenda. He would contact the Legal Department to make sure that his intent was covered by the Constitutional amendment which the State of Florida passed in the November 6th election.

2. Adoption

Motion

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

Vote

The motion unanimously passed.

2. OTHER

A. Informational Items by Members of the City Commission

Commissioner Katz met with Bonnie Miskel and representatives from McDonalds. As a local teacher and the Teachers' Union President, he was pleased with the overwhelming support for the school referendum to increase safety and security, protect the fine arts, and increase teacher's pay passed by 72%. He thanked all of those who supported the referendum.

Commissioner McCray asked in regards to safety for the schools; has the City received any reimbursement for the security personnel. Ms. LaVerriere asked if the Finance Director received any funds from the County for the personnel reimbursement.

Mara Frederiksen, Finance Director, responded the Finance Department has not received any reimbursements. Ms. LaVerriere suggested she will consult with Chief Gregory.

Commissioner McCray requested an estimate of the amount owed the City by Palm Beach County. Ms. LaVerriere indicated the School Resource Officers rates are \$110. per hour.

Commissioner McCray thanked everyone involved in the volunteer dinner. Thanked Mr. Moore who works in sanitation. Noted he appreciates staff at the Ezell Hester Center and wanted to thank them for all of their hard work. Thanked the Chief for his presence in the community. Staff makes all those on the dais look good.

Vice Mayor Romelus complemented the wonderful staff in Boynton Beach. The Ezell Hester Center was an early voting site without any incidents. Attended the dinner for the volunteers. Thanked all the volunteers. Requested a moment of silence to pay respects for the 11 people who lost their lives and all of those who have lost their lives in the past few weeks. Attended Pirate Fest which had great attendance.

3. ANNOUNCEMENTS, COMMUNITY & SPECIAL EVENTS & PRESENTATIONS

- A. Commission to declare the vacancy of Commission District IV seat.

Vice Mayor Romelus announced the vacancy of Commission District IV seat. Explained the process to qualify.

Commissioner McCray asked if the Commission can nominate from the floor. Attorney Cherof answered in the affirmative.

- B. Proclaim November 15, 2018 as America Recycles Day.

Vice Mayor Romelus Proclaimed November 15, 2018 as America Recycles Day.

Willie Puz, Director Public Affairs and Recycling Solid Waste Authority of Palm Beach County (SWA), thanked the City of Boynton Beach for the proclamation. Explained the SWA is a Dependent Special District formed by the Florida Legislature in 1975. SWA has created an awarded winning integrated system of facilities which include 2 waste energy facilities, 7 home chemicals and recycling centers, 6 transfer stations, a recycling facility, a biocell processing facility, and a landfill.

Mr. Puz indicated SWA began to recycle with only five items. Today SWA accepts over 20 items for the recycling program. SWA was the only dual stream recycling in the State of Florida. In 2010 the SWA implemented a recycling revenue share program. Since 2010 the City has recycled more than 28,000 tons of items which would have gone to a landfill. The City has earned almost \$700,000 just from the residents recycling. He thanked the Commission for their leadership and presented a check for \$672,000 to the City of Boynton Beach.

- C. Proclaim November 10-18, 2018 as National Hunger and Homeless Awareness Week.

Vice Mayor Romelus proclaimed November 10-18, 2018 as National Hunger and Homeless Awareness Week.

Karen Smith, Representative of the Homeless Coalition of Palm Beach County, thanked the Commission for their support. There are 1308 people in Palm Beach County experiencing homelessness. The Coalition provides those who are experiencing homelessness for whatever reason with a place they can be safe. She thanked the Commission and said it takes the community as a whole to end homelessness. To learn more about and how to be involved go to www.homelesscoalitionpbc.org.

- D. Announcement by Mary DeGraffenreidt, Events and Programs Manager, regarding the 48th Annual Holiday Parade and Grand Marshal entry form upcoming deadlines.

