



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**January 29, 2018
5:00 P.M.**

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY CLERK'S OFFICE, 401 CLEMATIS STREET, WEST PALM BEACH, FLORIDA 33401, {(561) 822-1210}

**MAYOR
GERALDINE MUOIO**

**CITY COMMISSION
PRESIDENT CORY NEERING**

**COMMISSIONER SYLVIA MOFFETT
COMMISSIONER KEITH JAMES**

**COMMISSIONER PAULA RYAN
COMMISSIONER SHANON MATERIO**

**ADMINISTRATION
CITY ADMINISTRATOR, JEFFREY L. GREEN
CITY ATTORNEY, KIMBERLY ROTHENBURG
CITY CLERK, HAZELINE CARSON**

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

CIVILITY AND DECORUM: The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED:

CONSENT CALENDAR (1 – 12):

1. **City Commission approval is requested for the Mayor's reappointment of Claudia Kirk Barto to the Education Advisory Committee for a term of two (2) years to expire December 1, 2019. Ms. Barto has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms her appointment.**
[Agenda Cover Memorandum No.: 21771](#)

Staff Recommended Motion:

Approve reappointment.

2. **Resolution No. 418-17 approving a Sponsorship Agreement between the City of West Palm Beach and the Historical Society of Palm Beach County to produce "Evening on Antique Row" on March 3, 2018, from 6:00 p.m. to 11:00 p.m.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE HISTORICAL SOCIETY OF PALM BEACH COUNTY FOR "EVENING ON ANTIQUE ROW" TO BE HELD ON MARCH 3, 2018; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21762](#)

Staff Recommended Motion:

Approve Resolution No. 418-17.

Background:

The Historical Society of Palm Beach County will host Evening on Antique Row on March 3, 2018 from 6:00 p.m. to 11:00 p.m. on Dixie Highway between Southern

Boulevard and Monroe Drive. General admission ticket price is \$40 in advance at \$65 at the door. VIP and after party admission is \$100 in advance and \$125 at the door. There will also be entertainment along the street. This event is to raise awareness of and benefit the Historical Society of Palm Beach County. Additionally, this event will provide exposure to the Antique Row shops on South Dixie Highway.

Resolution No. 418-17 approves a Sponsorship Agreement between the City and the Historical Society of Palm Beach County. The Historical Society of Palm Beach County will provide the City with a sponsorship valued at \$5,000 which includes marketing, public relations and admission benefits associated with "Evening on Antique Row". The Historical Society of Palm Beach County will provide the City with \$1 million general liability insurance policy and a \$1 million liquor liability insurance policy naming the City as additionally insured. In return, the City will waive the Special Event Permit Fee of \$1,625.00 and dumpster fees of \$144.00.

3. **Resolution No 419-17 accepting a grant awarded by the Knight Foundation for \$125,000 for the Quadrille Play Sidewalk; and Resolution No. 16-18(F) appropriating the funding.**

RESOLUTION NO. 419-17: A RESOLUTION FROM THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE JOHN S. AND JAMES K. KNIGHT FOUNDATION FUND OF THE COMMUNITY FOUNDATION FOR PALM BEACH AND MARTIN COUNTIES IN THE AMOUNT OF \$125,000 FOR PLAY SIDEWALK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 16-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE ART IN PUBLIC PLACES CAPITAL PROJECT FUND BUDGET TO PROVIDE FOR A GRANT FROM THE JOHN S. AND JAMES K. KNIGHT FOUNDATION TO PROVIDE FUNDS FOR PLAY SIDEWALK TO BE INSTALLED ALONG QUADRILLE BOULEVARD BETWEEN CLEMATIS AND FERN STREETS ; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21755](#)

Staff Recommended Motion:

Approve Resolution No. 419-17 and Resolution No. 16-18(F).

Background:

By Resolution No. 367-17, the City Commission approved the submittal of an application to the Knight Foundation for funding Play Sidewalk by Daily tlj and matching the awarded grant funds of \$125,000 from the AiPP fund.

Resolution No. 419-17 accepts the awarded grant with contractual grant terms.

The City through its Art in Public Places Program will commission Daily tous les jours to implement "Play Sidewalk" - interactive elements designed by the artists collective "Daily tous les jours" to be installed along Quadrille Boulevard between Clematis and Fern Streets to make walking there an enjoyable and sensorial experience.

"Play Sidewalk" will be implemented in four stages: Research & Concept, Detailed Design, Programming & Fabrication, and Installation. The installation will remain for a duration of approximately nine months with the goal that the interactive activities/installation created will develop into a more permanent design solution.

Daily tlj will engage with the public and community stakeholders throughout the implementation process.

The AiPP will present the final design to City Commission prior to installation.

COMMISSION DISTRICT: The installation will take place in Commission District No. 3 - Commissioner Paula Ryan.

Fiscal Note:

Upon passage of this resolution, the balance in the Reserve for Future Projects will be approximately \$373,861.00

4. **Resolution No. 3-18 ratifying the submittal of a grant application to the Florida Department of Economic Opportunity (DEO) for a Florida Job Growth Fund - Public Infrastructure grant to enhance street lighting and underground utilities along the Rosemary Corridor from Clematis to 9th Streets.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR A FLORIDA JOB GROWTH FUND PUBLIC INFRASTRUCTURE GRANT TO ENHANCE STREET LIGHTING AND UNDERGROUND UTILITIES ALONG THE ROSEMARY CORRIDOR FROM CLEMATIS TO 9TH STREETS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21756](#)

Staff Recommended Motion:

Approve Resolution No. 3-18.

Background:

The Florida Department of Economic Opportunity offers Florida Job Growth – Public Infrastructure Grants to promote economic opportunity by improving public infrastructure.

