

**MINUTES OF THE CITY COMMISSION MEETING HELD ON TUESDAY,
DECEMBER 4, 2018, AT 5:30 P.M. AT THE INTRACOASTAL PARK CLUBHOUSE,
2240 N. FEDERAL HIGHWAY, BOYNTON BEACH, FLORIDA**

PRESENT:

Steven B. Grant, Mayor
Christina Romelus, Vice Mayor
Justin Katz, Commissioner
Mack McCray, Commissioner
Aimee Kelley, Commissioner

Lori LaVerriere, City Manager
Jim Cherof, City Attorney
Queenester Nieves, Deputy City Clerk

1. OPENINGS

A. Call to Order - Mayor Steven B. Grant

Mayor Grant called the meeting to order at 5:36 p.m.

Invocation

Pledge of Allegiance to the Flag led by Vice Mayor Romelus.

Mayor Grant suggested the Invocation and Pledge of Allegiance to the Flag be made after the regular meeting is reconvened.

Roll Call

Deputy City Clerk Nieves called the roll. Vice Mayor Romelus was not present when roll was called; however, she arrived at 5:36 p.m. A quorum was present.

**SECURED HOLDINGS INC, Plaintiff, vs. QUANTUM OVERLAY
DEPENDENTDISTRICT, EUGENE GERLICA and CITY OF BOYNTON
BEACH, Defendants – Palm Beach County Circuit Court Case No.
502016CA005668XXXXMB** will be held on December 4, 2018, in the
conference room at the Intracoastal Park Clubhouse on 2240 N. Federal
Highway commencing at 5:30 PM

Jim Cherof, City Attorney, announced the private attorney-client session for the above case and advised the Commission will recess to a conference room downstairs. Present will be members of the City Commission, City Manager Lori LaVerriere, and Attorney Cherof. After the session, they will recess and close the shade meeting and reconvene the regular meeting. Attorney Cherof anticipated the shade meeting would last 45 minutes.

Mayor Grant recessed the meeting at 5:57 p.m.

Mayor Grant reconvened the Regular City Commission Meeting at 6:30 p.m.

Invocation

Pledge of Allegiance to the Flag led by Vice Mayor Romelus.

Mayor Grant announced the closed-door session was concluded and closed.

Agenda Approval:

1. Additions, Deletions, Corrections

Mayor Grant wanted to table Item 3B to the January 15, 2019, meeting. He requested Tiger Band Community Support Funds item be added as Announcements, Item 3K and the signed Community Support Funds for \$200 be added as New Business Item 11D and be heard before the Consent Agenda.

2. Adoption

Motion

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

2. OTHER

A. Informational items by Members of the City Commission

Commissioner Katz had no informational items or disclosures.

Commissioner McCray disclosed he attended the League of Cities Luncheon and he was in a car accident. He thanked both Fire Chief Joseph and Police Chief Gregory and their staff as they treated him very well. He also praised staff on an excellent job at the Holiday Parade and advised it was the best yet. He also thanked Chief Gregory and the Police Department for the Town Hall Meeting in District II.

Vice Mayor Romelus had no announcements or disclosures, and she thanked Chief Gregory and the administrative staff and officers who were at the Town Hall speaking and being open and transparent about their vision for the Police Department. She thought progress has been unprecedented such as a 23% decrease in crime. She thanked Chief Joseph and Boynton Beach Firefighter's Benevolent Association for their Holiday Christmas event last night. She had a great time with her family and she thought it was a

nice opportunity for firefighters to be out of uniform and be themselves. She thanked both the Police and Firefighters for their service.

Commissioner Kelley attended the League of Cities Luncheon hosted by the City and understood it was the largest event they had in some time. She and her family were also present at the Holiday Parade and Tree Lighting. She advised it was a great event that all enjoyed. Commissioner McCray wished Commissioner Kelley well on her first official meeting.

Mayor Grant attended the Boynton Beach Historical Society meeting on November 26th, noting artist Ralph Papa was able to restore a painting at Forest Park Elementary School. On the 27th, he met with Green Spot, which is a start-up tech company that is installing Electric Vehicle Charging stations in municipalities free of charge. He wanted to discuss this item as a future agenda item as he was reading about electric vehicles and future transportation needs. He has received a few emails inquiring about electric go-carts that advertise and other types of electric vehicles that are used. He supported including this in the Town Square as it is constructed and retro-fitting current stations to use this type of technology. He attended Choice Day at Boynton Beach Community High School that evening. On the 28th, he attended the Palm Beach County League of Cities Luncheon at Benevenuto. He note it was a sold-out event and he thanked the City and CRA for hosting the event. Earlier in the afternoon, he was with the Boynton Beach Garden Club for Community Greening and the Woolbright Farmers Market. He advised they gave away over 180 plants, herbs, and trees at their first plant sharing event. The plants will be used in Boynton Hills Neighborhood Park. He requested staff work with the Garden Club so they could have a hose if the sprinklers do not work to ensure the plants are watered.

Mayor Grant requested a discussion of vacant lots be a future agenda item. He wants to discuss SW 3rd Avenue and working with Community Greening or other tree planting organizations to have trees there. On the 29th, he read to students at Freedom Shores Elementary School. He thought the parade was amazing and the vehicles were fun. He thanked Hurricane Alley for catering the event for staff. He thanked the Police and Fire Departments. He attended Library Legislative Day in Palm Beach. He praised Chief Gregory on his first Town Hall meeting. He commented there were a lot more people that would like to hear from him. He thanked the Fire Department for all they do. Mayor Grant attended the Race to Equity Youth Summit and wanted to know if the City could help partner with the County or provide youth with transportation to the event. He attended a SCORE luncheon and wanted to see if David Scott would speak with SCORE to see how they can assist Boynton Beach businesses.

Commissioner McCray asked if there is faucet at the SW 3rd Avenue lot. Colin Groff, Assistant City Manager, explained if there is irrigation, they could install a faucet with a lock. Mayor Grant was aware there was a faucet and lock, but they did not have a key. Mr. Groff advised they would be set up.