Vice Mayor Romelus announced the 48th Annual Holiday Parade and Grand Marshall entry upcoming deadlines.

Mary DeGraffenreidt, Events and Programs Manager, announced the City of Boynton Beach would host its annual parade on Saturday, December 1, 2018. The parade will begin at 4:00 pm and was expected to last for 2 hours. This year's parade will feature elementary, middle, high school bands, which are sure to delight all those which attend. Mr. & Mrs. Claus will be in attendance. Immediately following the parade, the CRA will light up the park featuring "Making Faces" band.

Ms. DeGraffenreidt expressed the City was currently accepting applications for the Grand Marshall, the deadline for nomination submission was November 19, 2018.

- E. Announce that Palm Beach County Property Appraisers office will be manning a table at the Senior Center to provide Boynton Beach residents with information on how to file for Homestead Exemption from 1:30pm - 2:30pm on the following dates:

Tuesday, November 13, 2018; and
Tuesday, December 11, 2018

Vice Mayor Romelus announced the Property Appraisers office will be manning a table at the Senior Center to provide Boynton Beach residents with information regarding filing for Homestead Exemption from 1:30 pm -2:30 pm on November 13, 2018 and December 11, 2018.

- F. City Hall will be closed on Veterans Day, Monday, November 12, 2018.

Vice Mayor Romelus announced City Hall will be closed on Veterans Day, Monday, November 12, 2018, in observance of Veterans Day.

- G. City Hall will be closed for the Thanksgiving holiday on Thursday, November 22 and Friday, November 23, 2018.

Vice Mayor Romelus announced City Hall will be closed for the Thanksgiving holiday on November 22 - 23, 2018.

- H. Announcement by Eleanor Krusell, Public Communications and Marketing Director, regarding this year's theme of the City's Annual Calendar.

Eleanor Krusell, Marketing Director, pointed out the City was currently accepting application for Unsung Superheroes in Boynton Beach. The Unsung Superhero must live in Boynton Beach and not previously been nominated. The nomination application can be obtained by calling the office at 561-742-6019, or online to Boynton-

Beach.org/Superheroes. The deadline for submission was November 19, 2018. The Marketing Department will choose 13 applications for the annual calendar.

- I. Announcement by Eleanor Krusell, Public Communications and Marketing Director, regarding the City Hall Demo Watch Party.

Laura Lansburgh, Marketing Manager, announced the City of Boynton Beach would be hosting a City Hall demo watch party, on Thursday, November 15, 2018 from 4:30 pm to 6:00 pm at the School House Children Museum and Learning Center. The School House Children Museum and Learning Center was located at 129 E. Ocean Avenue. This was a free family event and will provide an opportunity to view the final demolition phase of City Hall which was the last building to be torn down as part of the Town Square redevelopment project. The Children School House Museum will remain open during the construction period. Attendees will receive a buy one get one free voucher for the entrance. Please RSVP by November 13, 2018. Residents must pre-register in order to attend.

- J. Announce the annual reappointment of those advisory board seats with terms expiring in December 2018. The following boards will have openings:

- Arts Commission,
- Building Board of Adjustments and Appeals,
- Citizens Oversight Committee
- Community Redevelopment Agency Advisory Board
- Education and Youth Advisory Board,
- Golf Course Advisory Committee
- Historic Resources Preservation Board
- Firefighters' Pension Trust Fund Board,
- Police Officer' Retirement Trust Fund
- Library Board,
- Planning and Development Board,
- Recreation and Parks Board and
- Senior Advisory Board.

Vice Mayor Romelus announced the reappointments. Explained the vacant positions and Information on the boards and applications are available online. Applications can also be taken at the City Clerk's office in City Hall or sent to cityclerk@bbfl.us. All applicants must be registered voters in Palm Beach County.

Commissioner McCray believed there was a meeting at the Carolyn Sims Center. Requested an update from Chief Gregory.

