



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**June 4, 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 PAULA RYAN

**COMMISSIONER KELLY SHOAF
COMMISSIONER KEITH JAMES**

**COMMISSIONER CORY NEERING
COMMISSIONER CHRISTINA LAMBERT**

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.

PRESENTATION AND AWARDS OF MERIT (1-4):

1. Presentation of Key to the City to Dr. Horacio Saavedra, Consul General of Mexico, for promoting educational programs to benefit the Hispanic community; and for promoting cultural and commercial opportunities to the community at large in West Palm Beach.
[Agenda Cover Memorandum No.: 21934](#)
2. Presentation of Key to the City to Dr. Joaquin Garcia, Executive Director of the Hispanic Education Coalition, for his important work and advocacy on behalf of the Hispanic students in Palm Beach County by establishing educational programs in Spanish through the International Spanish Academy in collaboration with Ministry of Education in Spain. Because of his work Dr. Garcia was awarded with The Order of Isabella the Catholic (Spanish: Orden de Isabel la Católica) is a Spanish civil order in which membership is granted in recognition of services that benefit the country.
[Agenda Cover Memorandum No.: 21935](#)
3. Recognition of the Leadership of West Palm Beach 2018 Graduating Class. The certificates will be presented by Wendy Link, David Baker and Jack Frost.
[Agenda Cover Memorandum No.: 21933](#)
4. Proclaiming June 2018 as Gilbert Baker and the 40th Anniversary of the Rainbow Flag Month. Proclamation to be accepted by Stephen Sunday and by Julie Seaver, Executive Director of Compass Community Center.
[Agenda Cover Memorandum No.: 21936](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED:

CONSENT CALENDAR (5-13):

5. **Resolution No. 115-18 authorizing the Mayor to execute a revocable license agreement with Zipcar Inc. for the exclusive use of four (4) municipal parking**

spaces for use in connection with the Zipcar car sharing program; authorizing the mayor to execute amendments to the agreement to add up to sixteen (16) additional parking spaces.

RESOLUTION NO. 115-18. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE LICENSE AGREEMENT WITH ZIPCAR INCORPORATED FOR THE EXCLUSIVE USE OF FOUR (4) DESIGNATED MUNICIPAL PARKING SPACES FOR USE IN CONNECTION WITH THE ZIPCAR CAR SHARING PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENTS TO THE AGREEMENT TO ADD UP TO SIXTEEN (16) ADDITIONAL PARKING SPACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21928](#)

Staff Recommended Motion:

Approve Resolution No. 115-18.

Background:

In 2002, the City of West Palm Beach decided to establish the Downtown West Palm Beach Transportation Management Initiative (TMI) in order to address traffic congestion and parking demand problems in downtown West Palm Beach by encouraging and promoting alternatives to single occupancy vehicles in the downtown. Since that time, the City has undertaken multiple efforts to increase transportation mobility options in downtown and in other areas of the City.

Car sharing programs are a growing mobility option for urban residents throughout North America and Europe as they provide their members with access to an automobile for short term hourly or daily use. Studies have shown that car sharing programs can facilitate reductions in household vehicle ownership; and have ultimately helped with efforts to reduce congestion and greenhouse gas emissions.

In 2015, the City Commission approved Resolution No. 246-15 authorizing a revocable license with Zipcar Inc., the largest car sharing company in the country, for their use of up to five (5) municipal parking spaces for use in connection with the Zipcar car sharing program. Both, the City and Zipcar are interested in increasing the number of municipal parking spaces that can be used by Zipcar.

The City would like to enter into an agreement with Zipcar for their exclusive use of four (4) municipal on-street parking spaces, as designated by the City's Parking Systems Administrator. The monthly license fee to be paid by Zipcar per licensed space is \$75 for a total annual amount of \$3,600 for the four (4) licensed spaces.

The parties may increase the number of Licensed Spaces by up to sixteen (16) additional spaces, for a total of twenty (20) spaces during the term of this Agreement, at mutually agreed upon locations and license fees, provided that the fees for each additional space

shall not be less than seventy five dollars (\$75.00) per month and provided that the additional spaces are subject to the approval of the City's Parking Administrator.

Since the City Commission has determined that it is in the best interest of the City to execute the revocable license agreement with Zipcar, Resolution No. 115-18 authorizes the Mayor to execute the agreement.

6. Resolution No. 87-18 authorizing the Mayor to execute a release of code enforcement liens encumbered at 627 Bunker Road.

A RESOLUTION OF THE CITY COMMISSION OF CITY OF WEST PALM BEACH, FLORIDA, CONDITIONALLY WAIVING CITY LIENS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 627 BUNKER ROAD, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21929](#)

Staff Recommended Motion:

Approve Resolution No. 87-18

Background:

The property located at 627 Bunker Rd was cited in February 2012, September 2015 and December 2016 for multiple code enforcement violations including, but not limited to, improper exterior storage, inoperative vehicles, trash, debris, over growth, work without permits, and failure to maintain landscaping. The case was heard by the Special Magistrate who ordered daily fines which continue to accrue. Currently, the fines total \$325,700.00. The property was declared a Chronic Nuisance in June 2017. In June of 2017, the current owner, started eviction proceedings on the tenant. That tenant blocked the eviction by claiming that he was the holder of the mortgage. After a court hearing, the property was declared to be legally owned by Mr. Demitri, the previous owner. In July 2017, the City of West Palm Beach sent a notice to foreclose. Mr. Demitri has since sold the property to Pacecon Inspections & Consulting, LLC. Pacecon has applied for 6 permits in order to bring the structure into compliance. Permitting is in the plan review stages at this time. The rehabilitation will eliminate an unpleasant property and significantly improve the surrounding area.

Fiscal Note:

Approval will conditionally release the \$325,700.00 fine/lien in exchange for, among other conditions, a \$12,000.00 administrative fee, payment of any outstanding debt owed to the City, and payment of any outstanding taxes.

7. Resolution No. 117-18 authorizing the Mayor to execute a release of code enforcement liens encumbered at 639 38th Street.

A RESOLUTION OF THE CITY COMMISSION OF CITY OF WEST PALM BEACH, FLORIDA, CONDITIONALLY WAIVING CITY LIENS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 639 38TH STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21930](#)

Staff Recommended Motion:

Approve Resolution No. 117-18

Background:

The property located at 639 38th Street, was cited in September 2005, February/August/December 2007, and June 2011 for multiple code enforcement violations including, but not limited to trash, debris, inoperable vehicles, exterior wall/foundation repair, over growth, work without permits, and failure to maintain landscaping. The cases were heard by the Special Magistrate and currently, the fines total \$2,658,950.00. The property was purchased in May of 2017. The new owners have been in contact with the City and they are eager to rehabilitate both properties. The rehabilitation will eliminate an unpleasant property and significantly improve the surrounding area.