The City of West Palm Beach has proposed a \$2.1 million streetscape improvement project along Rosemary Avenue from Clematis Street to 9th Street to revitalize the north section of Rosemary Avenue to connect the Historic Northwest/Sunset Lounge with downtown and CityPlace. With additional funding, additional improvements critical to the transformation of the Rosemary corridor could be accomplished: installation of additional decorative street lighting; and undergrounding of electric utilities to facilitate ADA compliance and allow installation of additional shade trees and landscaping.

Due to grant deadlines, the City submitted a grant application requesting a grant in the amount of approximately \$1.8 million from the Florida Department of Economic Opportunity for the additional funding for street lighting and electrical undergrounding.

Resolution No. 3-18 will ratify the submittal of the grant application.

5. **Resolution No. 19-18(F) appropriating funds in the amount of \$350,000 for repairing the four (4) existing public boat ramps at Currie Park.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATIONS OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE CAPITAL ACQUISITION FUND BUDGET TO PROVIDE APPROPRIATIONS FOR CURRIE PARK PUBLIC BOAT RAMP REPAIRS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21757](#)

Staff Recommended Motion:

Approve Resolution No. 19-18(F).

Background:

During the design of the approved Currie Park staging dock and boat basin dredging improvement project, staff discovered the existing boat ramps have experienced progressive degradation and is likely to result in the closure of 2 of the 4 ramps within the next 6 to 12 months.

The current project is budgeted at \$957,596, which consists of Florida Inland Navigation Development (FIND) grant funds and City matching funds. The cost to include the repairs of the existing ramps if completed during the FIND grant improvements would require an additional \$350,000.

The cost to complete the ramp repairs as a separate project would cost an estimated \$585,000. Including the ramp repairs during the mobilization and construction phase of the FIND grant offers a cost saving of \$235,000. Additionally, the ramps will be repaired during the same time frame which they would have been closed for the improvements scheduled to be completed through the FIND grant.

Completing both projects at the same time would limit the amount of time the only City public boat ramps would be closed.

Fiscal Note:

Upon approval, an additional \$350,000 will be added to the project and the balance will be approximately \$1,600,000 in the Reserve for Future Projects account.

6. **Resolution No. 28-18 approving an agreement with Management Partners and Resolution No. 27-18(F) appropriating \$11,900 to conduct a facilities impact analysis of the cost and resources needed to implement fleet maintenance services for the City's Fire Apparatus.**

RESOLUTION NO. 28-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT WITH MANAGEMENT PARTNERS TO PERFORM A FACILITIES IMPACT ANALYSIS FOR THE CITY TO IMPLEMENT MAINTENANCE SERVICES FOR FIRE RESCUE APPARATUS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 27-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE FIRE ASSESSMENT FEE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR A FACILITIES IMPACT ANALYSIS FOR THE CITY TO IMPLEMENT MAINTENANCE SERVICES FOR FIRE RESCUE APPARATUS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21774](#)

Staff Recommended Motion:

Approve Resolution No. 28-18 and Resolution No 27-18(F).

Background:

Since 2008, through an interlocal agreement, Palm Beach County has provided maintenance services for the City's fire rescue vehicles. The County has indicated that it no longer desires to do so. These maintenance services must now be brought back in house under our General Services Department. It is imperative that a solid business plan be developed to ensure adequate staffing and resources are in place for a successful implementation.

Since time is of the essence, it is deemed in the City's best interest to re-engage the services of Management Partners to update the previous 2014 Fleet Analysis which will involve assessing the additional capacity needed to maintain fire rescue apparatus and impact on facilities. Resolution No. 28-18 authorizes an agreement with Management

Partners and Resolution No. 27-18(F) transfers \$11,900 from reserves in the Fire Assessment Fee Fund for this analysis.

Fiscal Note:

Approval will provide \$11,900 for the analysis of Fire Maintenance Services.

7. **Resolution No. 24-18(F) appropriating funds up to \$15,000.00 for costs associated with Manatee Protection Law Enforcement, which will be reimbursed by Palm Beach County in accordance with an Interlocal Agreement.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF A PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT GRANT FOR MANATEE PROTECTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21758](#)

Staff Recommended Motion:

Approve Resolution No. 24-18(F).

Background:

Since 2007, the City of West Palm Beach has provided increased law enforcement presence in the County's waterways in partnership with the Board of County Commissioners of Palm Beach County, as approved in a Manatee Protection Plan and as one of the thirteen "key" manatee counties identified by the Florida Governor and Cabinet in October 1989. Studies by the Florida Fish and Wildlife Conservation Commission have demonstrated that increased law enforcement presence is the most effective means to gain compliance with boater speed zones and manatee protection speed zones, and reduce the risks to manatees and members of the public.

By Resolution No. 297-14, the City Commission approved a new three (3) year Manatee Law Enforcement Interlocal Agreement with Palm Beach County, with a term through March 31, 2018. In accordance with the Interlocal Agreement, the West Palm Beach Police Department enforces State statutes, administrative rules, and local and County ordinances related to vessel control, marine resource protection, and manatee protection and assist in educating boaters in the Enforcement Area about manatee and boater safety issues.

The Interlocal Agreement is contingent upon annual appropriations by the Palm Beach County Board of County Commissioners. The County will reimburse the City for all labor, supervision, equipment, insurance, and supplies at a rate of \$87.50 per hour, up to

the awarded amount of \$15,000.00 for services provided from November 15, 2017, through March 31, 2018, in accordance with the Interlocal Agreement.

Resolution No. 24-18(F) provides appropriations for the receipt of revenue and for the expenditures for the period November 15, 2017 through March 31, 2018.

Fiscal Note:

Grant funds cover all overtime and operating expenditures.