Chief Gregory announced a community engagement meeting on December 5, 2018 at the Carolyn Sims Center. The Police Department will speak patrol boundary, tactics and answering general questions from the residents. Everyone was welcomed.

Commissioner McCray inquired about the time of the meeting as well as how this information was being conveyed to the community. Chief Gregory responded the meeting would begin at 6:00 pm. The information was being broadcast over social media. There will be additional flyers and announcements on the website. Commissioner McCray asked if there would be flyers available to the churches and different agencies around Boynton Beach. Chief Gregory affirmed this could be done.

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)

Charles Kanter, 2905 South Greenleaf Circle, declared he would like to trade his hat for the Commission seat. He was very qualified to become a Commissioner. There has been exponential growth in this community. He has volunteered to be Commissioner McCray's hand in the Community. He informed the Commission he was the Chairman of the Quantum Park Overlay District. The City has a marvelous City government and he wants to be a part of things which are happening in Boynton Beach.

David Katz, 67 Midwood Lane, implied it was his understanding at the October 31, 2018 Special Meeting Commissioner Katz provided evidence that he voted on Shovel Ready, then was hired by Shovel Ready. Mr. Katz provided a time line of the CRA meetings regarding the 211 East Ocean. He never voted on anything for Shovel Ready. Thomas Prakas of Prakas Company was the applicant, not Shovel Ready or their representatives. Shovel Ready engaged Mr. Katz. He indicated at no time did he cast an improper vote or do anything against the law.

Commissioner Katz responded he has never accused anyone of breaking the law. The ordinance which prohibits advisory board members from becoming a lobbyist did not become an ordinance until a week ago. Because a company changes name does not mean the company was different. Commissioner Katz reiterated that he stands by everything he said in the previous meeting and was proud of that ordinance. Continued to say, he does not believe special interest should be able to buy the advisory board members. The advisory board members should not sell their position to special interest.

Drew Zuccala, Owner of Zuccala's Wrecker Service, 633 E. Industrial Ave, has been in Boynton Beach for 40 years. He originally had a contract with the City for towing services. He provided some information regarding nonpayment from the vendor for services provided to the City. One has not paid the City for a year, and the other vendor has not been paid the City for 90 days. Explained he would like to get back into the service with the City of Boynton Beach. (Information provided is attached to minutes)

Susan Oyer, 140 SE 27 Way, thanked Vice Mayor Romelus for judging the Seacrest Estates Halloween contest. Asked if Vice Mayor Romelus would be available to judge the

Christmas and Hanukah contest. Ms. Oyer congratulated staff on the Pirate Fest. Everyone stated it was the best Pirate Fest ever. Thanked everyone for the increase in the lighting for the Commission meetings. She asked if the City Charter used the Roberts Rules of Order.

Attorney Cherof remarked his recollection was Roberts Rules was not in the City Charter. It may have been in the Code provision or an unpublished Code provision regarding Roberts' rules.

Ms. Oyer questioned why the long term vendors were shuffled aside, the long term vendors were not happy with this situation.

Eric Corveleyn 1004 SW 16 Street, noted the RaceTrac gas station on Woolbright was an eyesore and something needed to be done. What can the City do to make them look more presentable? A brand new Wawa was approved and coming into the area. He wanted that corner to look nice as well.

Vice Mayor Romelus identified Mr. Woods from Community Standards. Vice Mayor Romelus indicated she was in agreement with free enterprise.

Vice Mayor Romelus saw no one else coming forward and closed public audience.

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:

Building Board of Adjustments & Appeals: 1 Reg and 2 Alts
Education and Youth Advisory Board: 2 STU
Community Redevelopment Advisory Bd: 1 Reg
Recreation & Parks Bd: 1 Reg

Vice Mayor Romelus indicated there were no applicants.

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

Commissioner McCray pulled item 6.Q.