Fiscal Note:

Approval will conditionally release the \$2,658,950.00 fine/lien in exchange for, among other conditions, a \$15,000.00 administrative fee, payment of any outstanding debt owed to the City, and payment of any outstanding taxes.

- 8. Resolution No. 153-18: Authorizing the City to enter into an Agreement with Data Transfer Solutions (DTS) for the recollection of the City of West Palm Beach's pavement and right-of-way infrastructure.**

RESOLUTION NO. 153-18. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND DATA TRANSFER SOLUTIONS FOR THE RECOLLECTION OF THE CITY OF WEST PALM BEACH'S PAVEMENT AND RIGHT-OF-WAY INFRASTRUCTURE IN ACCORDANCE WITH SECTION 66-94 OF THE CITY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21931](#)

Staff Recommended Motion:

Approve Resolution No. 153-18.

Background:

Data Transfer Solutions performed Pavement Condition Survey and Ratings for the City of West Palm Beach under Contract Number 12086. This work included automated mobile asset data collection, pavement condition rating and Right-of-Way (ROW) asset rating of sidewalks, establishment of an Esri geodatabase to manage the assets, integration with the City's GIS asset management database and documentation to support future budget and forecasting decisions. For consistency, Data Transfer Solutions' collection team will be able to align historic information with a re-collection to assist with a better picture of asset performance and the assessment of current conditions.

The cost of the services exceeds \$50,000. Section 66-94 of the Code of Ordinances allows the City Commission to approve selection of a contractor where the requirements of the procurement code have not been met. Resolution No. 153-18 approves an Agreement with Data Transfer Solutions for the recollection of the City of West Palm Beach's pavement and right-of-way infrastructure.

Fiscal Note:

Fully budget under GASB Roadway Improvements Projects 90146457.

9. Resolution No. 155-18 approving alterations upon the South Florida Science Center & Aquarium leased premises for the Human Brain Exhibit.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING ALTERATIONS AT THE PREMISES LEASED BY THE SOUTH FLORIDA SCIENCE CENTER AND AQUARIUM, INC., TO ACCOMMODATE INSTALLATION OF AN EXHIBIT PROVIDING A JOURNEY THROUGH THE HUMAN BRAIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21938](#)

Staff Recommended Motion:

Approve Resolution No. 155-18.

Background:

Since 1995 the South Florida Science Center and Aquarium, Inc. ("Science Center") has leased property within Dreher Park from the City of West Palm Beach, consisting of approximately 4.05 acres located at 4801 Dreher Trail North, for the operation of a science museum and aquarium. As part of redevelopment and expansion of the science museum, the City of West Palm Beach and the Science Center entered into a new lease agreement dated June 7, 2010, as approved by Ordinance No. 4275-10. Article VII, Section 7.01a. of the Science Center's lease agreement provides that any alterations, addition, or improvement to the leased premises is subject to approval by the City.

The Science Center desires to make interior alterations to the west wing of the Science Center building, to construct walls, install additional electrical, plumbing and lighting, and make other alterations in order to accommodate an exhibit regarding A Journey

Through the Human Brain, presented in partnership with the Florida Atlantic University Brain Institute.

Resolution No. 155-18 authorizes the interior alterations necessary for this exhibit.

Fiscal Note:

No fiscal impact.

10. **Resolution No. 116-18 authorizing the Mayor to execute a release of code enforcement liens encumbered at 800 36th Street.**

A RESOLUTION OF THE CITY COMMISSION OF CITY OF WEST PALM BEACH, FLORIDA, CONDITIONALLY WAIVING CITY LIENS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 800 36TH STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

[Agenda Cover Memorandum No.: 21939](#)

Staff Recommended Motion:

Approve Resolution No. 116-18

Background:

The daughter of the owner of the property at 800 36th Street. Delrietta Thomas, has recently been retained as POA for her mother. The property was cited in August of 2015 for multiple code enforcement violations including, but not limited to, interior wall/ceiling repair, trash, debris, infestation, plumbing repair, water heater replacement, improper egress, over growth, work without permits, and failure to maintain landscaping. The case was heard by the Special Magistrate and currently, the fines total \$87,600.00. This lien has been cross attached to all of the properties owned by Mrs. Thomas. The City has received an executed sales contract(s) from a buyer. The sale(s) cannot proceed until the lien on 800 36th Street has been negotiated. The new owners are committed to rehabilitating both properties. The rehabilitation will eliminate unpleasant properties and significantly improve the surrounding area.

Fiscal Note:

Approval will conditionally release the \$87,100.00 fine/lien in exchange for, among other conditions, a \$10,000.00 administrative fee, payment of any outstanding debt owed to the City, and payment of any outstanding taxes.

11. **Resolution No. 131-18 approving an interlocal agreement between the West Palm Beach Downtown Development Authority and the City of West Palm Beach for additional police walking beat hours and Resolution No. 142-18(F) appropriating the funds from the DDA.**

RESOLUTION NO. 131-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY AND THE CITY OF WEST PALM BEACH REGARDING FUNDING OF A POLICE DINNER DETAIL IN THE DOWNTOWN AREA; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 142-18(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 GENERAL FUND BUDGET TO PROVIDE APPROPRIATIONS FOR AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY FOR THE PURPOSE OF PROVIDING FUNDS FOR ADDITIONAL POLICE WALKING BEAT HOURS IN THE DOWNTOWN AREA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21940](#)

Staff Recommended Motion:

Approve Resolution No. 131-18 and Resolution 142-18(F).

Background:

The West Palm Beach Downtown Development Authority requested an additional six hours per day of police walking beat detail during selected peak hours (referred to as the dinner detail) for an initial period of 90 (ninety) days. The WPBDDA will pay the City based on estimated costs and the City will provide actual costs once the details are worked and keep the WPBDDA informed of any residual funds for reimbursement or additional hours of patrol based on identified needs and the Police Department's ability to staff the detail.

Fiscal Note:

Upon approval of the ILA, the DDA will reimburse the City for police officers who work additional hours to perform a walking beat in the downtown area.

12. **Resolution No. 154-18 approving the City of West Palm Beach Title VI Program to be submitted to the Florida Department of Transportation (FDOT), Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).**

RESOLUTION NO. 154-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CITY'S TITLE VI PROGRAM FOR A THREE YEAR PERIOD FROM JUNE 1, 2018 THROUGH JUNE 1, 2021; INSTRUCTING CITY STAFF TO SUBMIT THE APPROVED TITLE VI PROGRAM TO THE FLORIDA DEPARTMENT OF

TRANSPORTATION, THE FEDERAL HIGHWAY ADMINISTRATION AND THE FEDERAL TRANSIT ADMINISTRATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21941](#)

Staff Recommended Motion:

Approve Resolution No. 154-18.