3. ANNOUNCEMENTS, COMMUNITY AND SPECIAL EVENTS, AND PRESENTATIONS

A. Announce Public Works Solid Waste Division will be having its annual Tire Amnesty Week for City residents beginning December 3, 2018, and ending December 7, 2018

Andrew Mack, Director of Public Works and Engineering, was present and announced Tire Amnesty Week. He advised they are in full swing. Under the program, residents can discard at least eight residential tires as long as they are three feet away from the garbage can or any other fixtures and they should be separated from vegetation. The City filled one 20-yard dumpster with tires in two days, which is about 125 tires and the Department hoped to exceed what was collected last year. Anyone with questions should call 561-742-6200. Commissioner McCray commented he had requested Mr. Mack speak with Mr. Woods of Community Standards if they see tires on properties, staff can inform the residents to put them out and the City would pick them up. At the Agenda Review meeting, the City Manager mentioned it and they are also partnering with the Police Department. When they see tires, they should call the Solid Waste Department.

B. Updates on implementation, installation and go-live for the Onboard Computing/Routeware system.

C. Announce multiple awards received by Boynton Beach Utilities for the successful implementation and management of the East Water Treatment Plant Upgrade project by Michael Low, Deputy Utilities Director.

Michael Low, Deputy Director, Utilities, and Project Manager for the project, recognized Bob Gilbert, Vice President, CDM Smith Constructors who held the master contract for the project; Suzanne Mechler who handled the design work and is a principal with CDM Smith; Liz Fujikawa, Vice President with Corolla Engineers, who also did design work; and Tom Palmatia, PCR Constructors, who was the Senior Project Manager handling the MIEC part of the project.

The Department received an Engineering Excellence Award from The American Council of Engineering Companies of Florida a few months ago. The Design Build Institute of America, Florida section awarded the project the Project of the Year Award for the Water/Wastewater Division and Project of the Year for Florida itself. The Design Build Institute of America gave them a merit award for the project in the water/wastewater division and was shortlisted for a higher-level award, but did not receive it. This was the first of the progressive design-build contracts they try to work with. It was a \$30 million contract and the Department made several changes to the contract that resulted in significant savings. One of the highlights of the progressive design build is the lighting in the tower. Mr. Low announced the Department was nominated for one more award but will not know until next January.

Joe Paternetti, Utility Director, introduced Tremaine Johnson, who has been with the department for over 12 years. He is the new Field Operations Manager; Waneya Bryant, the new Manager of Asset Systems, who started in 1997; and Juan Guevarez, new hire having a PE and Master's Degree in Environmental Engineering. Mr. Guevarez was with Palm Beach County for 13 years. He praised his staff and advised they are highly qualified. They do a good job and they are taking care of the City.

Ms. LaVerriere commented during budget discussions and reorganizations within the department, they develop career paths to give employees opportunities to advance and grow professionally. Mr. Johnson represents the epitomy of the career path and growing in the City's organization. She was very proud of him and Ms. Bryant who started reading meters 20 years ago and is now a supervisor.

Commissioner McCray congratulated them and commented Utilities always had bragging rights. Vice Mayor Romelus praised the Department and has supported career paths for employees to have something to look forward too. She thanked Ms. LaVerriere for setting up the program. Later in the meeting, Commissioner McCray asked if other City Departments could participate in the program and learned they could. Human Resources put together the framework and they can expand the program.

D. The 47th Annual Boynton Beach CRA and the City of Delray Beach Holiday Boat Parade will be on Friday, December 14, 2018, and will start at 6:30 p.m.

Mike Simon, CRA Executive Director, was present and advised parking for the Holiday Boat Parade was at Intracoastal Park, the Marina Village area, the Plaza at Woolbright Road, Federal Highway and private development along the way. Parking is also available in Delray and on Atlantic Avenue, Veterans Park, and restaurants on the south side such as Deck 84 or the City of Delray Beach Marina. Flyers were available and he noted boat captains were needed.

E. City offices will be closed on Monday, December 24th and Tuesday, December 25th, 2018, in observance of the Christmas holiday. City offices will also be closed on Tuesday, January 1, 2019, in observance of New Year's Day.

Mayor Grant announced the above closures.

F. The City Commission has cancelled the Commission Meeting that would normally be held on Tuesday, January 1, 2019, the only Commission Meeting in January will be Tuesday, January 15, 2019, at 6:30 PM.

Mayor Grant announced the above City Commission Meeting cancellation on January 1, 2019.

G. Announce a Town Square Public Input Meeting on Open Spaces & Play Areas on Wednesday, December 5th from 5:30 p.m. to 7:30 p.m. at the Carolyn Sims Center, 225 N.W. 12th Avenue.

Mayor Grant announced the Public Input Meeting.

H. 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 1:30 pm - 2:30 pm on the following dates: Tuesday, December 11, 2018

Mayor Grant read the item.

I. Announcement by Public Communications and Marketing Director Eleanor Krusell regarding Dog Day at the Beach, which will be held on Saturday, December 15, from 9am - Noon at Oceanfront Park.

Eleanor Krusell, Marketing Director, was present for Wally Majors, Recreation and Parks Director. She announced the City Commission approved a one-year trial for this event, which was planned for Saturday, December 15, 2018, from 9 a.m. to 12 noon at Oceanfront Park. Humans can bring their dogs on leashes until they reach a temporary fenced area, just south of the middle beach access ramp. The dog area will not impede the county beaches to the north, park guests, or private beaches in Ocean Ridge. Dogs will be required to stay within the fenced area and they will be permitted in the water. Park Rangers will monitor the dogs and their owners and guests must have a Palm Beach County license showing rabies vaccinations are current. Pre-registration is not required, however, owners are limited to two dogs. Informational postcards were available.

J. Mr. Richard Petty of Healthier Boynton Beach will make a brief presentation regarding the work the committee has achieved over the last year.