- A. **PROPOSED RESOLUTION NO. R18-156** - Approve and authorize the City Manager to sign a land use agreement between the City of Boynton Beach and Ocean One, LLC for the 48th Annual Holiday Parade to be held December 1, 2018.
- B. **PROPOSED RESOLUTION NO. R18-157** - Authorize the City to apply for the 2018 Assistance to Firefighters Grant (AFG) for a total cost of \$529,282 of which the grant would be \$481,166 and the City would match \$48,116.
- C. **PROPOSED RESOLUTION NO R18-158** - Approve Task Order No. UT-2C-01 to CDM Smith in accordance with RFQ No. 046-2821-17/TP, General Consulting Services Contract, Scope Category C awarded by Commission on August 7, 2018 for work in connection with Hydraulic Evaluation of Downtown Stormwater System not to exceed \$62,040.
- D. **PROPOSED RESOLUTION NO. R18-159** - Authorize the City Manager to sign a Piggyback Agreement with Caterpillar, Inc. and a Purchase Order for rental of a 1.000 Kilowatt (KW) emergency backup generator and cables at the East Water Treatment Plant (EWTP) from Pantropic Power Cat in Miami, FL for a monthly cost of \$7,866, or an annual cost of \$94,392.
- E. **PROPOSED RESOLUTION NO. R18-160** - Amend the FY 2017-2018 budget, which will adjust budgeted appropriations and revenue sources and provide spending authority for Department or Fund Operating and Capital Budget.
- F. **PROPOSED RESOLUTION NO. R18-161** - Approve the City of Boynton Beach becoming a member of the American Flood Coalition.
- G. **PROPOSED RESOLUTION NO. R18-162** - Approve First Addenda to Agreements to add Scrutinized Companies language to all agreements entered into or renewed on or after July 1, 2018.
- H. **PROPOSED RESOLUTION NO. R18-163** - Approve and authorize the City Manager (or designee) to apply for the State permit necessary to temporarily close Federal Highway on Saturday, December 1, for the 48th Annual Holiday Parade.
- I. Approve the purchase of the Diesel Exhaust Capture System, "Plymovent" for Fire Station No. 3, for an estimated amount of \$49,995.00 from Safe Air Corporation of Sarasota, FL as a sole source vendor.
- J. Approve purchase of four (4) Gear Dryers from Ram'd Air Gear Dryer, Ltd of Brandon, Manitoba, Canada for an estimated amount of \$35,799.29 as a sole source vendor.

- K. Approve utilization of the first extension of the City of Tamarac Two Year Agreement R-2016-99 (Bid No. 16-25B) for "Lime Sludge Removal, Hauling and Disposal" with WestWind Contracting, Inc. of Pembroke Park, FL for the removal of lime sludge at the East Water Treatment Plant for an estimated annual expenditure of \$95,000. The Finance Department has reviewed and determined that The City of Tamarac procurement process satisfies the City's competitive bid requirements.
- L. Approve purchasing from Classic Controls of Lakeland, FL for Yokagawa Instrument Products for an estimated annual amount of \$40,000 as a sole source vendor. Classic Controls is the authorized dealer for this equipment in the State of Florida.
- M. Approve utilizing the State of Florida contract no. 41120000-15-ACS with Fisher Scientific Company, LLC for the purchase of consumable laboratory supplies for the Utilities Department, for a not-to-exceed amount of \$45,000. The City of Boynton Beach's (City) purchasing policies allows for the utilization of State of Florida contracts.
- N. Approve release of two (2) performance bonds provided by First Genesis Lawn Service, Inc., one in the amount of \$40,325.00, and the other in the amount of \$111,230.00, for landscape maintenance in the City over the last five years.
- O. Accept the written report to the Commission for purchases over \$10,000 for the month of September 2018.
- P. Approve the purchase of replacement vehicles as approved in the fiscal year 2018-2019 budget in the estimated amount of \$394,142 by utilizing the following contracts: Florida Sheriff's Association Contract #FSA18-VEL26.0 and FSA18-VEH16.0 for nine (9) replacement vehicles. The Florida Sheriff's Association Contracts satisfies the City's competitive bid requirements.
- Q. Approve the minutes from City Commission meetings held on October 2, 2018, October 16, 2018 and October 31, 2018.

