



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**February 26, 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.

PRESENTATION AND AWARDS OF MERIT (1 – 2):

1. Proclaiming March 2018 as Florida Bicycle Month and March 11-17 as Bike to Work Week. Proclamation to be accepted by Penni Redford, Manager of Sustainability Initiatives, and Senior Planner Heather Tribou.
[Agenda Cover Memorandum No.: 21809](#)
2. Presentation of Resolution No. 57-18(F) amending the Fiscal Year 2017/2018 General Fund budget to recognize parking meter donation of \$3,212.60 for Martin Luther King Day, January 15, 2018 and appropriating the funds for a donation to the Martin Luther King Caregivers.
[Agenda Cover Memorandum No.: 21810](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED:

CONSENT CALENDAR (3 – 17):

3. **Resolution No. 22-18 approving the Interlocal Agreement between Palm Beach County and the City of West Palm Beach accepting an Emergency Medical Services Grant not to exceed \$20,000 for reimbursement of the purchase of one Mass Casualty Incident Response Kit and Resolution No. 47-18(F) providing the funding.**

RESOLUTION NO. 22-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH ACCEPTING A GRANT IN AN AMOUNT NOT TO EXCEED \$20,000 FOR REIMBURSEMENT OF THE PURCHASE OF A MASS CASUALTY INCIDENT RESPONSE KIT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 47-18(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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO RECOGNIZE RECEIPT OF A DEPARTMENT OF HEALTH, BUREAU OF EMERGENCY MEDICAL SERVICES GRANT FROM PALM BEACH COUNTY FOR REIMBURSEMENT OF COSTS NOT TO EXCEED \$20,000 FOR THE PURCHASE OF ONE MASS CASUALTY INCIDENT RESPONSE KIT AND TO PROVIDE APPROPRIATIONS; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21792](#)

Staff Recommended Motion:

Approve Resolution No. 22-18 and Resolution No. 47-18(F).

Background:

Palm Beach County is the recipient of a grant from the Florida Department of Health to improve and expand pre-hospital Emergency Medical Services (EMS) systems in the county. Each grant recipient county is encouraged to disburse funds to EMS providers operating within the county. Palm Beach County offers an EMS grant program which provides funding for the purchase or replacement of EMS equipment. West Palm Beach Fire Rescue Department requested funds from the County to purchase a Mass Casualty Incident Response Kit to assist with the emergency treatment of injured persons in a mass casualty incident setting. The \$20,000 kit consists of individual bags that will be placed on all fire apparatus to assist with the emergency treatment of injured persons in a Mass Casualty Incident setting.

Palm Beach County has awarded the City a grant in an amount not to exceed \$20,000 for the purpose of purchasing the Mass Casualty Incident Response Kit.

Resolution No. 22-18 authorizes the Mayor to execute the Interlocal Agreement and Resolution No. 47-18(F) appropriates \$20,000 for the purchase.

Fiscal Note:

Approval will recognize a grant from PB County for a reimbursement of up to \$20,000 for the purchase of a Mass Casualty Incident Response Kit.

- 4. Resolution No. 11-18 approving a Special Event License Agreement with Maggie's Wedding & Rentals, LLC. for "It's a Family Affair and Awareness" at Dreher Park (South) on Saturday, April 28, 2018 from 7:00 a.m. to 7:00 p.m. and authorizing issuance of an alcoholic beverages license for the event.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE

AGREEMENT BETWEEN THE CITY AND MAGGIE'S WEDDING & RENTALS, LLC, FOR THE PURPOSE OF CONDUCTING IT'S A FAMILY AFFAIR AND AWARENESS AT DREHER PARK SOUTH ON SATURDAY, APRIL 28, 2018 FROM 7:00 AM TO 7:00 PM; AUTHORIZING THE ISSUANCE OF A PERMIT TO MAGGIE'S WEDDING & RENTALS, LLC FOR THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES AT IT'S A FAMILY AFFAIR AND AWARENESS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21796](#)

Staff Recommended Motion:

Approve Resolution No. 11-18.