Ricky Petty, Project Director, Healthier Boynton Beach, explained the program is a community driven initiative funded by the Palm Healthcare Foundation with the goal to improve the lives of family caregivers. The initiative seeks to accomplish three things: raise awareness of caregivers, educate caregivers that there are resources available to them, and promote health and wellness of caregivers. They have a Steering Committee composed equally of caregiver residents and providers. Healthier Boynton Beach participates in the Let's Move challenge, which was a Palm Healthcare Initiative. They came in first place in the past and logged over one million activities. This year, they came in third and he was hopeful they would return to first place next year. Information was forthcoming.

They have mini-grant opportunities for local churches and organizations to build capacity for them. Often these entities do not apply for grants because they do not know how to apply for them or lack confidence they would be awarded. They held a grant-writing

workshop and over 18 organizations attended. From that workshop, they were able to provide eight local organizations with a cumulative total of \$30,000 in grants ranging from \$2,500 to \$5,000. He noted there were a few grant recipients present accomplishing amazing things in the community including educational workshops, health initiatives, respite care, and outreach.

Healthier Boynton Beach also provided a summer youth program by partnering with the City of Boynton Beach Utilities and matched the Department with young people. They matched 15 local youth in different programs with the Utilities Department and P2P. Youth learned resume writing skills, employability skills and they each earned \$1,000 over the course of six weeks. They held a recognition luncheon. Mr. Petty noted December is National Family Caregiver Day at Benevenuto. Over 130 people attended and 100 of them were local caregivers. They hosted a *Fearless Caregivers* Conference with 174 people present at the Carolyn Sims Center and they will hold the Conference again on February 27th. They are doing a lot to help Boynton Beach and establish working groups and provide educational workshops that all can participate in, such as *The Powerful Tools for Caregivers* in which they trained 25 caregivers.

Mr. Petty explained they issued a caregiver survey and received nearly 200 completed surveys. He hoped for 100 more and hoped the City would assist with the additional surveys. He agreed to provide further information. The goal is to gather information from residents to figure out how to make caregiver lives easier. They created a Caregivers Registry, which registered 138 individuals. They have done a lot in the community and they want to do more. He referred all to the website www.healthierboyntonbeach.org and invited all to visit the site and sign up for the registry and newsletters. Brochures were available in the back of the room.

K. Tiger Sound Band

Anthony Lockhart, Principal of Boynton Beach Community High School, thanked Mayor Grant, who has been on the high school campus many times and Police Chief Gregory. He introduced the Band Director, Dr. Anthony Barfield, II, who was present with many of the Tiger Sound Band members. Dr. Barfield thanked the Commission for allowing them to participate in the parade. Members of the band stood and were recognized and then distributed T-shirts to members of the City Commission. The Band works hard in all they do. He announced this year they are attempting to go to the Atlanta/Georgia Chik Fil-a Peach Bowl, December 26th to December 29th. They raised some funds, but not the entire amount and they were seeking financial donations so the students could participate in the opportunity of a lifetime. Dr. Barfield advised they raised about half the amount needed and he noted the band had not been invited to a Bowl game. This would be very exciting for the students. The band is taking this opportunity seriously and anything the Commission could do would be appreciated. He advised donations could be made by check or money order payable to Boynton Beach Community High School and memo note: Tiger Sound Band Program. He advised they also have a Go Fund Me account as

Tiger Sound Band. Mayor Grant commented he has a Community Support Fund item on the agenda for the Band.

Commissioner McCray told Dr. Barfield he had never been so moved as when he has seen Boynton Tigers marching. He was very proud of the band. He noted the Mayor was going to donate \$200, but he would donate \$1,000. Vice Mayor Romelus advised she would also make a contribution. Marching band is close to her heart as she was a member. She agreed Chik fil-A is a serious bowl game. Commissioner McCray announced he watched the Macy's Thanksgiving Parade and was proud the Park Vista Marching Band was in the Parade and on National TV.

4. PUBLIC AUDIENCE

INDIVIDUAL SPEAKERS WILL BE LIMITED TO THREE-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)

Susan Oyer, 140 SE 27th Way, made a donation already and challenged all else to do so. She thought Vice Mayor Romelus would have a tough time deciding what the nicest neighborhood decorations were in her neighborhood. She commented the trees are beautiful and the tree lighting ceremony was fabulous, but she suggested putting in some hints of color and toss in something fun. She thought the trees were elegant and gorgeous. She announced ways of saving water while people brush their teeth as there is a need to conserve water.

Mike Fitzpatrick, 175 SW 2nd Street, commented the paper today advised the kapock tree was going to be bulldozed as would Kids Kingdom and he wanted to go on record expressing his disappointment that would occur. He was disappointed there was never an adequate explanation why the condo's in Town Square could not be relocated east of the new City Hall rather than where they are now at the current Police parking lot. He thought that would have saved some contributions from past citizens.

Piotr Blass, 113 Tara Lakes Drive, was proud of the Boynton Beach and Park Vista High Schools. He stressed basketball instead of football due to the danger of concussion. This morning there was a hearing in the courthouse regarding the Canvassing Board and they are continuing to contest the elections. He believes there are systemic problems. He thought the Boynton Beach election was super, but the statewide elections has very serious systemic problems that are ignored by the media. He finds Boynton Beach to be incredibly successful. He would like to step in as Mayor and continue the work. He supported progress on the University of Boynton, energy from the Gulfstream and advised minimum wage should be \$70 an hour.

No one else coming forward, public audience was closed.

5. ADMINISTRATIVE

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

Arts Commission

Commissioner Kelley nominated Courtlandt McQuire as a regular member.

Mayor Grant nominated Kim Weiss.

Commissioner Katz nominated Susan Oyer.

Commissioner McCray nominated Jehana Zell.

Vice Mayor Romelus nominated Clovis Moodie.

Motion

Commissioner McCray moved to approve the appointments. Board Member Katz seconded the motion that unanimously passed.