Background:

The City of West Palm Beach, as a recipient of Federal Transit Administration (FTA), Federal Highway Administration (FHWA) and Florida Department of Transportation (FDOT) financial assistance, is required to comply with United States Department of Transportation (DOT) Title VI regulations found at 49 CFR Part 21. FTA Circular 4702.1B, promulgated pursuant to 49 CFR part 21 and other authority, requires the City of West Palm Beach to submit a Title VI Program to the FTA and FDOT to ensure that its transit services and capital investments are provided in a non discriminatory manner. The City's Title VI Program was last submitted to FTA on November 20, 2017 pursuant to Resolution No. 254-17.

The FDOT recently reviewed the City's current Title VI Plan and determined that it was deficient because it was specific to transit and did not encompass all modes and forms of transportation under the purview of FDOT and FHWA. The revised Title VI Plan includes language related to FHWA, FTA and FDOT.

Resolution No. 154-18 approves the City's updated Title VI Plan.

Fiscal Note:

No fiscal impact

13. **Resolution No. 163-18 granting approval of FPL agreements in connection with the undergrounding of electrical overhead utilities for the Tamarind Avenue Improvements project.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND APPROVING THREE AGREEMENTS WITH THE FLORIDA POWER & LIGHT COMPANY IN CONNECTION WITH THE UNDERGROUNDING OF ELECTRICAL OVERHEAD UTILITIES FOR THE TAMARIND AVENUE IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21942](#)

Staff Recommended Motion:

Approve Resolution No. 163-18.

Background:

The City Commission of the City of West Palm Beach has determined that undergrounding utilities provides public benefits by reducing power outages and damage from storms and provides an aesthetic benefit to the community.

The City of West Palm Beach has requested that Florida Power & Light (FPL) converts the overhead electric distribution facilities to underground utilities, within the Right of Way, along Tamarind Avenue, from Banyan Boulevard to Palm Beach Lakes Boulevard, and down a few of the side streets along the thoroughfare. Also this work will include some facilities (transformers, switch cabinets and others) that will be installed above ground and the removal of overhead facilities. FPL will own and maintain the completed facilities.

As part of the Tamarind Avenue Improvements project, designed by Calvin Giordano and Associates, the City of West Palm Beach will be responsible for a portion of the work. Specifically, the installation of conduits and concrete facilities for the future undergrounding of overhead electric distribution facilities. All work will be constructed to meet FPL's construction standards and will be inspected and accepted by FPL.

The three agreements provided by FPL for this Work include: 1) Underground Facilities Conversion Agreement, 2) City/County Right of Way Agreement for Underground Conversions, 3) Applicant-Installed Facilities Agreement for Underground Conversions.

The City will pay FPL a Contribution-in-Aid-of-Construction (CIAC) of \$369,033, as described in the Underground Facilities Conversion Agreement.

Resolution No. 163-18 approves the three FPL agreements in connection with the undergrounding of electrical overhead utilities for the Tamarind Avenue Improvements project.

Fiscal Note:

The Utility has budgeted funds available totaling roughly \$9.06 million for the Tamarind Avenue Improvements project 32399103. Funds appropriated in the Water and Sewer Fund 45A, \$1.33 million, the Stormwater Fund 488, \$1.76 million, the CRA Tamarind Streetscape, \$3.476 million, Sewer Capital \$814,964, Water Distribution Capital \$1.60 million, Engineering capital \$65,425, Sanitary Sewer \$12,618

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (14-16):

- 14. Resolution No. 124-18 granting "Face of the City" approval of above-ground design features in connection with the construction of a 42-inch force main aerial crossing over Lake Mangonia, located north of Palm Beach Lakes Boulevard, between Forum Place and North Mangonia Circle**

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 REPLACEMENT OF A 42-INCH FORCE MAIN AERIAL CROSSING OVER LAKE MANGONIA LOCATED NORTH OF PALM BEACH LAKES BOULEVARD, BETWEEN FORUM PLACE AND NORTH MANGONIA CIRCLE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21943](#)

Staff Recommended Motion:

Approve Resolution No. 124-18.

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 construction of a 42-inch force main aerial crossing over Lake Mangonia requires “Face of the City” approval.

The existing 42-inch force main aerial crossing is located approximately 1,000 feet north of Palm Beach Lakes Boulevard. This forcemain transmits wastewater flows from the City of West Palm Beach and Town of Palm Beach to the East Central Regional Wastewater Treatment Facility (ECR). The transmission main begins on Tamarind Avenue (just west of the 23rd Street) and terminates at Ernest Road (west end of Haverhill Road) for approximately 6 miles in total length. This major pipeline, constructed in 1974, is the only wastewater flow conveyance to the ECR. Due to its high volume and pipe material, the section of forcemain located between Forum Place and North Mangonia Circle that crosses over Lake Mangonia, one of the twin lake reservoirs for the City's drinking water supply, has been determined to be high risk.

This project involves the construction of a new pipeline that will be in parallel to the existing forcemain. The new forcemain, which consists of 42-inch ductile iron pipe in a 66-inch steel casing, will be installed on the empty pipe cradle of existing concrete support structure across Lake Mangonia. The scope of work also includes bypassing piping, new valves, fanguard, and site restoration. For system redundancy, the design includes an option for the replacement of the existing force main.

The target construction start for the project is early 2019 for approximately eight months duration. Funding for the project will be provided from the Water and Sewer Renewal and Replacement Fund 454 by Resolution No. 120-18(F) approved May 21, 2018.

Resolution No. 124-18 approves the above ground design features of the 42-inch force main aerial crossing construction over Lake Mangonia.

Fiscal Note:

May 21, 2018 Resolution No. 120-18(F) appropriates \$4m to the 42" FM Lake Mangonia aerial crossing project 14663351 in the Water and Sewer Renewal and Replacement Fund 454.

15. **Resolution No. 157-18 approving the design features and installation of a temporary public realm improvement in the 300 Block of Evernia Street and execution of an agreement with West Palm Beach Brewery & Wine Ghetto, LLC, regarding the design and maintenance of the improvements**

Resolution No. 158-18 approving a funding agreement with the West Palm Beach Community Redevelopment Agency for funding the construction of the temporary public realm improvement.

Resolution No. 157-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE PROPOSED ABOVE GROUND IMPROVEMENTS TO THE 300 BLOCK OF EVERNIA STREET APPROVING A PUBLIC REALM IMPROVEMENT COOPERATION AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND WEST PALM BEACH BREWERY & WINE GHETTO, LLC, FOR A PORTION OF EVERNIA STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Resolution No. 158-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FUNDING AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR THE PUBLIC REALM IMPROVEMENTS IN THE 300 BLOCK OF EVERNIA STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21944](#)

Staff Recommended Motion:

Approve Resolution Nos. 157-18 and 158-18.