Background:

Maggie's Wedding and Rentals, LLC will produce "It's a Family Affair and Awareness" on Saturday, April 28, 2018 from 7:00 a.m. to 7:00 p.m. at Dreher Park (South). This will be the first year that Maggie's Wedding and Rentals, LLC will be hosting the event. The purpose of this event is to bring family together and form a sense of community and to enrich a cultural environment while promoting family values and giving out information on health prevention. During this event, they will be selling food and alcoholic/non-alcoholic beverages. Maggie's Wedding and Rentals, LLC will pay the City of West Palm Beach a \$1,685.25 Special Event permit fee and a \$1,000.00 Special Event security deposit. The event producer will also provide the City of West Palm Beach with general liability insurance and liquor liability insurance both additionally insuring the City of West Palm Beach. The event producers will be making arrangements for police support for this event.

Fiscal Note:

No fiscal impact.

5. **Resolution No. 32-18 authorizing the Mayor to execute an Interlocal Agreement between the City of West Palm Beach and Palm Beach County for the 2018 Drowning Prevention Coalition's Learn to Swim Program that distributes vouchers to the public which may be redeemed for swimming lessons at designated aquatic facilities within Palm Beach County.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR PARTICIPATION IN THE 2018 DROWNING PREVENTION COALITION'S LEARN TO SWIM PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21797](#)

Staff Recommended Motion:

Approve Resolution No. 32-18.

Background:

The Palm Beach County Drowning Prevention Coalition's 2018 Learn to Swim Program is a voucher based reimbursement program for organizations that provide swimming lessons. The Drowning Prevention Coalition approached the City of West Palm Beach Department of Parks and Recreation requesting that the City be a designated aquatic facility to provide lessons using the voucher reimbursement. The Drowning Prevention Coalition qualifies those requesting free swim lessons and distributes the vouchers. Any family that receives State or Federal assistance such as free or reduced lunch for school age children, qualify for vouchers. The Drowning Prevention Coalition's Learn to Swim Program allows voucher recipients to take swim lessons at the Warren Hawkins Aquatic Center for a free or reduced rate. Vouchers are available for youth through the second level of the American Red Cross learn to swim program.

Upon completion of the course, the City will present the vouchers to the Drowning Prevention Coalition for payment. The voucher reimbursement will be at the present evening group lesson fee of \$35/resident, \$44/non-City resident and the Summer Camp group rate of \$35/child. Eight (8) evening classes for non-swimmers are held Mondays and Wednesdays in the Spring and Fall seasons for four (4) weeks and Mondays-Thursdays for two (2) weeks in the summer. Weekend classes are available on Saturday mornings. Summer camp lessons are held once a week for six (6) weeks. The voucher may be applied toward the cost of a semi-private or private swim lesson. City aquatic staff are Water Safety Instructors certified through the American Red Cross.

This is a win - win partnership which increases drowning prevention awareness as well as offers a mechanism to provide swimming lessons to those who are at risk for drowning.

Resolution No. 32-18 approves the Interlocal Agreement for Swimming Lessons between Palm Beach County and the City.

6. **Resolution No. 46-18(F) amending the Fiscal Year 2017/18 Miscellaneous Trust Fund Budget to authorize appropriations of \$20,000 from State Law Enforcement Forfeiture Receipts to fund a crime prevention initiative, specifically CSI SmartWater, targeting business and residential burglary prevention.**

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 MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS TO FUND A CRIME PREVENTION INITIATIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21800](#)

Staff Recommended Motion:

Approve Resolution No. 46-18(F).

Background:

Pursuant to the Florida Contraband Forfeiture Act, any local law enforcement agency that acquires at least \$15,000 within a fiscal year must expend or donate no less than 25 percent of such proceeds. These funds may be expended upon request by the Chief of Police to the City Commission, and upon appropriation to the police departments' miscellaneous trust fund. Such funds may be used only for school resource officer, crime prevention, safe neighborhood, drug abuse education, or drug prevention programs or such other law enforcement purposes as the governing body of the municipality deems appropriate. If the seizing agency is a county or municipal agency, the remaining proceeds shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality. Such proceeds and interest earned therefrom shall be used for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles, and providing matching funds to obtain federal grants. The proceeds and interest may not be used to meet normal operating expenses of the law enforcement agency.