8. **Resolution No. 5-18 authorizing the execution of an Agreement between the Town of Palm Beach and the City of West Palm Beach for the 2018 – 2019 Town of Palm Beach Water Main Improvements project, in the amount of \$2,000,000; and Resolution No. 17-18(F) appropriating funds for the Improvements.**

RESOLUTION NO. 5-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF PALM BEACH AND THE CITY OF WEST PALM BEACH FOR THE 2018 – 2019 TOWN OF PALM BEACH WATER MAIN IMPROVEMENTS PROJECT, IN THE AMOUNT OF \$2,000,000, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 17-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER & SEWER TOWN OF PALM BEACH RENEWAL AND REPLACEMENT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE 2018-2019 WATER MAIN IMPROVEMENT PROJECTS IN THE TOWN OF PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21759](#)

Staff Recommended Motion:

Approve Resolution No. 5-18 and Resolution No. 17-18(F).

Background:

In 1999, the City of West Palm Beach and the Town of Palm Beach entered into a Water Franchise Agreement ("Franchise Agreement") under which the City provides potable water service to the Town. The water infrastructure which serves the Town is owned by the City. The Franchise Agreement requires the City and the Town to review the infrastructure on an annual basis and to identify the repair and replacement projects necessary for maintenance of the system. The Franchise Agreement also requires five percent (5%) of the gross water sales in the Town to be deposited into the Town's Renewal & Replacement (R&R) Fund to be used to make water main improvements in

the Town. Presently the unencumbered balance in the Fund is approximately \$2.2 million and annual deposits into this Fund are approximately \$893,000.

The City and the Town have identified water system projects for the period of January 1, 2018 to December 31, 2019, and have agreed that it is in the best interest of both entities to enter into an agreement to accomplish the water main design and construction of the agreed projects. Pursuant to the proposed Interlocal Agreement, the Town will hire the consultants and contractors to design and construct the improvement projects with review and oversight by the City. The 2018 - 2019 Town of Palm Beach Water Main Improvements ("Improvements") will be accomplished on various roadways within the dedicated rights-of-ways in the Town, as described in detail in Attachment "A" to the Agreement. The Interlocal Agreement provides that the estimated cost of the Improvements, \$2,000,000, will be funded from the Town of Palm Beach Renewal & Replacement Fund (Fund 457). Fund 457 is to be used for water main improvements in the Town of Palm Beach pursuant to the Franchise Agreement. No General Fund dollars required.

The Interlocal Agreement for the 2018 - 2019 Town of Palm Beach Water Main Improvements is on the Town Council meeting agenda of February 2018 for approval.

Resolution No. 5-18 approves the Interlocal Agreement with the Town of Palm Beach for the 2018 - 2019 Town of Palm Beach Water Main Improvements.

Resolution No. 17-18(F) appropriates \$2.0 million from reserve for future projects in Fund 457 to the 2018 - 2019 Town of Palm Beach Water Main Improvements project.

Fiscal Note:

Post approval, the Fund 457 Town R&R Reserve for Future Projects balance will be approximately \$200,000.

9. **Resolution No. 424-17 approving Amendment No. 8 to the Utility Work Agreement with FDOT to increase the reimbursement to the City for the costs of utility relocation in connection with the FDOT Northwood Rail Connection Project; and Resolution No. 14-18(F) providing additional funds for the project.**

RESOLUTION NO. 424-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AMENDMENT NO. 8 TO THE UTILITY WORK AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO THE CITY'S UTILITY RELOCATION IN CONNECTION WITH THE FDOT NORTHWOOD RAIL CONNECTION PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 14-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR

2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER & SEWER RENEWAL & REPLACEMENT FUND BUDGET TO PROVIDE ADDITIONAL APPROPRIATIONS FOR THE FINAL PHASE II OF THE FDOT NORTHWOOD RAIL UTILITY RELOCATION PROJECT AND THE RECOGNITION OF THE FDOT CONTRIBUTION TOWARDS THE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21760](#)

Staff Recommended Motion:

Approve Resolution No. 424-17 and Resolution No. 14-18(F).

Background:

The Florida Department of Transportation (FDOT) received a federal grant to accomplish the Northwood Rail Connection project. The project will better link South Florida's two (2) major freight rail corridors to improve freight and passenger connectivity. The FDOT work involves rehabilitation of the existing tracks (Phase 1A) and construction of new tracks (Phase 2). The construction for the track work in Phase 1A by FDOT is currently underway. Construction of Phase 2 is planned for early 2018.

The FDOT project area is generally bounded to the north and south between 23rd Street and 28th Street, and to the east and west by the CSX and FEC Railways.

Within the track corridor of Phase 1A, the City's existing utilities (water, sanitary sewer, and stormwater) is in conflict with the proposed track work by FDOT. The City is required to complete the relocation of its utilities by September 2018, the target deadline for FDOT track project. Costs associated with its relocation (design and construction) are reimbursable by FDOT, pursuant to Florida Statutes, Section 337.403.

A Utility Work Agreement (FDOT Participating in Expense) between the City and FDOT ("UWA") and subsequent Amendments provided that FDOT shall reimburse the City the design and construction costs associated with the relocation of City's utilities. The relocation of City's utilities within Phase 1A was fully completed in January 2016. The reimbursement commitment by FDOT in connection with Phase 1A (Amendment Nos. 1 through 6) is summarized below:

--Pursuant to Resolution No. 263-14, UWA was authorized on October 27, 2014 for cost relating to the design phase services in the amount of \$175,305.00 with the City's construction deadline of July 31, 2015.

--Pursuant to Resolution No. 83-15, Amendment No. 1 was authorized on March 16, 2015 for cost relating to the contractor's pre-construction phase services in the amount of \$43,000.00.

--Pursuant to Resolution No. 90-15, Amendment No. 2 was authorized on April 13, 2015 for cost relating to the construction phase services (construction administration and

inspection services) which included a 30-day extension to the City's utility construction deadline to August 31, 2015 in the amount of \$120,040.00.