Commissioner McCray noted at the October 2, 2018 Commission meeting he requested legal to check to see if any other City or municipalities had any laws like the City of Boynton Beach was attempting to pass. Commissioner McCray confirmed the City Attorney Cherof was in attendance when this information was requested. At the October 16, 2018 meeting the Assistant City Attorney Bridgeman could not provide an update. ~~It was stated by Mayor Grant when the item in question was to be voted upon, it should be done with a full board present.~~ As of October 31, 2018 the City had a Mayor and four sitting Commissioners. This item passed with three people, which was not a full board. He was not satisfied with the way in which this was conducted.

Attorney Cherof responded he could not find any City or municipality which had language which was substantially the same as the language which was presented in the City Ordinance.

Commissioner McCray indicated someone in the meeting said it was not important. Commissioner McCray implied it was important. The City of Boynton Beach was a member of the League of Cities, Local, State and National. Mayor Grant was representing the City of Boynton Beach. There was no need to reinvent the process. He wanted the question answered before he made any decision on the Ordinance. What was done on October 31, 2018 by three individuals, when it was stated it should be a full board, it should not have been acted upon.

Motion

Commissioner McCray moved to approve the Consent Agenda as amended. Commissioner Katz seconded the motion.

Vote

The motion unanimously passed

7. BIDS AND PURCHASES OVER \$100,000-None

8. 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.

- A. PROPOSED ORDINANCE NO. 18-028 - SECOND READING** - Approve the Cottage District Alley Abandonment (ABAN 18-001) allowing abandonment of the unimproved 15-foot wide alley running east / west from Seacrest Boulevard to NE 1st Street, between NE 4th Avenue and NE 5th Avenue. Applicant: Michael Simon, CRA Executive Director.

Attorney Cherof read Ordinance No. 18-028 by title only into the record.

Vice Mayor Romelus opened the matter for public comment. Seeing no one coming forward public comment was closed.

Motion

Commissioner McCray moved to approve. Commissioner Katz seconded the motion. Clerk Pyle called the role

Vote

3-0 (*Mayor Grant absent*)

B. PROPOSED ORDINANCE NO. 18-029 - SECOND READING - Approve 1320 S. Federal Highway Future Land Use Map Amendment (LUAR 18-003) from Office Commercial (OC) to Mixed Use Low (MXL). Applicant: Exsorro One, Inc.

Attorney Cherof read Ordinance No. 18-029 by title only into the record.

Vice Mayor Romelus opened to public comment. No one coming forward public comment was closed.

Motion

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

Clerk Pyle called the role.

Vote

3-0 (*Mayor Grant absent*)

PROPOSED ORDINANCE NO. 18-030 - SECOND READING - Approve 1320 S. Federal Highway Rezoning (LUAR 18-003) from C-1, Office Professional to MU-1, Mixed Use 1. Applicant: Exsorro One, Inc.

Attorney Cherof read Ordinance No. 18-030 by title only into the record.

Vice Mayor Romelus opened to public comment. No one coming forward public comment was closed.

Motion

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

Clerk Pyle called the role.

Vote

3-0 (*Mayor Grant absent*)

Motion

Commissioner McCray moved to remove items C, D, E from the table. Commission Katz seconded

Vote

The motion unanimously passed.

- C.** Approve 1320 S. Federal Hwy. Office Building Major Site Plan Modification (MSPM 18-009) to construct a 10,898 square foot structure and associated site improvements. Applicant: Exsorro One, Inc.

Motion

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

Vote

The motion unanimously passed

- D.** Approve 1320 S. Federal Hwy. Office Building Height Exception (HTEX 18-001) to construct an office building in a MU-1 (Mixed Use 1) zoning district with architectural features up to 54'-10" in height, 9'-10" above the maximum allowable height. Applicant: Exsorro One, Inc.