The Police Chief certifies the requested funding of this crime prevention initiative is in compliance with the Florida Contraband Forfeiture Act, specifically F.S.S. 932.7055(5)(a). The CSI SmartWater program involves the DNA-like marking of valuable property to enhance recovery of stolen items and increase solvability of crimes. The marking kits are to be distributed in neighborhoods plagued with burglaries, advertising and warning materials to deter criminals and tools needed to process recovered property.

The \$20,000 expenditure will cover the costs of initiating the program (\$16,250.00) and having additional funds available (\$3,750.00) to purchase additional signs, materials and marking kits as the program continues.

7. **Resolution No. 50-18(F) amending the personnel detail of the Police Department's budget.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE GENERAL FUND BUDGET TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21814](#)

Staff Recommended Motion:

Approve Resolution No. 50-18(F).

Background:

The Police Department is requesting to amend the personnel detail of its FY 2017/18 budget by converting two (2) part-time Evidence Specialist positions to one full time Evidence Specialist position. The current part time positions will become vacant due to voluntary resignations in February 2018 and March 2018. The Police Department has analyzed the benefits of retaining full time personnel and believes that the department would benefit by returning a full time position for the Evidence section.

The part-time positions were budgeted at a higher rate than the starting pay of the full time position and the additional benefits of the full time position is estimated to increase the total salaries and benefits expense by approximately \$4,700. This minimal increase in expense can be absorbed due to sufficient funds available from vacancies of police officers, telecommunicators, and other civilian positions. Vacancies will persist throughout the fiscal year due to mandatory police retirement dates and complex hiring and training processes for police and dispatch.

Fiscal Note:

No fiscal impact in current year. FY 2018/19 impact of approximately \$4,700.

8. **Resolution No. 62-18 amending the City's Salary Plan for FY 2017-18 and Resolution No. 63-18(F) amending the full time equivalent (FTE) budget for Department of Human Resources, Department of Development Services, West Palm Beach Fire Rescue Department and Mandel Public Library of West Palm Beach.**

RESOLUTION NO. 62-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 263-17, APPROVED ON SEPTEMBER 25, 2017, TO CREATE THE JOB TITLES OF FIELD CUSTOMER SERVICE SUPERVISOR, CHANGE THE PAY GRADE ALLOCATION AND/OR SALARY RANGE OF SELECTED JOB CLASSIFICATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 63-18 (F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND AND THE BUILDING PERMITTING FUND BUDGETS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21815](#)

Staff Recommended Motion:

Approve Resolution No. 62-18 and Resolution No. 63-18(F).

Background:

Resolution No. 62-18 amends the City's Salary Plan for FY2017-18 by creating the job classification of Field Customer Service Supervisor. This job classification will be responsible for supervising the Field Customer Service Section in the Department of

Public Utilities including customer accounts maintenance and field service personnel. The new job will be allocated to pay grade 62 with a salary range of \$56,282 - \$89,566. The creation of this job classification will not have a fiscal impact in the department. This resolution also amends the Public Safety Salary Grades for the job classifications of Assistant Police Chief and Fire Chief. These changes will not have a fiscal impact in the departments and will create consistency within all management job classifications under Public Safety (Police and Fire).

The West Palm Beach Fire Rescue Department requests to reclassify a Deputy Fire Marshal position to an Operations Lieutenant position. The current structure of the department provides no career path into the Fire Marshal's office for the firefighters in the Fire Department. The request change will allow for development of succession planning for the Fire Marshal (Division Chief) position. This reallocation is essential for the operations of the Department.