--Pursuant to Resolution No. 116-15, Amendment No. 3 was authorized on May 11, 2015 for the construction cost in the amount of \$2,800,000.00 including an execution of a Subordination of City Utility Interests by the City for the future track crossings in Phase

--Pursuant to Resolution No. 218-15, Amendment No. 4 was authorized on July 20, 2015 to correct a math error and to correctly reflect the maximum total estimated project cost reimbursable to the City by FDOT to date in the amount of \$3,138,345.00 (including Amendment Nos. 1, 2, 3 and 4)

--Pursuant to Resolution No. 231-15, Amendment No. 5 was authorized on August 17, 2015 for a 30-day extension to the City's utility construction deadline from August 31, 2015 to September 30, 2015.

--Pursuant to Resolution No. 373-16, Amendment No. 6 was authorize on December 5, 2016 for an extension to the deadline for the City's utility construction to December 31, 2018 to allow for the completion of the utility relocation within Phase 2 of the FDOT project track corridor.

--Pursuant to Resolution No. 227-17, Amendment No. 7 was authorized on July 31, 2017 to increase the total estimated project cost reimbursable to the City to \$6,053,461.50 for the estimated City's utility relocation cost within Phase 2 of the FDOT project tract corridor.

Amendment No. 8 to the UWA will increase the amount to be reimbursed the City's cost for utility relocation in Phase 2 as the construction bid price exceeded the construction estimate. The adjusted total estimated project cost reimbursable to the City by FDOT to date (including Amendment Nos. 1 through 8) is \$6,649,967 (including construction administration and inspection services and construction contingency).

Resolution No. 424-17 approves Amendment No. 8 and authorizes the execution of the Amendment and ancillary documents.

Resolution No. 14-18(F) provides additional funding in the amount of \$985,547 to accomplish the construction phase of the project which includes a construction contingency (\$486,502 Water and \$499,045 Sewer).

Fiscal Note:

Fund 454 Water & Sewer Renewal and Replacement reserve for future projects balance will be approximately \$ 9.6 million, post approval.

- 10. Resolution No. 422-17 authorizing the execution of a Joint Participation and Project Funding Agreement between Palm Beach County and the City of West Palm Beach for construction of certain City utility improvements on Australian Avenue and Palm Beach Lakes Boulevard, and Resolution No. 13-18(F) provides additional appropriations for the project.**

RESOLUTION NO. 422-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A JOINT PARTICIPATION AND PROJECT FUNDING AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH FOR UTILITY WORK IN CONJUNCTION WITH THE COUNTY'S PROJECT AT AUSTRALIAN AVENUE AND PALM BEACH LAKES BOULEVARD, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 13-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER AND SEWER RENEWAL AND REPLACEMENT FUND BUDGET TO PROVIDE ADDITIONAL APPROPRIATIONS FOR THE AUSTRALIAN AVENUE AND PALM BEACH LAKES BOULEVARD UTILITY IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21761](#)

Staff Recommended Motion:

Approve Resolution No. 422-17 and Resolution No. 13-18(F).

Background:

In October 2017, Palm Beach County received bids for the construction of Australian Avenue and Palm Beach Lakes Boulevard ("County Project"). The County Project involves improvements of roadway and stormwater system on Australian Avenue (from 10th Street to 15th Street) and Palm Beach Lakes Boulevard (from Australian Avenue to Carver Avenue). The City desires to make certain improvements to its existing utilities within the County Project corridor. The City improvements include certain improvements of existing water main and force main and incidental adjustments at various locations in order to avoid conflict with the storm sewer system proposed by the County. The City's utility improvements were bid as part of the County Project.

The County and the City have determined that it is in the best interest of the public for both parties to enter into a Joint Participation and Project Funding Agreement for the construction of the County's Project and the City's utility improvements ("Agreement"). Under the terms of the Agreement, the City shall reimburse the County a total estimated amount of \$1,003,252.80, for the cost of the City's utility improvements. This amount includes the utility items cost plus 10% construction contingency for improvements of the City's utilities.

Resolution No. 13-18(F) provides additional funding in the amount of \$544,000 to accomplish the construction of City's utility improvements in conjunction with the County Project which includes a construction contingency (\$407,000 Water and \$137,000 Sewer).

Fiscal Note:

The Water & Sewer Renewal & Replacement Fund 454 Reserve for Future Projects balance will be approximately \$8.9 million post approval.

11. Resolution No. 415-17 approving the plat entitled "NOVUS MEDICAL".

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "NOVUS MEDICAL", CONSISTING OF A PARCEL CONTAINING A TOTAL OF APPROXIMATELY 4.89 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21764](#)

Staff Recommended Motion:

Approve Resolution No. 415-17 based on the findings that the Plat is consistent with the Comprehensive Plan, complies with the requirements set forth in Section 94-44 of Code of Ordinances and complies with all applicable provisions of Ch. 177, Florida Statutes.

Background:

The Resolution will create the plat entitled "NOVUS MEDICAL", consisting of a parcel containing a total of approximately 4.89 acres. The recordation of the plat is a condition of approval of a Minor Amendment (PB 1601B) for Novus Medical, located at 1101 54th Street. It is in Staff's professional opinion that this amendment complies with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations.

A separate Opinion of Title was provided with the Plat.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City's Planning Board.

PUBLIC NOTICE: Resolution No. 415-17 was advertised in the Palm Beach Post on January 19, 2018.

COMMISSION DISTRICT: The subject properties are located within Commission District 1 - Sylvia Moffett.

12. Resolution No. 23-18 opposing legislative efforts to impede municipal Home Rule powers; opposing the legislature's intrusion into local finances; directing City Administration to forward a certified copy of the Resolution to the Florida League of Cities, the Palm Beach County Legislative Delegation and any other interested parties; providing for conflicts; providing for severability; providing an effective date; and for other purposes.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, OPPOSING LEGISLATIVE EFFORTS TO IMPEDE

THE CONSTITUTIONAL RIGHT FLORIDA'S CITIZENS HAVE ENJOYED FOR NEARLY 50 YEARS TO GOVERN THEMSELVES UNDER MUNICIPAL HOME RULE POWERS; OPPOSING THE LEGISLATURE'S PERSISTENT INTRUSION INTO LOCAL FINANCES, WHICH ARE NECESSARY TO PROVIDE FINANCIAL STABILITY AND ESSENTIAL SERVICES UNIQUELY REQUIRED BY MUNICIPAL RESIDENTS AND LOCAL BUSINESSES; DIRECTING CITY ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES, THE PALM BEACH COUNTY LEGISLATIVE DELEGATION AND ANY OTHER INTERESTED PARTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21770](#)

Staff Recommended Motion:

Approve Resolution No. 23-18.