Background:

With the construction of the Brightline Train Station, Evernia Street has begun to transform from a cross-town connector street to a more pedestrian-friendly street. However, the current configuration of Evernia Street does not provide a pedestrian-friendly environment nor a cohesive transition between the blocks. The City desires to conduct a temporary pilot study to improve the pedestrian use area on Evernia Street. From an economic development perspective, the new West Palm Beach Brewery & Wine Vault was seeking assistance to achieve business success and hire more employees. As a result, the City and West Palm Beach Community Redevelopment Agency ("CRA") proposed that activating the outdoor space in front of the building located at 332 Evernia

Street could assist in attracting customers and allowing the Brewery to hire more employees. Rather than providing a direct business improvement grant to the Brewery, and in conjunction with the desire to improve the area for pedestrians, the City and CRA proposed a public realm improvement that will both service the public pedestrians and provide an activated outdoor area for the Brewery, in exchange for the Brewery's maintenance of the area.

The City will agree to construct a temporary public realm improvement along the south side of the 300 block of Evernia Street, spanning across the existing frontage of the Brewery and the adjacent parking lot (including 4 on-street parking spaces), consisting of a boardwalk type structure with a trellis feature, public seating and the incorporation of plant material (the "Improvements"). The Improvements will allow for public gathering without the purchase of food, beverage or merchandise. Signage will be placed at both ends of the Improvement to explain the enhancement. The public realm Improvements repurposes four (4) parking spaces and covers the sidewalk to create a public patio feel. The project meets several of the Gehl public space public life study including

1. Planning for a human scaled city
 2. Polish existing favorite places
 3. A focus on extreme quality
 4. Always lean toward action
 5. Making people first design implementation business as usual
2. 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, referred to as the "Face of the City". The design features of the proposed Improvements along the south side of the 300 block of Evernia Street will be presented to the City Commission.
3. West Palm Beach Brewery & Wine Ghetto, LLC (the "Brewery") has agreed to develop the construction plans for the public realm improvements, in compliance with City's requirements, and to maintain such improvements at Brewery's expense. The City and Brewery desire to enter into a Cooperation and Maintenance Agreement for the design, construction and maintenance of the Improvements;
4. Resolution No. 157-18 authorizes installation of the public realm Improvements; grants "Face of the City" approval to the conceptual design, and approves an agreement with the Brewery for the maintenance of the Improvements.

The West Palm Beach Community Redevelopment Agency's ("CRA") Strategic Finance Plans for the City Center/Downtown CRA District, Amendment No. 12, identifies development of pedestrian corridors within the downtown as targeted goal. the CRA and the City determine that the CRA's funding of the public realm improvements on Evernia Street is needed to further the mutual goals of the City and the CRA and to promote the specific goals and obligations of the CRA's redevelopment plan and strategic finance plan. The CRA wishes to fund the

construction of the public realm improvements for the 300 block of Evernia Street in an amount not to exceed \$100,000. The CRA and the City desire to enter into an agreement establishing the source of funding for the construction of the public realm improvements for the 300 block of Evernia Street. The City will fund the remaining \$100,000.

Resolution No. 158-18 approves the funding agreement between the City and the CRA for the construction of the public realm improvements for the 300 block of Evernia Street.

5. Ultimately, the Improvements will serve as a pilot to evaluate options for a redesigned Evernia Street from Flagler Drive to Quadrille Boulevard.

COMMISSION DISTRICT: The project is located in Commission District 3 - Commissioner Paula Ryan.

Fiscal Note:

\$100,000 construction costs to be funded by CRA pursuant to interlocal funding agreement. \$100,000 to be funded by the City.

- 16. Resolution No. 152-18 approving the transfer of the AWT Reclaimed Water Production Facilities to the East Central Regional Wastewater Treatment Operations Board and approving the related agreement regarding the operation and maintenance of the AWT Facilities.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE TRANSFER OF THE CITY'S RECLAIMED WATER PRODUCTION AWT FACILITIES TO THE EAST CENTRAL REGIONAL WASTE WATER TREATMENT FACILITY BOARD; APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE EAST CENTRAL REGIONAL WASTEWATER TREATMENT FACILITIES BOARD AND THE CITY OF WEST PALM BEACH TRANSFERRING THE AWT FACILITIES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21945](#)

Staff Recommended Motion:

Approve Resolution No. 152-18.

Background:

The East Central Regional Wastewater Treatment Facilities Board ("ECR") was organized and operates pursuant to that certain interlocal agreement among West Palm Beach, Palm Beach County, the Town of Palm Beach, the City of Riviera Beach, and the City of Lake Worth, dated September 9, 1992 (the "Interlocal Agreement"). Pursuant to Section 7 of the Interlocal Agreement each of the parties to the Interlocal Agreement has the right to expand the Facilities, subject among other conditions, providing for payment

of the capital, R&R and O&M costs of the expansion.

The ECR and the City of West Palm Beach ("WPB") entered into that Agreement Between the East Central Regional Wastewater Treatment Facilities Board and the City of West Palm Beach Concerning the Construction, Operation and Maintenance of the Reclaimed Water Productions Facilities, dated January 8, 2001 (the "AWT Agreement"), which granted WPB the right to construct a reclaimed water facility (the "AWT Facility") for the beneficial use of WPB. The AWT Agreement established a Renewal and Replacement Fund for the AWT Facility into which WPB annually contributed one percent of the replacement value of the AWT Facility. For various reasons, by Second Amendment to the AWT Agreement, dated July 7, 2014, approved by Resolution No. 159-14, WPB discontinued operation of the AWT for an indefinite period of time.

As a result of revised processes of the ECR Biosolids Project, the ECR needs additional process water for its operations. After study and report on the process water alternatives, the ECR Board determined that the best alternative is the repurpose of the AWT Facility to provide the process water required. WPB offered to the transfer of the AWT Facility to the ECR Board.

On October 10, 2017, the City approved Resolution No. 92-17 authorizing the transfer of the AWT Facility to the ECR Board, along with transfer of certain chemical and other inventory, and the transfer of certain Renewal and Replacement Funds. Such Agreement provided that WPB would retain the capacity of the AWT Facility not used for the biosolids processing and established the cost for such reclaimed water. This agreement was not accepted by the ECR Board.

In lieu of the original agreement, WPB has since proposed an alternative agreement to the ECR Board, which provides for the transfer of the AWT Facility to the ECR Board, along with the transfer of certain chemical and other inventory, but WPB will not utilize and capacity of the AWT Facility and will retain the Renewal and Replacement Funds. Under this alternative agreement, WPB all beneficial use of the AWT Facilities and shall have no further responsibility for the operation or maintenance of the AWT Facilities.