As part of the City's employee recruitment and retention initiatives, the Department of Human Resources has been tasked with the development of a career ladder/job progression program that will allow employees to move up within the organization. This program will assist in the retention of employees and help reduce recruitment costs. These new program responsibilities, in addition to current workloads, require a new position to be successfully carried out. The addition of one F.T.E. Human Resources Analyst position will assist with the development of the career ladder/job progression program, compensation and other areas within the Human Resources Department.

The Department of Development Services would like to upgrade the current position of Zoning Technician to Associate Planner. The Zoning Technician currently serves as the primary point of contact for residents and property owners seeking direction and assistance with planning and zoning matters. The job description defines this person as one who "reviews building permit applications and occupational licensing applications for compliance with City Zoning ordinances and codes. The current position typically requires a High School diploma and one year of related experience in zoning regulation; the challenge for the Department has been finding someone with the necessary experience in planning and zoning to quickly review building permits and maintain the heavy workload it has been experiencing in recent years. A more experienced person in this position can maximize the likelihood of achieving one of the Department's performance metrics -- to complete all residential plan reviews within 14 business days. The Associate Planner position would require a High School diploma and two years of zoning/planning training and related experience. The increased pay grade, an \$8,284 increase, and additional experience would help the Division in recruitment efforts. This position vacancy since mid-October 2017 will help offset the increased salary.

The Mandel Public Library of West Palm Beach has one of the most vibrant, popular, and interactive children's and teen departments among public libraries nationally. The Children and Teen Services Manager manages a dedicated staff of 5 FTE Librarians, 1 FTE Assistant Librarian and 7 part-time positions (including part-time certified teachers). The Children's Department not only provides traditional storytimes to our city's patrons,

but it also goes above and beyond by providing daily after-school homework centers, cooking classes, coding workshops, exercise classes, dance classes, and art classes. The staff also hosts school visits and has an extremely robust summer reading program. The Teen Department has an after-school homework center, coding club, and STEAM programming. In the past two years, the Children's and Teen Departments have added additional programming due to the increase in grant funding from the West Palm Beach Library Foundation. Just this past year, a grant for \$50,000 was procured to increase health based programs for children and teens. Additionally, more funds were raised to expand the Children's after-school homework center to be open on some weekend days. Most importantly, over 9,000 kids and teens were fed free meals and snacks all summer long in the Children's Department in 2016 and 2017. This program will only continue to expand and feed even more in 2018.

Adding a Library Supervisor will not only assist with managing and tracking the over \$250,000 in yearly grants but will also assist with all of the programming that happens in the Children and Teen Departments -- programming which brings in close to 41,000 visits by kids and families annually. Additionally, there have been increases to the budget to purchase library reading materials (both in print and online). Bringing on a Library Supervisor to manage the selection of new materials for the library will assist with increasing circulation numbers (as of now, the Children's Department continues to see continued growth in print material circulation). This position will also oversee the use of social media to promote library programs, as well as providing more outreach to our local schools, churches, and community centers to promote and encourage more use of the library by our community members. Finally, the library is working with the Foundation to continue the Summer Academy while increasing STEAM programming in the Teen Department. These initiatives will also require hiring more part-time staff that will need to be supervised by the Library Supervisor.

Fiscal Note:

No impact to current fiscal year. Impact to FY 2019 will add 2 F.T.E. to the General Fund and Public Safety salary increases.

9. **Resolution No. 29-18 authorizing the assessment of city liens in the total amount of \$24,617.65 for unpaid water service, sewer service, and stormwater service charges for the month of October 2017.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21816](#)

Staff Recommended Motion:
Approve Resolution No. 29-18.

Background:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 29-18 are for unpaid water service, sewer service, and stormwater service charges for the month of October 2017. The list of properties to be assessed and the associated charges totalling \$24,617.65 are attached to Resolution No. 29-18 as EXHIBIT A - Utility Lien List - October 2017. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

10. **Resolution No. 30-18 authorizing the assessment of city liens in the total amount of \$39,615.36 for unpaid water service, sewer service, and stormwater service charges for the month of November 2017.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21798](#)

Staff Recommended Motion:

Approve Resolution No. 30-18.