Background:

In Florida, local self-government is not a gift of the state Legislature...it is the expressed will of the people. It was added to the Florida Constitution nearly 50 years ago by a statewide vote of the electorate. Floridians voted to empower themselves with the right of local self-government or Home Rule. As the only form of voluntary government, Florida's municipalities are the embodiment of this right.

A city is created by its citizens for a variety of reasons, including increased services, a desirable business or residential environment, and a voice in how their government is run. Florida law specifies the standards for the formation of a municipality. The multi-step process is not an easy one, and it should not be. The process takes commitment, tenacity and hard work of residents who volunteer their time for the cause. Local citizens take the first step by having a feasibility study to determine if the community should incorporate, and they develop a charter that specifies the form, functions and power of their proposed city government. These steps can take a year or more to complete. Next, the proposal is presented to the Legislature for a review of whether it meets statutory requirements for incorporation. Following a successful review, the proposed charter is adopted by a special act of the Legislature. The final step must be taken by local citizens: approval of the incorporation and charter by voters in a local referendum.

Home Rule authorizes the governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services. At its core, Home Rule is demonstrated by the level of services provided within a municipality and, to a much lesser extent, by exercises of regulatory power. Citizens in cities expect various municipal services: water, sewer, garbage collection, storm water systems, roads, sidewalks, fire protection, law enforcement, parks and recreation. Citizens also expect municipal officials to exercise regulatory powers when necessary to protect public health, safety and community standards specific to the municipality in which they choose to live. These expectations cannot be met if municipal officials do not

have the authority to respond to local needs and preferences, or to address them in a timely manner.

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTION (13):

- 13. Resolution No. 382-17 granting "Face of the City" approval of above-ground design features in connection with the Lift Station 26 Improvements project, located at the northeast corner of 45th Street and N. Flagler Drive in Gettler Park.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND APPROVING THE ABOVE-GROUND DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE LIFT STATION 26 IMPROVEMENTS PROJECT LOCATED AT THE NORTHEAST CORNER OF 45TH STREET AND N. FLAGLER DRIVE IN GETTLER PARK; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21773](#)

Staff Recommended Motion:

Approve Resolution No. 382-17.

Background:

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping. Accordingly, the proposed improvements at Lift Station No. 26 require "Face of the City" approval.

Lift Station No. 26 is located at the northeast corner of 45th Street and N. Flagler Drive in Gettler Park. It was built in the 1980's. This is a lift station rehabilitation project. The above ground improvements at this lift station will include installation of new chain link fence with two double gates, new hedging and landscaping outside the fence line, lighting, and re-sodding. The scope of work will also include the installation of a checkered pattern of concrete slabs and grasscrete. Within the fenced enclosure will include a new wetwell to provide additional storage capacity, pumps and associated piping, a new emergency standby generator, electrical control panel, and remote telemetry unit.

The target construction start for the lift station is June 2018 for approximately 8 months duration. Funding for the lift station improvements will be provided from the Utility System Revenue Bonds, Series 2017A.

Resolution No. 382-17 approves the above ground design features at Lift Station No. 26 project site.

Fiscal Note:

Funding for Lift Station 26 Improvements is appropriated in the Water & Sewer Series 2017A Construction Fund 45A. Project No. 31867246: \$1,120,000.

PUBLIC HEARING (14 – 19):

14. **Public Hearing and Second Reading of Ordinance No. 4754-17 amending the Art in Public Places Ordinances.**

[Agenda Cover Memorandum No.: 21772](#)

Staff Recommended Motion:

STAFF RECOMMENDS THAT THIS AGENDA ITEM BE CONTINUED TO THE FEBRUARY 12, 2018 CITY COMMISSION MEETING.

15. **Public Hearing and Second Reading of Ordinance No. 4758-17: A City-initiated request to amend the parking requirements of Sections 94-481 and 94-486 of the Zoning and Land Development Regulations relating to the parking requirements for Multifamily Residential for housing for senior or disabled persons. .**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE XV, SECTION 94-481 AND SECTION 94-486, TABLE XV-6, TO PROVIDE A REDUCTION IN THE PARKING REQUIREMENT FOR MULTIFAMILY HOUSING PROJECTS SERVING ELDERLY AND DISABLED PERSONS; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21766](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4758-17, approving an amendment to Sections 94-481 and 94-486 relating to the parking requirements for the Multifamily Residential use. This motion is based upon factual testimony presented, the staff report, the recommendation of the Planning Board and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards set forth in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

The Planning Division has determined that the text amendments relating to the parking requirements for the Multifamily Residential use comply with all of the required standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Compliance with all of the above-referenced standards has been detailed in Attachment 1 - Planning Board Staff Report.

The Planning Board recommended approval (5-0) of this request to the City Commission after a Public Hearing on November 21, 2017.

ANALYSIS: The proposed text amendment advances a number of goals of the City of West Palm Beach including promoting the development of a range of housing options available to all citizens, as well as encouraging alternative modes of transportation by reducing dependence on the automobile. The proposed parking reduction will allow developers to take advantage of up to fifty (50) percent reduction of the parking required for elderly or disabled housing projects, thus substantially reducing the costs associated with a development of this type. The reduction in parking is also consistent with national trends towards walkability and alternative modes of transportation and reflects statistics indicating reduced automobile ownership among the elderly and disabled. Additionally, the reduction in parking requirements for elderly and disabled housing developments will allow valuable land that would otherwise be used as parking to be available for development or open space.