Motion

Commissioner McCray moved to approve. Commissioner Katz seconded the motion

Vote

The motion unanimously passed

- E.** Approve McDonald's Restaurant Conditional Use and Major Site Plan Modification (COUS 18-006 / MSPM 18-008) consisting of the construction of a 4,490 square foot fast food restaurant and associated site improvements at 1701 S. Congress Avenue in the C-3 (Community Commercial) zoning district. Applicant: Edward Ploski, Corporate Property Services, Inc.

Attorney Cherof affirmed this was a quasi-judicial item. Anyone which intended to testify was sworn in.

Commissioner McCray disclosed he met with Bonnie Miskel on this item in the past.

Bonnie Miskel, representing McDonald's Corporation, was seeking Conditional Use / Major Site Plan Modification approval for the construction of a 4,490 square foot McDonald's fast food restaurant and associated site improvements at 1701 S. Congress Avenue, directly across South Congress Avenue from its shared location with the Marathon gas station. The building would move from across the street which would improve the traffic congestion.

Vice Mayor Romelus asked for a brief presentation of the proposed McDonalds.

Ms. Miskel acknowledged the proposed new location was part of a larger site (4.945-acre), which was originally approved in 2002 for a Walgreens building and attached 4,800 square feet of retail/office space on the north end of the property. The zoning was C-3, part of this was a modification. They exceed the setback requirements, and will be adding to the landscape. The current location has a drive through, there are many problems with the queuing. She continued to say the parcel has continued to sit vacant. Staff has reviewed the request and recommends approval, subject to 12 conditions of approval. The applicant accepts all conditions of approval, including providing a bus shelter. The property would have shared signage. Some renderings of the proposed McDonalds were shown which was compatible with the Walgreens.

Commissioner Katz said he spoke with Ms. Miskel and the Planning and Development Board has some concerns regarding the property.

Ms. Miskel responded a member of the Planning and Development board would have preferred a gas station. He may not have been aware there was a Wawa going in across the street. There was another comment that this was not the highest and best use for this property. Indicated the McDonalds was a permitted use and was compatible with the Land Use. There was no requirement in the Code that something needed to be highest and best use. One member was not a fan of McDonalds foods, preferring something different.

Commissioner Katz understood opinions are subjective with disagreement regarding types of projects which can go on a parcel. Legally that was not permissible. Attorney Cherof responded the staff and City Commission was guided by what was in the City Code and not by opinions.

Commissioner Katz stated the project applied with all Code and Land Use. Ms. Miskel confirmed. Staff has agreed the applicant has met or exceeded all the requirements.

Commissioner Katz denoted given the fact all conditions have been met, and this was in District I, he was in favor of McDonalds. It was good to see some investment on this corner. Having a Wawa and the McDonalds would upgrade the vacant lot. He does not know what happened at the Planning and Zoning meeting. He appreciated the investment into the City.

Commissioner McCray understood the Commission was mandated and guided by the Code, but the Commission was allowed to have opinions.

Attorney Cherof stated members of the Commission and members can express their opinion, but in the end, what trumps opinions, was provided in the Code.

Vice Mayor Romelus inquired if there was a traffic study done. Ms. Miskel responded in the affirmative.

Stephanie Kimble, of Kimley Horne, conducted the traffic study to meet the Palm Beach County Traffic Concurrency Standards of Palm Beach County. The review was being finalized with Palm Beach County. All the standards have been met.

Vice Mayor Romelus inquired based on Ms. Kimble expertise, relocating the McDonalds from the current site to the proposed site would be the best site regarding the traffic. Ms. Kimble replied it would improve queuing and prevent the backup onto Congress. Ms. Miskel added this location has better access. It has three access points and has shared connections between the three parcels. The current location does not have the shared connection between the parcels.