Background:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 30-18 are for unpaid water service, sewer service, and stormwater service charges for the month of November 2017. The list of properties to be assessed and the associated charges totaling \$39,615.36 are attached to Resolution No. 30-18 as EXHIBIT A - Utility Lien List - November 2017. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

11. **Resolution No. 52-18 authorizing the release of City liens encumbering several parcels owned by the West Palm Beach Community Redevelopment Agency.**

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELEASING CERTAIN CITY IMPOSED LIENS ENCUMBERING SEVERAL PARCELS OWNED BY THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21817](#)

Staff Recommended Motion:

Approve Resolution No. 52-18.

Background:

The West Palm Beach Community Redevelopment Agency owns a several real estate parcels which are encumbered with recorded city liens. The City Attorney's office is in the process of clearing title to the parcels so that they can be disposed of, in furtherance of agency goals and objectives, with clear title. The liens subject to this request are nuisance abatement and board and secure liens which were imposed by resolution. The liens are described on Exhibit A attached to the resolution. The City Commission is requested to release the liens and authorize the Mayor to execute releases and any other documents necessary to release the liens.

12. **Resolution No. 54-18 authorizing contracts for master property insurance, water system property insurance, excess liability insurance, excess workers' compensation insurance, crime insurance, and miscellaneous insurance policies for policy year 2018-19.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING APPLICATION FOR AND EXECUTION OF ALL NECESSARY CONTRACTS FOR MASTER PROPERTY INSURANCE, WATER SYSTEM PROPERTY INSURANCE, EXCESS LIABILITY INSURANCE, EXCESS WORKERS' COMPENSATION INSURANCE, CRIME INSURANCE COVERAGE FOR THE PERIOD MARCH 1, 2018 - FEBRUARY 28, 2019 AND MISCELLANEOUS INSURANCE COVERAGE, AS RECOMMENDED BY THE CITY'S INSURANCE BROKER, ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC.; AUTHORIZING PAYMENT OF ALL INSURANCE PREMIUMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21799](#)

Staff Recommended Motion:

Approve Resolution No. 54-18.

Background:

The City, through the broker of record, Arthur J. Gallagher Risk Management Services, Inc., is in the process of obtaining insurance for master property insurance, water systems property insurance, excess liability, excess workers' compensation, crime insurance, and miscellaneous other coverages for policy year 2018-2019.

The Procurement Code requires that contracts for insurance are approved by the City Commission. The master property insurance, the utility systems insurance, and excess liability insurance, excess workers' compensation insurance, crime insurance coverage will be bound effective March 1, 2018, miscellaneous other coverage will bind as expiring or as appropriate contingent upon Commission approval. The City is self-insured for workers' compensation, automobile liability and general liability up to various self-insured retention levels. The City purchases an excess insurance policies for liability claims exceeding \$350,000 and for workers' compensation claims exceeding \$500,000.

Insurance renewal includes the master property renewal as well as various liability policies. The property market is hardening due to recent nation-wide catastrophic events and therefore, there is an unavoidable increase in property premiums. Overall, the increase is under 11%.

Resolution No. 54-18 grants the Risk Manager the authority to execute the application for the master property insurance, the water systems insurance, excess liability insurance, excess workers' compensation insurance, crime insurance and miscellaneous other insurance coverage which includes fine arts insurance, boiler and machinery insurance, pollution, storage tank liability insurance, fidelity insurance, and other coverages.

Fiscal Note:

FY 2018 budget has sufficient funds to cover the required amounts.

- 13. Resolution No. 38-18(F) provides an additional appropriation of \$1,500,000 to accomplish the Ultraviolet (UV) System and Related Infrastructure improvements at the Water Treatment Plant.**

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 WATER TREATMENT PLANT IMPROVEMENT PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21801](#)

Staff Recommended Motion:

Approve Resolution No. 38-18(F).

Background:

The construction contract with Pool & Kent Company of Florida for the UV System and Related Infrastructure improvements project was executed on July 20, 2016 (City Contract No. 17324). The Notice to Proceed for the 25-month construction project was issued on August 6, 2016, with the scheduled substantial and final completion dates of

June 9, 2018 and September 17, 2018, respectively. The scope of work includes the construction of the UV System, construction of the Powder Activated Carbon Feed System, and modifications to the settled water flume for a total contract value of \$24,969,000.