Resolution No. 152-18 approves the transfer of the AWT Facility to the ECR and a authorizes execution of the agreement with the ECR Board.

PUBLIC HEARING (17-23):

17. Public Hearing and Second Reading of Ordinance No. 4778-18 amending the boundaries of the Northwood Road Historic District.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE BOUNDARIES OF THE NORTHWOOD ROAD HISTORIC DISTRICT ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES,; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 21950

Staff Recommended Motion:

Approve Ordinance No. 4778-18.

Background:

Northwood Road is part of the Northwood Addition subdivision in the City of West Palm Beach, platted in the 1920s by the Pinewood Development Company. Northwood Road has a significant concentration of historically and architecturally significant Mediterranean Revival, Art Moderne, and Commercial Vernacular structures, and reflects the architectural styles popular between 1923 and 1965. The Mediterranean Revival and Mission Revival architectural styles that are found frequently throughout Northwood's residential neighborhoods also appear on some of Northwood Road's storefronts in addition to several other architectural time periods. Northwood Road served as West Palm Beach's second "main street" after Clematis Street. Northwood Road's commercial buildings, both those from the 1920s and the 1940s, have not been greatly altered. Although many of the original windows and entranceways have been replaced, the commercial corridor continues to offer the pedestrian or driver a vibrant aesthetic experience capturing the different periods of building.

Based on recommendations by the City's Historic Preservation Planner and the Historic Preservation Board, the City Commission of the City of West Palm Beach adopted Ordinance No. 4623-16 designating the Northwood Road Historic District and listed the District on the West Palm Beach Register of Historic Places. The District has continued to thrive since then.

However, since the designation of the Northwood Road Historic District, it was discovered that the district map and list did not correspond with the legal description and did not align with the NMUD (Northwood Mixed Use District) zoning district. The commercial district consists of the businesses along Northwood Road between Broadway Avenue to the west and Dixie Highway to the east, 23rd Street to the south and the alley behind the businesses on the north side of Northwood Road. Staff recommends amending the boundaries of the Northwood Road Historic District to exclude 550 Northwood Road in its entirety and to include the northern side of the alley north of Northwood Road, so that the legal description, map and list of properties in the Northwood Road Historic District mirror each other and conform to the NMUD zoning district for consistency throughout.

Ordinance No. 4778-18 amends the boundaries of the Northwood Road Historic District as shown in the attached aerial photo so that the legal description and list of properties within the Northwood Road Historic District are consistent and mirror the NMUD zoning district.

COMMISSION DISTRICT: The property is located in Commission District 1, Commissioner Kelly Shoaf.

Fiscal Note:

No fiscal impact.

18. **Public Hearing and Second Reading of Ordinance No. 4776-18, a City-initiated request to amend the Downtown Master Plan regarding permitted uses within certain areas of the Northwest Neighborhood.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS AT ARTICLE IV, DOWNTOWN MASTER PLAN, SECTION 94-105 USE REQUIREMENTS AND TABLE IV-3: PERMITTED USE TABLE FOR DMP TO ALLOW RETAIL, OFFICE, AND OTHER COMMERCIAL USES ALONG CERTAIN PORTIONS OF 7TH STREET AND HENRIETTA AVENUE; AND TO ALLOW BED AND BREAKFAST ESTABLISHMENTS WITHIN THE NORTHWEST NEIGHBORHOOD RESIDENTIAL SUBDISTRICT WITH CERTAIN REQUIREMENTS; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE;

PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21951](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4776-18 amending the Zoning and Land Development Regulations and Permitted Use Table for the Downtown Master Plan area to allow retail, office and other commercial uses along portions of 7th Street and Henrietta Avenue, and to allow Bed and Breakfasts within the Northwest Neighborhood Residential Subdistrict. This motion is based on the factual testimony presented, the staff report, the recommendations of the Downtown Action Committee and the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

The Northwest Strategic Development Plan prepared by Stull and Lee, Inc. in 2002 designated 7th Street as a "Greenway Street" identifying it as the prime connection between Tamarind Avenue, Rosemary Avenue and the proposed open space. The report also stated that 7th Street should be different than other streets, a more special street with unique streetscape elements (Stull and Lee Inc. 2002 p. 80).

The more recent 8-80 Cities report titled "Historic Northwest Rising Final Report" recommended the activation of the edges around the Jazz Park with businesses and other active uses to increase the number of "eyes on the street" throughout the day.

The Northwest Neighborhood is listed on both the local and National Register of Historic

Places. Accordingly, all exterior modifications to structures are subject to design review.

Based on these recommendation and as part of the revitalization process of the Historic Northwest Neighborhood, plans and strategies have been adopted in an effort to bring the neighborhood vitality back to its historic condition. Revitalization strategies underway include streetscape improvements, security initiatives, the adaptive use of the historic Alice Moore home into a Bed and Breakfast establishment, the renovation of the historic Sunset lounge, and the construction of the adjacent Jazz Park.

In particular, the renovation of the Sunset Lounge and the construction of the Jazz Park are moving ahead at a fast pace. Directly related to the Sunset Lounge renovation and the construction of the Jazz Park is the activation of the properties surrounding the park and, in particular, the properties along 7th Street between Rosemary Avenue and Tamarind Avenue. To establish the Jazz Park as the center of the neighborhood it is important to connect the two commercial corridors; Rosemary Avenue and Tamarind Avenue. Rosemary Avenue is adjacent to the open space and connects the neighborhood with the core of downtown while Tamarind Avenue connects the neighborhood to TriRail and other parts of the City. The City envisions the transformation of the properties around the open space to become an active neighborhood node.

On November 4, 2017, the Community Redevelopment Agency engaged the community specifically on the possible changes to 7th Street, and the community supported new commercial uses around the Jazz Park. The community members who attended that meeting called for more restaurants, shops, grocery stores, and job service centers in the neighborhood.

Historically, the neighborhood included a variety of commercial uses throughout the neighborhood. Currently, the uses allowed under the existing zoning classification are restricted to residential uses with commercial uses permitted only in existing structures originally designed for commercial uses.

PROPOSED AMENDMENT: Based on the prior reports, and in an effort to implement community goals, staff is recommending an amendment to the permitted uses for the Northwest Neighborhood District. The proposed amendment to the Zoning and Land Use Regulations (ZLDRs) seeks to allow additional uses, including retail, office and other commercial uses on those properties fronting the open space (Jazz Park) and 7th Street, east of Sapodilla Avenue. The intent is that additional uses will expand the activity along Seventh Street to Sapodilla Avenue, and around the open space (Jazz Park), creating an active and safe environment. Permitted uses on 7th Street west of Sapodilla Avenue will remain residential.