Building Board of Adjustments and Appeals

Commissioner Kelley nominated Paul Bortz.

Commissioner McCray nominated Sanford Guritzky.

Vice Mayor Romelus nominated Timothy Hunt.

Motion

Commissioner McCray moved to approve the appointments. Vice Mayor Romelus seconded the motion that unanimously passed.

Citizen Oversight Committee

Mayor Grant nominated Alexandria Wilson.

Motion

Commissioner McCray moved to approve. Vice Mayor Romelus seconded the motion that unanimously passed.

Community Redevelopment Agency Advisory Board

Mayor Grant nominated Anthony Barber.

Commissioner Katz nominated Thomas Devlin.

Commissioner McCray nominated Golene Gordon.

Motion

Commissioner McCray moved to approve. Vice Mayor Romelus seconded the motion that unanimously passed.

Education and Youth Advisory Board

Commissioner Kelley nominated Lori Wilkinson.

Mayor Grant nominated Gregory Murphy.

Commissioner Katz nominated Peggy LeGuerre.

Commissioner McCray nominated Carla Colbrooks.

It was noted there were still two student members positions, but no student applicants.

Motion

Commissioner McCray moved to approve. Commissioner Katz seconded the motion that unanimously passed.

Golf Course Advisory Committee

Commissioner Kelley nominated Mark Frederick.

Mayor Grant nominated Jack Ekelchik

Commissioner McCray moved to approve. Vice Mayor Romelus seconded the motion that unanimously passed.

Historic Resources Preservation Board

Mayor Grant nominated Jesse Feldman.

Motion

Vice Chair Romelus so moved. Commissioner Katz seconded the motion that unanimously passed.

Library Board

Vice Mayor Romelus nominated Chris Simon.

Commissioner Kelley nominated Deborah Hoban.

Mayor Grant nominated Chris Montague.

Commissioner Katz nominated Bethanie Gorny.

Motion

Commissioner McCray so moved. Vice Mayor Romelus seconded the motion that unanimously passed.

Firefighter's Pension Trust Fund

Commissioner Kelley nominated Robert Taylor.

Motion

Commissioner McCray so moved. Vice Mayor Romelus seconded the motion that unanimously passed.

Municipal Police Officers' Retirement Trust Fund

Commissioner McCray nominated Daniel Dugger.

Vice Chair Romelus nominated Toby Athol.

Motion

Commissioner McCray moved to approve. Vice Chair Romelus seconded the motion that unanimously passed.

Planning and Development Board

Vice Mayor Romelus nominated Trevor Rosecrans.

Commissioner Kelley nominated Butch Buoini.

Mayor Grant nominated Chris Simon. Vice Chair Romelus noted she just appointed Mr. Simon. Mayor Grant believed applicants could serve on two boards. Deputy City Clerk Nieves explained he could nominate how many he felt. Vice Chair Romelus questioned if Mr. Simon wanted to sit on two Boards, or if it was just first choice and second choice,

that it was a rank and not that they wanted to serve on two boards. Deputy City Clerk Nieves explained they could serve on two boards. Vice Chair Romelus clarified she was questioning if the individual wants to serve on two Boards and are they going to take up a spot for someone who may not necessarily need it or want the slot. Mayor Grant explained Mr. Simon was his nomination.

Commissioner Katz nominated Mr. Hatcher.

Commissioner McCray nominated Golene Gordon.

Motion

Commissioner McCray moved to approve. Commissioner Katz seconded the motion that unanimously passed.

Recreation and Parks Board

Mayor Grant nominated Eric Ammon.

Commissioner Katz nominated Eugene Fagan.

Commissioner McCray nominated Elizabeth Pierce-Roe.

Motion

Commissioner McCray moved to approve. Vice Mayor Romelus seconded the motion that unanimously passed.

Senior Advisory Board

Commissioner Katz nominated Margret Newton.

Commissioner McCray nominated Mark Siegel.

Vice Mayor Romelus nominated Marsha Bionta.

Motion

Commissioner McCray moved to approve. Vice Chair Romelus seconded the motion that unanimously passed.

Vice Mayor Romelus congratulated the new advisory board members. Mayor Grant thanked them, commenting they make the Commission's job easier.

B. Update on tracking of advisory board member's attendance and procedures.

Mayor Grant understood the current procedures are a Board member will get a warning after two absences in a row. Deputy City Clerk Nieves clarified after three absences, the member will receive a warning. After the fourth absence, the member is removed from the Board. Mayor Grant asked if the Commission wanted to change the policy and he also received confirmation a tardy is not considered an absence. Mayor Grant wanted to ask if the Commission wanted to set a tardy policy or set a time to count a tardy after the meeting starts as an absence. Commissioner McCray did not support the idea as there could be an emergency. There were no other comments received.

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. R18-174** - Approve the ranking as recommended by the Evaluation Committee and authorize the City Manager to sign an Agreement with Commercial Risk Management, Inc. of Tampa, Florida for Third Party Administration of Workers' Compensation Claims for an estimated annual amount of \$31,872 as a result of RFP No. 004-1710-19/IT for Third Party Administration of Workers' Compensation, Property and Casualty Claims.
- B. **PROPOSED RESOLUTION NO. R18-175** - Approve the ranking as recommended by the Evaluation Committee and authorize the City Manager to sign Agreement with TRISTAR Risk Enterprise Management, Inc. of Long Beach, California for Third Party Administration of Property and Casualty Claims for RFP No. 004-1710-19/IT for Third Party Administration of Workers' Compensation, Property and Casualty Claims.
- C. **PROPOSED RESOLUTION NO. R18-176** - Authorize the City Manager to sign the second amendment to the Towing Franchise Agreement with Becks Towing & Recovery for the period December 15, 2018 to December 14, 2019 for an annual franchise fee of \$12,000.
- D. Accepting a permanent drainage easement with authorized limited encroachments for a drainage pipe replacement at 2505 N. Lake Drive in the Lakeside Gardens Neighborhood and authorize the recording of the easement.
- E. Approve Task Order UT-1A-01 with Carollo Engineering in the sum of \$93,344 in accordance with RFQ No. 046-2821-17/TP, General Consulting Services Contract, Scope Category A awarded by Commission on August 7, 2018 for Lime Softening Process optimization work in the East Water Treatment Plant (EW TP).