Pursuant to Resolution No. 83-17(F), on February 27, 2017, additional funding for the project in the amount of \$775,000 was approved by the City Commission. With this approval, the construction contingency fund for the project was increased to \$1,800,000 which represents 7.2% of the awarded contract value.

As of January 2018, the project is at 75% completion. To date, six (6) change orders have been approved including a forty-seven (47) calendar day time extension. The project cost adjustments were primarily due to unforeseen field conditions which necessitated field design modifications and close coordination with City staff in order to continue normal plant operation. The adjusted contract value is \$26,465,588. The adjusted project schedule is July 26, 2018 for substantial completion and November 3, 2018 for final completion. With ten (10) months of construction remaining, additional funding for construction phase services (construction engineering/management services and construction contingency) in the amount of \$1,500,000 is required to complete the project. With this approval, the construction contingency funding will be increased to approximately 10.30% of the adjusted contract value to date.

Resolution No. 38-18(F) will provide additional project funding in the amount of \$1,500,000 to accomplish the project.

Fiscal Note:

After approval, the balance in Fund 454 Reserve for Future Projects will be approximately \$6.3 million.

14. Resolution No. 4-18 approving the re-plat of Atalla Promenade, entitled "Atalla Promenade Plat".

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION AND RE-PLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "ATALLA PROMENADE PLAT" CONSISTING OF TWO LOTS, CONTAINING A TOTAL OF APPROXIMATELY .49 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21802](#)

Staff Recommended Motion:

Approve Resolution No. 4-18.

Background:

The subject property is currently vacant and consists of two (2) lots approximately 0.49 acres, located on the south side of Flagler Promenade South, east of Dixie Highway and

I-95, between Southern Boulevard and Edmor Road. These two (2) lots are currently oriented from west to east and the property owner would like to re-plot these lots to change the configuration of the lots to north to south. The property owner plans to develop two (2) single family homes. It is in Staff's professional opinion that this subdivision complies with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations.

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. 4-18 was advertised in the Palm Beach Post on February 13, 2018.

COMMISSION DISTRICT: The subject property is located within Commission District No. 3 --Commissioner Paula Ryan.

15. Resolution No. 58-18 approving an Interlocal Agreement Among Palm Beach County, City of West Palm Beach, and The School Board of Palm Beach County for Certification of Small and/or Minority/Women-Owned Business Enterprises.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN PROJECT INTERLOCAL AGREEMENT AMONG PALM BEACH COUNTY, THE CITY OF WEST PALM BEACH AND THE SCHOOL BOARD OF PALM BEACH COUNTY FOR CERTIFICATION OF SMALL AND/OR MINORITY/WOMEN-OWNED BUSINESS ENTERPRISES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21811](#)

Staff Recommended Motion:

Approve Resolution No. 58-18.

Background:

Palm Beach County has a program designed to certify and increase the number of contracts awarded to Small Business Enterprises (SBEs) and track the participation of Minority/Women-owned Business Enterprises (M/WBEs) awarded contracts. The School Board of Palm Beach County has a program designed to certify and increase the number of contracts awarded to Small Business Enterprises and Minority/Women-owned Business Enterprises.

The City of West Palm Beach also has a program designed to certify and increase the number of contracts awarded to Small Business Enterprises and to track the participation of Minority/Women-owned Business Enterprises awarded contracts and may implement an M/WBE certification program in the future.

The County, School Board and City presently employ substantively similar processes and methods in the processing of certification applications, making redundant the need for a multiple applications and subsequent review sessions.

Section 163.01, Florida Statutes, known as the “Florida Interlocal Cooperation Act of 1969” authorizes local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities.

The County, School Board and City wish to enter into an agreement for certification of Small and Minority/Women-owned Business Enterprises, to simplify the certification process and reduce the volume of paperwork required of Small and Minority/Women-owned Business Enterprises.