The amendment expands the permitted uses for properties zoned NWD-R-C1, fronting 7th Street between Rosemary Avenue and Sapodilla Avenue, and facing Henrietta Avenue from 7th Street to the alley between 8th Street and 9th Street, and will allow retail, restaurant, and office uses by right.

Additionally, bed and breakfast establishments will be allowed as a permitted use for existing historic structures that have been rehabilitated. Currently, the use is permitted in other Northwest subdistricts. This amendment will allow the use within the core of the Northwest Neighborhood, but limit it to only historic structures.

The existing regulations regarding physical development within the Historic District will remain in place to maintain the character of the historic neighborhood. By maintaining the physical development regulations and expanding the permitted uses, the goal is that new construction will build on the character of the neighborhood while activating the open space. This amendment allows the organic development of the urban district.

COMMISSION DISTRICT: The area is located in Commission District No. 3 - Commissioner Paula Ryan.

19. Public Hearing and First Reading of Ordinance No. 4780-18 allowing Medical Marijuana Dispensaries as a permitted use subject to extra requirements.

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 IV (DOWNTOWN MASTER PLAN URBAN REGULATIONS), SECTION 94-106 (GENERAL USES WITH SPECIAL REQUIREMENTS); AND ARTICLE VII (SPECIAL DISTRICTS), SECTION 94-210 (NORTHWOOD MIXED USE DISTRICT); AND SECTION 94-215 (CURRIE MIXED USE DISTRICT); AND ARTICLE IX (PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS AND SPECIAL USES), SECTION 94-272 (PERMITTED USES) AND SECTION 94-273 (EXTRA REQUIREMENTS FOR SPECIAL USES OR PERMITTED USES), AND ARTICLE XIX (DEFINITIONS) SECTION 94-611 (DEFINITIONS) TO IDENTIFY MEDICAL MARIJUANA DISPENSARIES AS A PERMITTED USE AND ESTABLISH REGULATIONS FOR THE USE; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21947](#)

Staff Recommended Motion:

Approve Ordinance No. 4780-18 on First Reading. This motion is based upon the staff report and recommendations of the DAC and Planning Board, along with the finding that the amendments are consistent with the Comprehensive Plan and the standards of Section 94-32 of the Zoning and Land Development Regulations have been met.

Background:

On June 16, 2014, the Compassionate Medical Cannabis Act of 2014 was signed into law, allowing certain patients access to medical marijuana prescribed by qualifying physicians. Under Section 381.986, Florida Statutes, two types of medical marijuana can now be obtained by qualifying patients: a low-THC (tetrahydrocannabinol) cannabis for

patients with chronic seizures or muscle spasms, and a full-THC cannabis for terminally ill patients. Florida voters passed Amendment 2 on November 8, 2016, which expanded the availability of medical marijuana to qualifying patients with other conditions including cancer, epilepsy, glaucoma, AIDS, PTSD, Amyotrophic Lateral Sclerosis, Crohn's Disease, Parkinson's disease, and Multiple Sclerosis. Florida Senate Bill 8-A, making certain amendments to the Compassionate Use Act, was subsequently passed and codified as Section 381.986, Florida Statutes.

Section 381.986, Florida Statutes, authorizes municipalities to decide whether to allow medical marijuana dispensaries within their boundaries. The topic was addressed at the February 5, 2018, and April 16th, 2018, Mayor Commission work sessions, where Planning Staff was ultimately directed to move forward with an amendment to the City's ZLDRs to allow Medical Marijuana Dispensaries in West Palm Beach. The City of West Palm Beach has determined allowing medical marijuana dispensaries to be beneficial to the health, safety and general welfare of the residents and businesses of the City.

Section 381.986, Florida Statutes, provides that a municipality may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or administrative rule for, medical marijuana treatment center dispensing facilities located within the boundaries of that municipality. Florida Statutes further provides that a municipality that does not ban marijuana dispensing facilities may not place specific limits on the number of dispensing facilities that may locate within that municipality.

Florida Statutes, establishes the regulations to ensure the safety and security of medical marijuana dispensaries, including that such dispensaries shall:

1. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors and alarms;
2. Maintain a video surveillance system that records continuously 24 hours a day;
3. Ensure that the dispensary's outdoor premises have sufficient lighting from dusk until dawn;
4. Ensure that the indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients;
5. Not dispense from its premises between the hours of 9 p.m. and 7 a.m.;
6. Store marijuana in a secured, locked room or a vault;
7. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times;
8. Not engage in advertising that is visible to the public from any street or sidewalk, except, the dispensary may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensary by the licensee's business name, or state-approved trade name, or logo;
9. Not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school; and

Section 381.986, Florida Statutes, provides that a municipality may not enact ordinances

or zoning regulations for marijuana dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies.

The City's ZLDRs allow pharmacies to locate in General Commercial (GC), Neighborhood Commercial (NC), Community Service (CS), Currie Mixed Use (CMUD), Northwood Mixed Use (NMUD), Industrial (I) and Industrial Light (IL) zoning districts, and non-residential subdistricts within the Downtown Master Plan (DMP). The proposed amendment to the Zoning and Land Development Regulations will establish MEDICAL MARIJUANA DISPENSARY as a general use with special requirements within the Downtown Master Plan Area and as a permitted use subject to extra requirements in the rest of the city.

The proposed ZLDR text amendments were found to be consistent with the Comprehensive Plan and the amendment standards in Section 94-32 of the ZLDR.

The Downtown Action Committee recommended approval (7-0) of the ZLDR text amendment with staff's recommendation after a Public Hearing on May 9, 2018.

The Planning Board recommended approval (5-1) of the proposed ZLDR text amendment with staff's recommendation after a Public Hearing on May 15, 2018.

The amendment would be in effect City-wide.

Fiscal Note:

20. **Public Hearing and Second Reading of Ordinance No. 4743-17 Regarding the Solar Energy Agreement with Florida Power & Light Company for Installation of Solar Trees in Howard Park.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SOLAR ENERGY AGREEMENT WITH THE FLORIDA POWER & LIGHT COMPANY FOR INSTALLATION OF SOLAR TREES IN HOWARD PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21948](#)

Staff Recommended Motion:

Approve Ordinance No. 4743-17 granting permission to FPL to install solar trees, or related solar facilities, in a portion of Howard Park for a term of 10 years.

Background:

The City of West Palm Beach has long recognized Climate Change as an important global issue and is working to prepare our community now and for the future. West Palm Beach has established a community wide greenhouse gas reduction goal of "Net Zero emissions by 2050", Mayor Muoio is a leading "Climate Mayor" and recently committed to "Mayors for 100% Renewable Energy", a US Conference of Mayors resolution to

move to 100% renewables. As part of the overall Sustainability Action Plan, STAR Communities certification and Compact of Mayors commitment, key strategies, including utilization of solar energy have been identified to help meet those goals both within City operations and community wide.