- F. Accept fourth quarter and year-end report on operations of the Schoolhouse Children's Museum and Learning Center for FY 17/18.

Mayor Grant pulled item 6C.

Motion

Commissioner McCray moved to approve the Consent Agenda. Vice Mayor Romelus seconded the motion that unanimously passed.

- C. **PROPOSED RESOLUTION NO. R18-176** - Authorize the City Manager to sign the second amendment to the Towing Franchise Agreement with Becks Towing & Recovery for the period December 15, 2018 to December 14, 2019, for an annual franchise fee of \$12,000.

Tim Howard, Assistant City Manager, explained the current Resolution was a three-year contract and the City has two vendors. The contract expires on December 14th. The RFP and the contract allows for two, one-year renewals. The City needs to determine if they are going to renew for the first one-year period. The recommendation is to renew with one vendor and not the other. Staff started negotiations to renew both vendors, but issues surfaced with payment so the recommendation was to use one vendor and they will issue an RFP for next year to see what current franchise is available.

The two vendors were Blake's Towing and Beck's Towing. They are billed and paid on a quarterly basis. Currently, Blake's did not pay the last three quarters fees totaling \$102,000, and Becks did not pay last quarter due August 15th, which was \$25,000.

William Cea, Esq, of Becker, Poliakof, Legal Counsel for Blake's Towing and Transport, Inc. commented Ron Shuster, owner of Blake's was also present. Attorney Cea explained there were two towing franchise agreements awarded in December 2015. Both had basically the same contract, but Blake's Franchise fee was approximately \$133,000 and Beck's was approximately \$101,000. Blake's Towing was objecting to only awarding one contract and not the other. Blake's wants the same opportunity to have the year renewal and to renegotiate the franchise fee, which is the same opportunity that Beck's had. There was a default, but Blake's has paid the City significantly more money because the franchise fee was higher. The City would enjoy a greater accounts receivable from one vendor than the other, but both have had financial issues with the under-profitability of the contract.

Blake's tried to bring this up to the City earlier and in March the direction was to discuss the issue at the time of renewal. Attorney Cea explained they submitted written correspondence to the City and a letter dated today to the City Attorney was submitted for the record. There is a Resolution for renewal of Becks, but the contract, is not truly renewed. Becks Franchise fee was about \$101,000 a year. The proposed renewal for the whole year for Beck's was \$12,000. Both vendors had financial difficulty with the

contract. Both vendors have account receivables. Blake's on paper is higher, but Blake's paid more to the City and had advised the issues were forthcoming. Beck's paid the fee in full for two years and paid for the first quarter of this year. The hope was Blake's would have the opportunity to renegotiate and renew the contract similar to Beck's. Attorney Cea contended on its face, the contract appears to give Beck's a benefit and an unfair advantage that Blake's does not have, which is mainly to still do business with the City and give themselves a chance to dig out of a hole. He wanted the City to not approve either one to give both the opportunity to dig out of the same hole and reduce the franchise fee. They wanted both vendors to get the same benefit.

Mayor Grant asked why they signed a contract for the same terms, but more money. Attorney Cea advised it was an RFP and both vendors responded to the RFP. The prices they bid were what was requested in the franchise fee, which was based on facts and circumstances they thought would be encountered, but did not materialize. Blake's always had to pay more because of the RFP and they were not given the same price as the other vendor that also won the same contract.

Mayor Grant thought \$12,000 was a vast number, reduced from \$101,000 and noted the Assistant City Manager advised the firm did not make the last three payments. He thought the Commission should find out how much Beck's paid, compared to Blake's, and if there is a difference, Beck's would be required to make up that difference and then move forward with both vendors at the \$12,000. Mayor Grant inquired if doing so would violate the \$12,000 contract the City has with Beck's.

James Cherof, City Attorney, responded it would not, but the only item on the agenda is the Beck's Towing Contract and not Blake's. The Commission could act on one vendor tonight and direct staff to bring back a proposal on the other vendor as a future agenda item.

Vice Mayor Romelus asked, if the City Commission would be moving forward with the \$12,000 offer with Beck's, if the City would require them to become current on the last quarter's arrearage. Mr. Howard, explained the renewal is for the upcoming year and the balance will still be there and still owed. Payment was not a condition to the renewal. The City Commission could instruct it to become a condition, to give them time to pay the last quarter. Beck's owes \$25,280.75, and Blake's owes \$104,125 for the last three quarters. The RFP issued stated they could award to two vendors and have a separate amount. When it was signed, each vendor signed with the amount they offered in the RFP.

Commissioner McCray inquired when the RFP was issued and they responded, if the City checked the vendors and learned they did. Each vendor signed and agreed to the terms. He thought if there was a problem with the contract, he would have raised the issue earlier. Mr. Howard explained Blake's contacted him in March to negotiate the current franchise fee down and contractually it was \$133,000 a year. He told them at the time of renewal going forward, they could negotiate the vendors at the same price. They had the exact same issue pricing with the last RFP. The contract was awarded to two vendors.

They went through the initial contract term with the separate pricing and at the renewal period, they were brought in line for the renewal period. Commissioner McCray thought they should be both in line.

Mayor Grant directed staff to tabulate how much Beck's and Blake's has paid and with the fact Blake's paid an extra \$30,000 a year for the last two years, determine the difference that is owed and make sure Blake's has the same contract price as Beck's and the City Commission can move forward with the \$12,000.

Commissioner Katz asked if the City Commission could proceed with awarding the contract and speaking to staff.