In order to be eligible to receive up to fifty (50) percent of the required parking for a senior or disabled housing project, a number of criteria must be satisfied. For elderly housing projects to qualify, at least eighty (80) percent of all units must have at least one occupant who is 55 or older, must adhere to policies that demonstrate the intent to operate as "55 or older" housing, and must comply with HUD's age verification of residents. Additionally, any qualifying project must be located within a half mile of public transit and provide a transportation option for residents to ensure that residents who do not own cars will be able to access basic necessities such as groceries and medical care. Lastly, a formal application will need to be submitted which requires the approval of both the Housing and Community Development Director and Development Services Director.

Eligibility for the parking reduction for disabled housing projects is determined by similar criteria. At least eighty (80) percent of all units must have at least one occupant who has a developmental or physical disability and must adhere to policies and procedures that demonstrate the intent to operate as a housing project serving the disabled. These projects must also be located within a half mile of public transit and provide a transportation option to residents, and must submit a formal application to receive approval of both the Housing and Community Development Director and Development Services Director.

Staff believes that the Parking Requirement Reduction will further the goal of promoting economic growth and stability, as well as the preservation and stimulation of the production of elderly and disabled housing units for persons residing or desiring to reside in the City.

Ordinance No. 4758-17 is a Code text amendment that reduces the parking requirements for senior and disabled Multifamily Residential developments.

PUBLICATION: The legal ad for Ordinance No. 4758-17 will be advertised in the Palm Beach Post on January 19, 2018.

COMMISSION DISTRICT: The amendment applies City-wide.

16. Public Hearing and Second Reading of Ordinance No. 4744-17 creating Article X within Chapter 66 of the Code of Ordinances regarding the establishment of a Living Wage Program.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 66 - PROCUREMENT, TO CREATE ARTICLE X – LIVING WAGE PROGRAM TO ESTABLISH LIVING WAGE REGULATIONS FOR CONSTRUCTION CONTRACTORS AND SUBCONTRACTORS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
[Agenda Cover Memorandum No.: 21765](#)

Staff Recommended Motion:

Approve Ordinance No. 4744-17.

Background:

In 2016, the City of West Palm Beach committed to pay City employees a living wage in order to set a community standard for all businesses in the City. When spending public funding, the City desires to continue to set a community standard that permits hourly wage workers to live above the poverty line by establishing Living Wage Program regulations for "for profit" City construction contractors and sub-contractors which require that such contractors pay their employees nothing less than the living wage as set forth in the ordinance. The Legislature of the State of Florida has conferred upon local governments the authority to enact "living wage" regulations in Florida Statutes, Section 218.077.

Ordinance No. 4744-17 requires all "Covered Employers" providing "Covered Services" to pay their "Covered Employees" a Living Wage, which shall be \$14.00 beginning on April 1, 2018, and shall increase to \$15.00 on October 1, 2019 (Sec. 66-252(a)). This phased-in Living Wage reflects the City's own phased-in approach to paying its employees. "Covered Services" are defined as construction and road or right of way projects by the City or CRA where such construction and road or right of way projects

meet the following criteria: 1. in the aggregate involves the expenditure of \$200,000 or more per year; 2. not subject to the Davis-Bacon Act or the payment of Davis-Bacon wage rates; and 3. not a contract for a "public works project" as defined in Section 255.0992, Fla. Stat. (Sec. 66-251). Covered employees means any employee of a covered employer where such employee is working on a contract for a covered service. The Living Wage may, by resolution of the City Commission, be indexed annually for inflation.

The Living Wage shall be required in the procurement specifications for covered services on which bids or proposals are solicited. Compliance with the Living Wage Ordinance shall be included as a "factor of best value" in evaluating proposals (Sec. 66-71). Any bid failing to include a commitment to pay the living wage to covered employees shall be deemed non-responsive and shall be disqualified, except where the procurement official determines that such disqualification would not be in the best interests of the city under the particular circumstances (66-253(b)). In order to be paid for its services, each covered employer must certify that it is in compliance with the Living Wage ordinance and must provide a statement of the wage levels for all employees (Section 66-252(d)). The ordinance would not require any employee covered by a collective bargaining contract to have their wages reduced if they are receiving a higher wage (Sec. 66-252(f)).

Complaints for violations of the Living Wage Program may be brought by any covered employee or by someone on behalf of such employee and shall be filed with the Procurement Director. (Sec. 66-254(b)). The Procurement Director shall provide a report to the City Administrator and should the City Administrator make a preliminary determination of non-compliance, the City shall issue a Notice of Corrective Action to Contractor. If Contractor fails to comply with such Notice of Corrective Action, a hearing shall be held before a Special Magistrate. If the Special Magistrate finds that a violation has occurred, the Special Magistrate may order the following:

- (a) damages, for each week that the covered employee was found to have not been paid in accordance with the Living Wage ordinance;
- (b) suspend payment under the covered services contract and/or terminate the contract with the Contractor;
- (c) declare the Contractor ineligible for future service contracts for up to three (3) years or until all restitution has been paid in full to the covered employee and all penalties (if any) paid to the City, whichever is longer; and/or
- (d) in order to compensate the City for the costs of investigating and remedying the violation, reasonable costs for investigating and defending the complaint and remedying the violation (Section 66-254(d)).

Ordinance No. 4744-17 also provides a private right of action pursuant to federal or state law instead of (but not in addition to) using the city's administrative complaint procedures.

Ordinance No. 4744-17 will be applicable to contracts arising from procurement solicitations for Covered Services solicited on or after May 1, 2018.

17. **Public Hearing and First Reading of Ordinance No. 4762-18 amending the Code of Ordinance to create Section 66-76 to establish a requirement for use of local workforce on City construction contracts.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, AT CHAPTER 66, PROCUREMENT, TO CREATE SECTION 66-76 TO PROVIDE A LOCAL WORKFORCE REQUIREMENT FOR CITY CONSTRUCTION CONTRACTS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21769](#)

Staff Recommended Motion:

Approve Ordinance No. 4762-18 on First Reading and schedule a Public Hearing and Second Reading on February 12, 2018.