The FPL SolarNow program is a Florida Public Service Commission approved voluntary solar partnership program, which provides FPL customers with a way to support the development of solar energy systems in local Florida communities, without impacting non-participating customers and without the up-front costs of installing solar systems on their home or business. As part of the program, residents, businesses, local organizations and FPL partner to build solar canopies or trees in public community locations. For a nominal contribution of \$9 a month, customers can voluntarily choose to support the development of these projects.

The City desires to partner with FPL to have three (3) Solar Trees installed in the northern most boundary of Howard Park, west of the Convention Center, and just south of Okeechobee Blvd. The Solar Trees will provide shade, generate clean energy for USB charging ports and provide education about solar energy. The Solar Trees are in line with goals identified by the Gehl Study and have been shared with the surrounding communities. Additionally, FPL has agreed to add two large canopy trees within the area to provide additional shade and wildlife habitat.

The Solar Agreement with FPL grants FPL the use of a portion of Howard Park for a term of ten (10) years, which may be renewed for one additional five (5) year term, for installation of 3 solar trees or other renewable energy generating equipment. During the term of operation, FPL will operate and maintain its solar equipment in good working order and in a safe, clean manner at FPL's expense. FPL acknowledges that it is installing the solar equipment on public property accessible by the general public and that the City will have no liability to FPL for damage to the equipment caused by a member of the public, unless caused by the City's negligence, misconduct or willful omission.

The City will conduct routine maintenance on the grounds at the solar site. The Solar Agreement includes a mutual indemnification provision whereby the City indemnifies FPL, to the limits of sovereign immunity under Sec. 768.28, Florida Statutes, from any third party claims related to the solar trees, to the extent arising from the negligence or willful misconduct of the City, its employees, contractors and agents; and FPL indemnifies the City from third party claims arising from the negligence or willful misconduct of FPL, its agents, employees, representatives, contractors, or sub-contractors up to One Million Dollars (\$1,000,000). FPL will be required to provide general liability insurance coverage.

The generating of solar energy within Howard Park utilizing FPL equipment serves a valid public purpose by providing a benefit to the City and its residents by providing USB charging in Howard Park and educating the community about solar energy.

Ordinance No. 4743-17 approves the Solar Agreement with FPL. An Ordinance is

required pursuant to Sec. 2-31 of the Code of Ordinances because the Solar Agreement grants FPL an interest in City property for a term of more than five (5) years. The term of the agreement with FPL is 10 years.

21. Resolution No. 143-18 creating a 10 foot general Utility Easement over and across Tract C, Plat of Carleton Oaks for Fire Station No. 8; and

Resolution No. 144-18 authorizing the Termination of a Water and Sewer Easement within Tract C, Carleton Oaks; and

Resolution No. 145-18 declaring a portion of Tract C to be surplus; and

Public Hearing and First Reading of Ordinance No. 4781-18 approving the transfer of surplus property to Palm Beach County.

RESOLUTION NO. 143-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CREATING A GENERAL UTILITY EASEMENT WITHIN THE FIRE STATION NO. 8 PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 144-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A RELEASE OF A WATER AND SEWER EASEMENT FOR FIRE STATION NO. 8; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 145-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT A PORTION OF TRACT C, CARLETON OAKS AT FIRE STATION NO. 8 IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; AUTHORIZING CONVEYANCE TO PALM BEACH COUNTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4781-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING CONVEYANCE OF A TWENTY FIVE FOOT STRIP OF LAND WITHIN TRACT C, CARLETON OAKS AT FIRE STATION NO. 8 TO PALM BEACH COUNTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21949](#)

Staff Recommended Motion:

Approve Resolution Nos. 143-18, No. 144-18 and No. 145-18.

Approve Ordinance No. 4781-18 on First Reading and schedule a Public Hearing and Second Reading for June 18, 2018.

Note: Section 2-31(27) of the Code of Ordinance requires approval by a 4/5ths vote of the Commission at either first reading, or second reading.

Background:

Fire Station No. 8 is located at 10965 Northlake Boulevard and is currently under construction. As part of the site plan approval process with Palm Beach County, additional right-of-way for future Northlake Boulevard was required to be dedicated to the County. Prior to said dedication, there are existing easements which need to be abandoned.. A 10 foot Utility Easement is currently being abandoned through the Palm Beach Gardens Engineering Dept. as this property was annexed at the beginning of the year. Resolution No. 143-18 will provide for a replacement 10 foot easement.

Another existing easement is a 25 Foot Water and Sewer Easement which was dedicated to the City by the Plat of Carleton Oaks. As this easement has never been used, Resolution No. 144-18 will terminate this easement. A replacement easement was previously granted to Seacoast Utility Authority by Resolution 113-18.

In order to dedicate the additional right-of-way to Palm Beach County, Resolution No. 145-18 will provide for a portion of the property to be declared surplus and Ordinance 4781-18 will provide for the transfer to Palm Beach County.

The approval of Resolution Nos. 143-18, No. 144-18 and No. 145-18 and Ordinance No. 4781-18 will then allow for Palm Beach County to issue a right-of-Way permit for the new driveway connection to Northlake Boulevard.

22. Public Hearing and First Reading of Ordinance No. 4774-18 amending the Code of Ordinances at Chapter 78, Article XI regarding Communications Services Facilities in the Public Right of Way.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES TO AMEND AND RESTATE CHAPTER 78 – STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE XI - “TELECOMMUNICATIONS AND WIRELESS COMMUNICATIONS” - SECTIONS 78-381 THROUGH 78-407; RENAMING ARTICLE XI “COMMUNICATIONS SERVICES FACILITIES IN THE PUBLIC RIGHT OF WAY”; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21932](#)

Staff Recommended Motion:

Approve Ordinance No. 4774-18 on First Reading and schedule the Ordinance for Second Reading.

Background:

"Communications Service Facilities" are structures comprised of fiber optic cables, wires,

conduits, antennas and accessory appurtenances which are placed in the public right of way to facilitate "communications services." Under Florida law, communications services are defined as, "The transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance." Florida law authorizes such facilities to be placed in the public right of way in Section 337.401 of the Florida Statutes and sets forth the parameters under which a local government may regulate such facilities.