Vice Mayor Romelus inquired the proposed location will be a stand-alone as well as larger in square footage and footprint. Asked if this would create new jobs.

Ms. Miskel responded new jobs would be created. There were 30 seats at the current location, the proposed location would have 67 seats. There would be 30 additional employees at the new location.

Vice Mayor Romelus asked are these positions part-time or full-time. Ms. Miskel replied it would be a combination of the two.

Motion

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

Vote

The motion unanimously passed

9. CITY MANAGER'S REPORT – None

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

- A. Authorize the expenditure of \$1,000 from Mayor Grant's Community Support Funds to Boca Raton's Promise organization to assist the Boynton Beach Mental Health Committee.

Motion

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

Vote

The motion unanimously passed

- B. **PROPOSED RESOLUTION NO. R18-164** - Authorize the Mayor to accept the Department of Justice FY 2018 Technology Innovation for Public Safety (TIPS) Grant (2018-DG-BX-K009) and to sign any required documents associated with the grant, subject to the approval of the City Attorney.

Motion

Commissioner Katz moved to approve. Commissioner McCray seconded the motion with discussion.

Commissioner McCray inquired about the grant amount. Chief Gregory indicated the grant was for \$465,000. Commissioner McCray asked what the grant can be used for.

Chief Gregory informed the Commission this was a grant from the Department of Justice. This grant was to be used for technology to enhance the ability to do analytics as well as deploy sensors in the City. To have a better handle on crime as it occurs, this would allow the department to perform data mining of large volumes of information.

Vice Mayor Romelus noted Boynton Beach has been doing a great job.

Chief Gregory stated he was here speaking on behalf of those who put in the work to make the grant happen.

Vote

The motion unanimously passed

- C. **PROPOSED RESOLUTION NO. R18-165** - Approve Resolution Designating Canvassing Board for March 2019 Municipal Election.

Motion

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

Vote

The motion unanimously passed

12. Legal

- A. **PROPOSED ORDINANCE NO. 18-032 - FIRST READING** - Approval of Ordinance amending Chapter 4, Animals and Fowl, by adding a new section 4-39 adopting new regulations regarding the retail sale of dogs and cats.

Attorney Cherof read Proposed Ordinance No. 18-032 by title only on first reading.

Motion

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

Commissioner McCray inquired if this was like other Cities or municipalities not allowing for the sale of dogs and cats. Attorney Cherof replied it does have limitations on selling animals. Commissioner McCray asked for those limitations. Ms. LaVerriere responded this ordinance would not allow the retail sale. It does not prevent breeders from selling animals. It was vital to stop the puppy mills from coming into the City.

Commissioner McCray asked if this ordinance would prevent the puppy mills from coming into the City of Boynton Beach.

City Clerk Pyle called the roll

Vote

3-0 (*Mayor Grant absent*)

- B. **PROPOSED ORDINANCE NO. 18-033 - FIRST READING** - Amending Part II. "Code of Ordinances," Chapter 15, "Offences-Miscellaneous," Article I, "In General," Sections 15-8.1 Through 15-8.8; Creating Section 15-8.9 Entitled "Measurement of Noise".

Attorney Cherof read Proposed Ordinance No. 18-033 by title only on first reading.

Vice Mayor Romelus asked for the layman version.

Attorney Cherof indicated this would tighten up and make more specific rules and regulations regarding the noise or the excessive violations in the City. It enhances staff ability to enforce those regulations.

Vice Mayor Romelus thanked staff for working on this ordinance. The City has some issues with the enforcement of the regulation, this ordinance provides enforcement.

Motion

Commissioner McCray moved to approve with discussion. Commissioner Katz seconded the motion.

Commissioner McCray pointed out there was a noise ordinance prior to this one. Attorney Cherof confirmed. Commissioner McCray asked what went wrong with that ordinance.