Background:

Promoting the employment of City residents will benefit both the residents and the local economy. To achieve this objective the City Commission desires to amend the Procurement Code to provide a local workforce requirement in City procurements for construction;

Application: The local workforce requirement will be applicable to city construction contracts: 1) for utility work or road and right-of-way work; 2) with a contract price in excess of \$200,000; and 3) with an on-site labor component greater than or equal to 25% of the contract value.

Local workforce requirement: Contractors shall employ a minimum of 15% of on-site labor from persons residing within the municipal boundaries of the City (except where state or federal law or grant requirements do not allow). Determination of the local workforce participation may include employees of both the contractor and its subcontractors to meet the requirement.

Job fair: For contracts with a contract price over \$1,000,000, the contractor shall be required to hold one job fair within the City for the purpose of encouraging local workforce participation.

18. **Public Hearing and First Reading of Ordinance No. 4761-18, to Amend and Restate Section 90-32 (Water Meters) and Section 90-34 (Violations) to require clear access to water meters and establish provisions for violations; Providing a Conflicts Clause, a Codification Clause and a Severability Clause.**

Resolution No. 20-18, to Establish an Administrative Access Fee for obtaining Access Public Utility Facilities.

ORDINANCE NO. 4761-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 90 (UTILITIES), ARTICLE II (WATER), DIVISION 1 (GENERALLY), TO AMEND AND RESTATE SECTION 90-32 (WATER METERS) AND SECTION 90-34 (VIOLATIONS) TO REQUIRE CLEAR ACCESS TO WATER METERS AND ESTABLISH PROVISIONS FOR VIOLATIONS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 20-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING AN ADMINISTRATIVE ACCESS FEE FOR OBTAINING ACCESS PUBLIC UTILITY FACILITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21763](#)

Staff Recommended Motion:

Approve Ordinance 4761-18 on First Reading and schedule a Public Hearing and Second Reading for February 12, 2018.

Resolution No. 20-18 is for discussion purposes only.

Background:

Public Utilities Department personnel require clear and safe access to water meters for their own safety and to provide customers with accurate water bills and due to obstacles and impeded access to water meters becoming an increasing problem for City personnel.

This Ordinance and Resolution is to establish an administrative access fee to be charged for the additional costs incurred by the City for the site inspections and notices required to gain clear access to city utility meters, equipment and facilities, in the amount of \$50.00 per occurrence.

Resolution No. 20-18 will be voted on at Second Reading of the Ordinance.

Fiscal Note:

No fiscal impact. Estimated revenue is \$500 or less, annually.

19. **Public Hearing and First Reading of Ordinance No. 4756-17: A City-initiated text amendments to Chapter 94 (Zoning and Land Development Regulation), Article XIV (Landscaping, Land Clearing, Tree protection, and artificial turf) to update and amend current code to clarify and strengthen sections and add new standards to align with city policies.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 94 (ZONING AND LAND DEVELOPMENT REGULATIONS), ARTICLE XIV (LANDSCAPING, LAND CLEARING, TREE PROTECTION, AND ARTIFICIAL TURF), TO MAKE VARIOUS AMENDMENTS TO SECTION 94-441 THROUGH SECTION 94-451; AMENDING ARTICLE XIX (DEFINITIONS); DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21768](#)

Staff Recommended Motion:

Staff recommends approval of Ordinance No. 4756-17 and finds that it meets all eight (8) of the required standards in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations (ZLDR).

Background:

The City landscape code was amended with Ordinance 4689-16, approved by the City Commission on April 11, 2017. At that time, City Staff began work on the second round of amendments. A schedule was established for the amendments to be presented to the commission by January 2018. The City's Landscape Planner has been working with several city departments, planning staff, local landscape architects, and participants from the community in determining what additional changes needed to be made to the landscape code. Landscape Architects and others participated in city-sponsored workshops on June 28, 2017 and July 19, 2017.

Discussions on artificial turf regulation were held on June 13, 2017 and November 7, 2017 at the Sustainability Advisory Committee meetings, and specific recommendations were made to the Mayor and Staff by the Committee.

A workshop was conducted with the Planning Board on October 17, 2017 and after discussion, recommendations were made to Staff by the board. The Planning Board recommended approval (5-0) of this request to the City Commission at a Public Hearing on November 21, 2017.

The proposed amendments to the City of West Palm Beach's landscape code are intended to:

- a) Clarify the language in the policies for ease of understanding;
- b) More accurately reflect current practices, processes or conditions; and
- c) Align with current city policies.

Specific changes of note are:

- a) Parking lot landscape standards adjusted to increase sustainable tree canopy coverage;
- b) Adjustments to incentives in the Florida friendly landscape section;
- c) Requirement for native plant minimum;
- d) Adjustments to tree standards and specifications;
- e) Allowance for exemption of irrigation requirements for specific plant communities;
- f) Clarification and updating of tree pruning requirements;
- g) Addition of a landscape design manual; and
- h) Changes to allowances and specifications for artificial turf.

The amendment will apply city-wide. Ordinance No. 4756-17 will be advertise prior to second reading.