In 2017 the Florida Legislature enacted Section 337.401(7) of the Florida Statutes entitled the "Advanced Wireless Infrastructure Deployment Act" (the "Act") to further clarify, in part, how local governments may regulate the placement of communications facilities in the public right of way. Section 337.401(3)(a) of the Florida Statutes previously dictated that: "Any rules or regulations adopted by a municipality or county which govern the occupation of its roads or rights-of-way by providers of communications services must be related to the placement or maintenance of facilities in such roads or rights-of-way, must be reasonable and non-discriminatory, and may include only those matters necessary to manage the roads or rights-of-way of the municipality or county." The statute also imposed a limit of \$100.00 on local government permit fees for the placement of such facilities in the right of way. The Act further clarifies restrictions on how local governments may regulate such installations, including limits on "minimum separation" requirements between new poles.

This Ordinance amends Article XI of the City Code which regulates the placement of communications facilities in the right way in order to reflect the changes in the Act; to ensure compliance with the Federal Telecommunications Act of 1996; and to ensure non-discriminatory treatment of all communications service providers. The Ordinance also deletes out of date sections of the Code dealing with placement of communications facilities in the right of way and streamlines the registration and permitting sections. While the ordinance incorporates the further clarifications and restrictions on local government regulation from the Act, it also provides, as is allowed by law, that any new poles which a communications services provider wishes to install in the right of way must be comparable in style and configuration to existing street light fixtures and that any communications service facility equipment must be located within the pole structure itself. Section 78-402.

23. **Public Hearing and First Reading of Ordinance No. 4777-18 approving the local landmark designation of 415 5th Street on the West Palm Beach Local Register of Historic Places.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 415 5th STREET, FORMERLY THE FLORIDA STATE BOARD OF HEALTH LABORATORY, AS AN HISTORIC

LANDMARK PROPERTY ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21946](#)

Staff Recommended Motion:

Approve Ordinance No. 4777-18, designating 415 5th Street, as a Local Landmark on the West Palm Beach Register of Historic Places. This motion is based upon the recommendation of the Historic Preservation Board, the factual testimony presented, the application submitted, the staff report, and the finding that the criteria set forth in Sec. 94-48 of the Zoning and Land Development Regulations have been met.

Background:

The Florida State Board of Health Laboratory was individually designated on the West Palm Beach Register of Historic Places in 2006. This two-story civic building was constructed in 1921 by E.H. Barto based on the architectural design of Walker D. Willis. The building is significant as an excellent example of the Neoclassical Revival style. Faced with brick with quoins on the corners, the front elevation faces west and has a prominent portico with four fluted Doric columns and two smooth Doric pilasters. Within the pediment is a cast-stone seal depicting classical images of Florida.

The Florida State Board of Health Lab building is also significant for its association with West Palm Beach as a facility for public health education and as an early diagnostic and treatment center. This building housed programs to combat communicable diseases, including influenza, diphtheria, and tuberculosis. The Florida Health Lab Building derives its significance from its architectural style, its role in the governmental history of West Palm Beach, and its location.

Fiscal Note:

no fiscal impact

PUBLIC HEARING – QUASI-JUDICIAL: DISCLOSURE OF EX-PARTE COMMUNICATIONS IF ANY (24):

- 24. Public Hearing and First Reading of Ordinance No. 4779-18: Regarding the transfer of the site plan approvals and development conditions relating to the Northpoint Commercial Planned Development (CPD), generally located north of 45th Street and west of Interstate 95, to a separate resolution; and**

Public Hearing of Resolution No. 127-18: Regarding the consolidation of the development regulations and providing for a Major Amendment to the Northpoint Commercial Planned Development (CPD) to add 11,000 square feet and ten (10) beds to the existing assisted living facility, known as The Rehab Center of the Palm Beaches, located at 301 Northpoint Parkway.

The above-referenced requests are being made by Josh Nichols, LEED AP, of

Schmidt Nichols, on behalf of CHR West Palm Beach, LLC.

ORDINANCE NO. 4779-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ORDINANCES RELATING TO THE NORTHPOINT COMMERCIAL PLANNED DEVELOPMENT (CPD) GENERALLY LOCATED NORTH OF 45TH STREET AND WEST OF INTERSTATE 95, TO TRANSFER AND CONSOLIDATE ALL SITE PLAN APPROVALS AND DEVELOPMENT CONDITIONS RELATING TO THE CPD TO A SINGLE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 127-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONSOLIDATING THE DEVELOPMENT REGULATIONS AND APPROVING A MAJOR AMENDMENT TO THE NORTHPOINT COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED NORTH OF 45TH STREET AND WEST OF INTERSTATE 95, TO ADD APPROXIMATELY 11,000 SQUARE FEET AND TEN (10) BEDS TO THE EXISTING ASSISTED LIVING FACILITY LOCATED AT 301 NORTHPOINT PARKWAY; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21952](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4779-18, transferring the site plan approvals and related conditions for the Northpoint Commercial Planned Development (CPD) to a separate resolution; and

DISCUSS Resolution No. 127-18, which will approve a Major Amendment to the Northpoint Commercial Planned Development (CPD) to add 11,000 square feet and ten (10) assisted living beds to the existing facility, known as The Rehab Center of the Palm Beaches.

Background:

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

Located on Northpoint Parkway, north of 45th Street and west of I-95, the subject property consists of ±7.49 acres and is the location of the Rehabilitation Center of the Palm Beaches, an assisted living facility. The subject property is a part of the Northpoint Development of Regional Impact (DRI) and Commercial Planned Development (CPD), originally approved with the adoption of Ordinance Nos. 1961-86 and 1962-86 on June 30, 1986.

Currently, the assisted living facility contains 99 beds and approximately 55,000 square feet. In order to expand the operations of the facility by adding an additional ten (10) beds, and converting some of the existing 2-bed rooms into singles, the applicant is

proposing to construct a one-story addition of just under 11,000 square feet on the west side of the existing structure; an existing surface parking area containing 60 parking spaces will be removed. As the subject property is contained within a CPD and the proposed addition exceed 5% of the existing building, as well as will result in an increase in traffic impact, a Major Amendment to the CPD is required in accordance with Sec. 94-207(e) of the City's ZLDRs.

CONCLUSION: The Development Services Department – Planning Division has found that the request complies with all of the requirements of the City's ZLDRs, and will continue to provide for development that is in harmony and compatible with the existing office development that exists in the surrounding area. The request satisfies all of the standards found within the City's Zoning and Land Development Regulations; therefore, Staff is recommending approval of the requests, subject to the conditions outlined Resolution No. 127-18.

PLANNING BOARD: After a Public Hearing on April 17, 2018, the Planning Board recommended approval (7-0) of the request, subject to the conditions proposed by Staff and contained in Resolution No. 127-18.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Second Reading of Ordinance No. 4779-18 and Public Hearing of Resolution No. 127-18 will be advertised in the Palm Beach Post on June 8, 2018.

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

Fiscal Note:

No fiscal impact.

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.