Attorney Cherof noted because of some court opinions, not in Boynton Beach which limited the ability to enforce those regulations. Commissioner McCray asked how many court opinions did the City have. Attorney Cherof responded the City did not have any court opinions. This caused the City to rewrite the provision.

Commissioner McCray questioned who was responsible to enforce the provision of the ordinance.

Attorney Cherof responded Code Enforcement and Police.

City Clerk Pyle called the roll.

Vote

3-0 (*Mayor Grant absent*)

- C. Pursuant to Section 286.011(8), Florida Statutes, I am requesting a private attorney-client session of the City Commission to discuss pending litigation in the following case:

SECURED HOLDINGS INC, Plaintiff, vs. QUANTUM OVERLAY DEPENDENT DISTRICT, EUGENE GERLICA and CITY OF BOYNTON BEACH, Defendants – Palm Beach County Circuit Court Case No. 502016CA005668XXXXMB

Attorney Cherof requests a closed door section for 45 minutes for the attorney client session for pending litigation regarding SECURED HOLDINGS INC, Plaintiff, vs. QUANTUM OVERLAY DEPENDENT DISTRICT, EUGENE GERLICA and CITY OF BOYNTON BEACH, Defendants – Palm Beach County Circuit Court Case No. 502016CA005668XXXXMB. Attorney Cherof suggested December 4, 2018 at 5:30pm.

Commissioner McCray inquired if Mr. Kanter was selected for the vacant Commission seat would he need to recuse himself. Attorney Cherof stated he did not believe this would affect him. He would evaluate whether or not he has any conflict of interest if that occurred

There was consensus.

Commissioner Katz advised it has come to his attention, in speaking with staff it may be legally permissible for the City not to take over the district, but to become the Quantum Park Overlay Dependent Board like they are with the South Regional Waste Water and Treatment and Disposal Board. The Commission are having these closed door meetings and deliberating over ideas and then they are simultaneously having the Quantum Park Overlay Dependent Board that is making decisions and if those decisions conflict, it would be smother in his opinion if they are legally allowed to make the Commission the Quantum Park Overlay Dependent Board. The City would become the board. Commissioner Katz requested a Future Agenda item to discuss if the ordinance can appoint themselves to the board.

Vice Mayor Romelus asked if becoming the Quantum Park Overlay Dependent Board was a possibility. Attorney Cherof stated this was a possibility. Attorney Cherof suggested adding this on the regular agenda for a presentation.

Vice Mayor Romelus asked if this was something which could be discussed next month with the closed door session.

Attorney Cherof stated a closed door was limited in many respects to what could be discussed. It was better to have it as a public discussion. Any interested party to see it on the agenda can give their own points of review.

Vice Mayor Romelus requested an option on becoming the Quantum Park Overlay Dependent Board be placed as a New Business item for the next Commission meeting with a presentation by the Legal Department.

Consensus for staff to add this item to the agenda.

13. FUTURE AGENDA ITEMS

- A. Commission wants to discuss public safety as it relates to the Town Square Redevelopment – **TBD**
- B. Staff to bring information concerning the following land parcels for the Commission to review - **TBD**

Nichols Property
Rolling Green
Girl Scout Park

- C. The City Commission has cancelled the Commission Meeting that would normally be held on Tuesday, January 1, 2019.
- D. Mayor Grant requested discussion on the future of the Kapok trees scheduled to be taken down for Town Square project - **TBD**
- E. Discuss a prohibition for appointed and Elected Officials in the City of Boynton Beach from serving as paid lobbyist subsequent to their time on their board or the Commission – **TBD**

14. Adjournment

Motion

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

Vote

The motion unanimously passed. The meeting was adjourned 7:46 pm

(continued on next page)

CITY OF BOYNTON BEACH

Mayor - Steven B. Grant

Vice Mayor - Christina Romelus

Commissioner – Justin Katz

Commissioner – Mack McCray

Commissioner – VACANT

ATTEST

Judith A. Pyle, CMC
City Clerk

Queenester Nieves
Deputy City Clerk