PUBLIC HEARING – QUASI-JUDICIAL (20):

**DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

- 20. Public Hearing and Second Reading of Ordinance No. 4757-17: A request by Joshua I. Long, AICP, and Brian M. Seymour, Esq., on behalf of Georgian Gardens, LLC, for a Major Amendment to the American Hellenic Education Progressive Association (“AHEPA”) Residential Planned Development to allow for the construction of a four-story, 87-unit senior affordable housing complex on the property located at 4330 Community Drive.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE AMERICAN HELLENIC EDUCATION PROGRESSIVE ASSOCIATION RESIDENTIAL PLANNED DEVELOPMENT TO CONSTRUCT A FOUR-STORY, 87-UNIT, SENIOR AFFORDABLE HOUSING COMPLEX, LOCATED AT 4330 COMMUNITY DRIVE; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21767](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4757-17, approving a Major Amendment to the American Hellenic Education Progressive Association Residential Planned Development to construct a four-story, 87-unit senior affordable housing complex on the property located at 4330 Community Drive. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City’s Zoning and Land Development Regulations.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT 1)

The subject property is ±2.73 acres in size and it is located at 4330 Community Drive. The property is part of the American Hellenic Education Progressive Association (“AHEPA”) Residential Planned Development (RPD), which consists of two (2) separate parcels (4330 and 4370 Community Drive) and an overall acreage of 5.78 acres. In 1993, the AHEPA RPD was approved as a two-phase senior rental community, consisting of a total of 140 units (Reference: Ordinance No. 2654-93). Both phases were constructed (Phase I = 42 units and Phase II = 98 units); however, Phase I (the subject property) was destroyed in the 2005 hurricane. The buildings on Phase I were eventually demolished and the site has since remained vacant. The location map showing the boundaries of the RPD and the subject property is provided in ATTACHMENT 2.

The applicant is requesting approval for a new four-story, 87-unit apartment complex on the subject property. The property is an affordable housing complex that will be restricted to seniors (55+) who meet the City’s affordable housing standards. The density of the project is 31.87 units per acre, which is consistent with the underlying Multifamily High Density (MF32) Residential zoning of the property (a maximum of 32.27 dwelling units per acre is permitted).

The site plan features an L-shaped building with site amenities that include wider landscape islands throughout the site, traffic calming measures, and facilities for residents and guests (i.e. benches and bicycle racks). Sidewalks are also incorporated into the project to provide pedestrians ease of access to and from the building. The applicant is also proposing wider landscape buffers that exceed the minimum standard required by the Zoning and Land Development Regulations (Required: 5 ft. wide buffers; Proposed: 10 ft. buffers). Additionally, a number of existing mature oak trees along the north, south and east property lines will be preserved, which would enrich the buffers to the adjacent properties.

Staff has no objection to the proposed site design and believes that the enhanced site amenities would create for an appealing development. The proposed site plan, landscape plan and building elevations are provided in ATTACHMENTS 3 through 5.

Parking Reduction Requested:

The project proposes a 40 percent reduction from the City’s required parking standards for multifamily residential. Currently, the City does not allow waivers to the parking requirements of the Zoning and Land Development Regulations within a planned development west of the I-95; however, the Development Services Department – Planning Division, is currently processing a text amendment that would allow (if approved) a parking reduction of up to 50 percent from the required parking for multifamily elderly housing projects City-wide (proposed Ordinance No. 4758-17). It is the applicant’s intent to move the project forward concurrently with the text amendment through the public hearing process. The applicant is well aware that the proposed project

as submitted to Staff with the parking reduction, cannot be approved if the text amendment fails to get adopted.

The information below shows the difference in the required parking count versus the City-initiated proposed 50 percent reduction for elderly housing to the applicant's proposed 40 percent reduction and the overall parking provided for the project:

Required Parking per Section 94-486, Table XV-6 of the Zoning and Land Development Regulations: 163 Parking Spaces

Required Parking with up to 50 Percent Reduction (Proposed Ordinance No. 4758-17): 81 Parking Spaces

Proposed Project Parking with 40 Percent Reduction: 98 Parking Spaces

Parking Provided for the Project: 101 Parking Spaces

The parking reduction for elderly housing is supported by the Institute of Transportation Engineers (ITE), which provides a Parking Generation Rate of 0.59 for Senior Adult/Elderly Housing. The project proposes a 0.60 Parking Generation Rate, which is slightly higher than the generation rate for elderly housing. Additionally, lower parking generation rates have been supported in other South Florida municipalities, such as Miami, which has already implemented a parking reduction of 50 percent for elderly housing. Staff has no opposition to the parking reduction for the project.

CONCLUSION: The proposed amendment to the RPD does not change the use that was previously approved and built on the subject property; the use will remain a senior housing complex for independent living. Aside from the requested parking reduction, which is contingent on the approval of the City-initiated text amendment to allow for a parking reduction of up to 50 percent for affordable elderly housing, the applicant is not seeking any waivers from the requirements of the ZLDRs. It is in Staff's professional opinion that the added enhancements (i.e. wider landscape islands and buffers, pedestrian amenities, enhanced landscaping) will provide for an attractive development in the area. The proposed request satisfies the Amendment Standards found in Section 94-32 of the Zoning and Land Development Regulations, therefore, Staff is recommending approval of the request, subject to the conditions outlined in the Staff Report.

PLANNING BOARD: After a Public Hearing on November 21, 2017, the Planning Board recommended approval (5-0) of the request within one minor change to the wording in Condition #4 in the Staff Report. Staff had originally requested that "The developer shall be required to obtain the County right-of-way permit prior to the submission of a building permit," however, it was requested by the applicant and agreed upon by Staff and recommended for approval by the Planning Board that the language be changed to "prior to the issuance of a building permit."

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, signs were posted on the subject property. The Second Reading of Ordinance No. 4757-17 was advertised in the Palm Beach Post on January 19, 2018.

COMMISSION DISTRICT: The subject property is located within Commission District No. 2 – Commissioner Cory Neering.

COMMENTS BY THE CITY COMMISSIONERS:

COMMENTS BY THE MAYOR:

ADJOURNMENT:

***Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written and written communications shall be placed in the record; and 2) site visits, investigations, etc.**

NOTICE: IF ANY PERSON DECIDES TO APPEAL ANY DECISION OF THE CITY COMMISSION AT THIS MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THAT PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY OF WEST PALM BEACH DOES NOT PREPARE OR PROVIDE SUCH A RECORD.