Vice Mayor Romelus asked if these contracts were binding and had no exit clause and learned they were. They were separate and distinct contracts, both enforceable by the City and no default by the City. Both companies owe the City money. She thought they were legally allowed to uphold both contract as written without any legal ramifications. Attorney Cherof responded Vice Chair Romelus was correct, including the right to renew one and not the other.

Motion

Commissioner Katz recommended with his motion, the caveat that the firm being awarded a franchise have a time to be determined by the City Commission to pay their arrears and if the City Commission was inclined with the other firm to extend an additional franchise under the same terms, that a similar caveat be instituted for them if the City Commission decides, that they have to come into compliance with their previous contract.

Mayor Grant clarified the motion is to approve the contact with Beck's, that they have 90 days to pay the arrearages and for next year's contract.

Vice Chair Romelus requested clarification the motion would give Beck's 90 days to become current, or in order to be issued a new contract, they have to come into compliance. Mayor Grant responded they have 90 days to come into compliance in order to be issued a new contract.

Attorney Cherof restated the motion the contract would be extended under the new terms, but they would add a provision that says if they do not bring their arrearage current within 90 days, the contact would end or could end at the option of the City. Vice Mayor Romelus seconded the motion.

Commissioner McCray asked if they would do the same with Blake's. Attorney Cherof responded the second part is when Blake's comes back to the City Commission, they will have a choice to institute the provisions as well.

Vote

The motion unanimously passed. This item will be on the next agenda.

7. BIDS AND PURCHASES OVER \$100,000

- A. **PROPOSED RESOLUTION NO. R18-177** - Authorize the City Manager to utilize the State of Florida Contract number 43230000-15-02 for software licensing through Software House International and sign any associated agreement with Microsoft Corporation for a three-year period for an annual amount of \$188,874.48.

Motion

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

Mayor Grant asked how much of Microsoft software was included. **John McNally**, ITS Director, explained the City has approximately 700 PCs, tablets and 100 or more servers that run a different version of software. The PC's run typical Windows Operating Systems as well as the Microsoft Office Suite of Word, Excel and PowerPoint applications. The server's need a separate operating system license and some are running. The server they have now all wrapped is about \$188,000 a year. Staff tried to bid the equipment but got one respondent and there were discrepancies. Staff deemed the better deal was the State contract price.

Commissioner McCray asked if the City was safe from hacking. Mr. McNally explained there are numerous mechanisms in place, but the human element is important and education is needed.

Vote

The motion unanimously passed.

Commissioner Katz explained, on a different matter, it was brought to his attention there were some errors or omissions on the applicant list for some advisory boards. He did not know who to speak to about it and did not want to move beyond the meeting without addressing it. Ms. Oyer had indicated to him her name was put in for the Planning and Development Board, but it was not listed on their sheets or on the digital backup. There was agreement this item would be heard later in the meeting.

- G. **PROPOSED RESOLUTION NO. R18-178** - Authorize the City Manager to sign an Agreement, in substantially the form attached, for the purchase, installation, implementation, training and support of a Fire-Rescue Records Management System from EPR Systems USA, Inc. of Sarasota, Florida for a five (5) year period in the amount of \$212,891.60.

Motion

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

Mayor Grant asked if the amount was per year or five years and learned it was for the five years.

Vote

The motion passed unanimously passed.

- H. **PROPOSED RESOLUTION NO. R18-179** - Approve Task Order UT-1C-02 with Carollo Engineers in the sum of \$184,900 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 on migrating the Utilities Management Optimization Program (UMOP) to an improved platform and making other upgrades to the system.

Motion

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

Commissioner McCray asked what Utility Management Optimization was. **Colin Groff**, Assistant City Manager, explained it is the program they use to manage projects and rates to cover the cost of utilities out into the future.

Vote

The motion unanimously passed.

- I. Approve utilizing the Palm Beach County, FL Sole Source Solicitation SS55542 with IXOM Watercare, Inc. for MIEX DOC Anion Exchange Resin with the same terms, conditions, specifications and pricing. The maximum anticipated annual expenditure for the purchase of MIEX DOC Resin is \$350,000. Palm Beach County has complied with purchasing policies and considered this as a sole source provider of resin.

Motion

Commissioner McCray moved to approve.

Commissioner McCray asked what the resin was and learned it is a product they use to pull the organics out of the water at the treatment plant.

Vote

The motion unanimously passed.

- J. Approve the purchase of replacement vehicles as approved in the Fiscal Year 2018-19 budget in the estimated amount of \$809,646 by utilizing the following contract: Florida Sheriff's Association Contract #FSA18-VEL26.0 and #FSA18-VEH16.0 for twenty-six (26) replacement vehicles.

Motion

Vice Mayor Romelus moved to approve.

Commissioner McCray asked what they were getting. **Andrew Mack**, Director of Public Works and Engineering, explained the vehicles are administration cars. There are a few SUVs, but they are not patrol cars. The Department was ordering three Utility trucks; one van for the Warehouse; a pick-up truck for Fire/Rescue; seven Ford Fusions for Police and Fire; one Ford Escape for Fire Rescue; one Ford Explorer for Police; a pick-up truck/passenger van for Recreation; and a Honda Foreman, which is the four-wheel drive vehicle.

Vote

The motion unanimously passed.

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.

9. CITY MANAGER'S REPORT - None

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

- A. Review and action on Annual Performance Evaluation for the City Manager.

Julie Oldbury, Director Human Resources and Risk Management, explained the evaluations were provided in the backup and this was the Commission's opportunity to provide comments with regard to her compensation.

Mayor Grant thought Ms. LaVerriere did an amazing job. He receives many comments from residents, businesses and people from the County telling him how they look at Boynton Beach differently now with the Town Square project. He commented most individuals do not realize what a great Chief Executive Officer she is with running the City properly and having over 750 employees and a \$220 million budget. Much of what is occurring is due to her leadership skills. He looked forward to retaining Ms. LaVerriere for another year. Last year, she received a five percent raise and he wanted to do so again this year.

Commissioner Katz echoed Mayor Grant's thoughts and commented in the two and a half years he has been on the Commission, a great deal of the City's success was due to her. If all keep doing their jobs, the City will do fine. He agreed with the five percent raise.

Commissioner McCray commented the first time he evaluated Ms. LaVerriere, the newspaper criticized him. He advised she was improving every year. He has seen her growth and has worked with her the longest. She stays neutral and it was a pleasure to work with her.

Vice Mayor Romelus thought it takes a woman to be a tremendous leader because they have the ability to see all sides of the issue and consider how all will be affected. She felt that is what Ms. LaVerriere does and what put the City on the map. She rated her a 4.5 because she is a tremendous leader, she liked her willingness to learn and take constructive criticism.

Commissioner Kelley explained she had the pleasure of interacting with Ms. LaVerriere outside of the Chamber and she has a love for the City as if it was her own. She has embraced the City and she was working for all the residents. She supports the rest of the Commissioners as well.

Motion

Vice Mayor Romelus moved to approve continuing Ms. LaVerriere's contract with a five percent raise. Commissioner Katz seconded the motion that unanimously passed.

Ms. LaVerriere advised she loves what she does as a public servant and City Manager. She has an outstanding staff and outstanding Commission. This was the best Commission she has ever worked with and she is committed to continuing to learn.

B. Discussion of Quantum Park Overlay Dependent District

Attorney Cherof explained this item was on the agenda because earlier in the day, there was a closed-door session regarding litigation that also involved the Quantum Park Overlay District. The Commission addressed most of the issues that needed to be addressed in the closed-door session. The item was just informational for the benefit of the public, and the property owners in the Association. The settlement agreement is

tentative between Secured Holdings, Olen Properties and the QPOD is included. He looked forward to not having to spend money on the issue.

Commissioner Katz had brought this up within a month of his election and there has been steady progress for the past two and a half years. At the end of the day, the Commission should take over the QPOD, pay down the debt with the existing revenue from those taxpayers in the Special Taxing District and seek a pathway forward. He explained the QPOD is a geographical area on Quantum Boulevard by I-95. Property owners pay a special tax assessment to a District that was controlled by individuals who were not good stewards of the monies and millions of dollars was wasted over time. Now they are on the cusp of paying down the debt and eliminating the tax entirely for the affected residents and businesses, and developing a new eco-park on the west side of 95, getting out of the lawsuits, and many other positive outcomes. The most important thing for him was to develop the park and eliminate the extra tax. He appreciated the support of the Commission. He commented Special Taxing Districts go rogue and deviate from their purpose. He thanked all, including City Attorney Cherof. Vice Chair Romelus thanked Commissioner Katz for his diligence.

C. PROPOSED RESOLUTION NO. R18-180 - Authorize the Mayor to sign the Second Amendment to the Interlocal Agreement between the City of Boynton Beach and Boynton Beach Community Redevelopment Agency (CRA) for the CRA funding of the Neighborhood Officer Policing Program for FY 18/19 for an amount not to exceed \$370,000.

Motion

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

Commissioner McCray noted Chief Gregory said he would review this issue in six months and asked when he would receive a report. Police Chief Gregory responded he has not issued a report or been here six months. During the beginning of 2019, he will have some additional recommendations and he supports the continuation of the program as it currently exists.

Vice Mayor Romelus asked Chief Gregory to reiterate the mission for the Police Department given at the Town Hall meeting he had held. Chief Gregory explained they are focused on crime reduction, a safe community and they are doing so via community policing. They are focusing on partnerships, transformation within the organization, and working hand-in-hand with the Commission and residents to reduce crime in the City.

Vice Chair Romelus commented they are taking an organization comprised of three officers and expanding the initiative department-wide and she thought that was the direction they should be moving in. It improves trust and they will accomplish a lot.

Vote

The motion unanimously passed.

12. LEGAL

- A. City Commission is requested to review the Lien Reduction orders issued by the Special Magistrate at the October 18, 2018 Hearing for Case(s) # 98-792; 15-2066; 10-399; 01-3059; 02-2942.

Lillian Mayhew, 313 SE 21st Avenue, explained the liens were placed against her mother's property over the years. Her mother is almost 92 and has physical and mental disabilities. She has not been able to maintain her property. If she were young and healthy and could, she could understand the liens. She emphasized she has not thumbed her nose at the City, she had just been unable to address them. Ms. Mayhew advised she moved her mother into her home so she could clean her mother's property. She spent a lot of money and five months working hard to clean it up and it was expensive. The property passed the inspection and the magistrate reduced the liens, however, she would still owe \$16,000 and her mother has no money. Her mother lives on minimal social security and food stamps. Ms. Mayhew was covering her bills and her credit cards were maxed out. They do not have the money to pay for the reduced cost. Ms. Mayhew commented she did not have to address the property, but she took it upon herself to do so. She appealed to the City Commission for compassion to remove the cost. She did all she could to accommodate the City and requested the City's help.

Commissioner McCray learned the mother is 92, in a wheelchair and she is going into Alzheimers. She has a \$700 social security check. He noted the City tries to recoup administrative costs and asked if she could pay half the administrative costs and learned she could not. She is maxed out on credit cards trying to cover the bills. The mother hoped to move back to her home and they still have all the bills to pay, taxes and utilities. She would not be on food stamps if she had money. Two years ago, Ms. Mayhew had to sell her home and buy a less expensive home. Since her mother had been affiliated with her property at one time, the title company would not close until she paid all the administrative fees on all five liens. She already paid more than \$3,200 for administrative fees. To have to pay it again would be double jeopardy. She did not understand why her mother was being punished for a disability. Commissioner McCray thought the fees should be vacated.

Commissioner Katz agreed with Commissioner McCray and hoped whatever system she worked out to assist her and remedy the situation could be replicated so if there were issues with the property again, they could be rectified. He hoped she would be proactive in the future to avoid the situation reoccurring. He thought based on the circumstances, the fines should be waived.

Motion

Vice Mayor Romelus moved to approve eliminating all the fines and fees on the property. Commissioner Katz seconded the motion.

Mayor Grant agreed and commented if she already paid the administrative fees, she should not have to pay them a second time. The motion should wipe out the remaining amount of debt.

Vote

The motion unanimously passed.

B. PROPOSED ORDINANCE NO. 18-032 - SECOND 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. ***(Tabled to December 4, 2018 due to advertising deadline)***

Motion

Commissioner McCray moved to remove Items B and C from the table. Vice Mayor Romelus seconded the motion that unanimously passed.

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

Motion

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

Vice Chair Romelus noted there were some concerns about the Ordinance and Attorney Cherof advised they were addressed. He reviewed the details in the letter, but the facts of the situation were different in Boynton Beach. He recommended adoption of the Ordinance as is on Second Reading. Mayor Grant asked if the City has retail pet sales in the City and learned the City did not. The Ordinance addresses the migration of businesses the City does not want because they are banned in other cities. The Ordinance would not prevent someone breeding animals in their homes. Mayor Grant agreed with the Ordinance. He noted Tri-County Animal Shelter has plenty of animals needing homes.

Vote

Deputy City Clerk Nieves called the roll. The motion passed 5-0.

C. PROPOSED ORDINANCE NO. 18-033 - SECOND 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”. ***(Tabled to December 4, 2018 due to advertising deadline)***

Attorney Cherof read proposed Ordinance No. 18-133 by title only on Second Reading.

Motion

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

Mayor Grant thanked the City as noise was an issue. He queried if this allowed the Police Department to intervene or only Community Standards and learned the Ordinance is broader than Community Standards. Once the Ordinance passes, it has significant authority for enforcement.

Vote

Deputy City Clerk Nieves called the roll. The motion passed 5-0.

Commissioner Katz resumed discussion on the Advisory Board listings. He understood Ms. Oyers seat was not up for renewal and asked for clarification. Deputy City Clerk Nieves responded her seat was up for renewal and she did not apply for the Planning Board, only the Arts Commission.

Motion

Commissioner McCray moved to approve Mayor Grant’s request to disburse \$200 of his Community Support Funds. Vice Mayor Romelus seconded the motion that unanimously passed.

Commissioner McCray advised he wanted to give \$1,000 to the same group.

Motion

Vice Mayor Romelus so moved. Commissioner Katz seconded the motion that unanimously passed.

Vice Mayor Romelus announced she wanted to give \$500 also to the Tiger Band.

Motion

Board Member McCray seconded the motion that unanimously passed.

Susan Oyer, 140 SE 27th Way, explained she was sent two applications. Someone showed her the online copy, which was 10-27, which means the Planning and

Development application was sent a few days to several days before the Arts Commission application. Then, after the last meeting, a regular member resigned for absences, and she sent an email requesting she be moved to the regular position on the Arts Commission. She thought the problem was she was sent two applications; one for each Board. She thought there may have been some miscommunication along the way. She was not repealing her Planning and Development application, which she submitted first. She was on the Board for over a year and contended it was a clerical error because she was sent two applications. Not one. It was noted Ms. Oyer had been appointed in the middle of a term.

Mayor Grant did not doubt she filed an Advisory Board Application. He asked if someone wanted to make a motion for reconsideration of their vote knowing Ms. Oyer was an applicant for a regular or an alternate position on the Planning and Development Board.

Vice Mayor Romelus commented, regarding appointing someone to a second Board when they have already been appointed to a first Board, it may be a rectification to the problem.

Commissioner McCray commented Ms. Oyer was an alternate. Mayor Grant was okay with Chris Simon serving on the Planning and Development Board unless he did not want to serve on that Board. Then the Commission can use Ms. Oyer's application. Ms. Oyer commented she did not know Mr. Simon. She has never seen him and she did not think anyone on the Planning and Development Board did either. She questioned why after being on the Board, she was not considered for a renewal, over someone they have never seen before. Mayor Grant explained it was his choice. Commissioner Katz did not know how to remedy the situation fairly. He sympathized and apologized if there was an error.

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

D. 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**

Commissioner Katz requested after the holidays, as a Future Agenda Item, a discussion to potentially direct staff to review the Planning and Development process to see if there

is a way to identify efficiencies or software or technology improvements that could speed the review of development projects. He thought lessening the time it takes a project to go through the process would be advantageous. He wanted staff to put a concerted effort to review whether additional manpower or technology was needed.

Commissioner McCray queried if there were openings in the Department and learned there are some vacant positions, but individuals were already selected for them and were currently onboarding. Then the Department will be full. He noted it was difficult to fill some of those positions.

Mayor Grant commented the two Future Agenda Items was the Green Spot Electric Vehicles in the City, which he hoped would be on the agenda in January. Ms. LaVerriere agreed to bring the item back. Commissioner McCray also inquired how long the properties associated with Item 13B would remain on the agenda. Ms. LaVerriere responded she needed to revisit the item with each Commissioner and prioritize them. She could bring back an item on the condition of the properties. Commissioner McCray noted the item was on the agenda for nearly a year. If it would not be addressed, the item should be removed. Mayor Grant wanted to add the City's properties on SW 3rd Avenue. He was aware the City had a property next to the railroad tracks and another one out west near SW 8th Street.

14. ADJOURNMENT

Motion

There being no further business to discuss, Commissioner McCray moved to adjourn. Vice Mayor Romelus seconded the motion that unanimously passed. The meeting was adjourned at 8:24 p.m.

(Continued on next page)

CITY OF BOYNTON BEACH

Mayor - Steven B. Grant

Vice Mayor - Christina Romelus

Commissioner – Justin Katz

Commissioner – Mack McCray

Commissioner – Aimee Kelley

ATTEST

Queenester Nieves
Deputy City Clerk

Catherine Cherry
Minutes Specialist