Pursuant to the Interlocal Agreement, the County, School Board and City will accept the approved certifications of each other to the extent such certifications are consistent with the individual agency's certification requirements. This will provide an easier and more efficient process for Small Businesses seeking to do business with the City that are already certified by either the County or School Board.

Resolution No. 58-18 approves the Interlocal Agreement among Palm Beach County, the City of West Palm Beach, and the School Board of Palm Beach County for Certification of Small and/or Minority/Women-Owned Business Enterprises.

16. Resolution No. 311-17 authorizing the acquisition of real property located at 2015 N. Tamarind Avenue.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT OF PURCHASE AND SALE BETWEEN THE CITY AND GREGORY NELSON FOR THE ACQUISITION BY THE CITY OF PROPERTY LOCATED AT 2015 N. TAMARIND AVE.; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE ACQUISITION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21812](#)

Staff Recommended Motion:

Approve Resolution No. 311-17.

Background:

In 2010, the City acquired and partially rehabilitated property located at 2003 N. Tamarind Ave. utilizing federal funds from the U.S. Department of Housing and Urban Development for the purposes of constructing a community facility. As the rehabilitation of the structure was never completed and adjacent parcels have sat vacant, it is the intent

of City staff to redevelop the site by assembling the adjacent parcels for the development of the future location of the Vickers House North Community Center. The current location of the Vickers House North does not contain sufficient space to house the expanded services made available to residents nor does the location provide adequate access to public transportation. The proposed new location on the east 2000 block of N. Tamarind Ave. would be located near an existing bus stop and would allow for easy access from and to north end neighborhoods.

Staff has entered into negotiations with adjacent land owner, Gregory Nelson, to purchase the parcel located at 2015 N. Tamarind Avenue for a total cost of \$32,000. The property consists of a .12 acre parcel according to Palm Beach County Property Appraiser's office. Staff has also begun acquisition efforts with the Urban League of Palm Beach County and will be pursuing the purchase of two additional lots located on Tamarind Ave in the near future.

Resolution No. 311-17 authorizes the acquisition of real property located at 2015 N. Tamarind Avenue. Funding for the acquisition is available under the City's approved Community Development Block Grant (CDBG) budget and funds from the Neighborhood Stabilization Program (NSP-1).

The property is located in District 1, Commissioner Sylvia Moffett.

Fiscal Note:

Funding is allocated in the FY18 budgets for the CDBG and NSP-1 grant funds.

17. Resolution No. 59-18 approving a license agreement with Edward Riley Bradley's, Inc.

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 EDWARD RILEY BRADLEY'S, INC. FOR THE USE OF THE CITY OWNED PROPERTY LOCATED BETWEEN BRADLEY'S, FLAGLER DRIVE, SOUTH CLEMATIS STREET AND DATURA STREET FOR ADDITIONAL OUTDOOR SEATING FOR BRADLEY'S PATRONS AND THE GENERAL PUBLIC; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21813](#)

Staff Recommended Motion:

Approve Resolution No. 59-18.

Background:

E.R. Bradley's ("Bradley's") is a bar and restaurant located on the City's Waterfront. The City owns the parcel of land located between Bradley's, Flagler Drive, South Clematis Street and Datura Street and the pathway of land east of Bradley's property connecting South Clematis Street and Datura Street (the "Property"). Bradley's has requested to

utilize the Property for additional outdoor seating for both Bradley's patrons and the general public.

The purpose of the license agreement with Bradley's is an effort to create more open space for people. As recommended by the Gehl Public Realm Study and similar to the Clematis 500 Block Passageway area, the Bradley's license agreement allows a local business to create an inviting public seating and open space amenity. The City lands included in the license agreement are located directly east of Bradley's outdoor patio area separated by a fence and sidewalk. No sales or serving of food or alcohol will be permitted on the Property. The license agreement permits Bradley's to change the landscaping of the property with the exception of removing any trees. All furniture and fixtures must be moveable, and Bradley's has the ability to add decorative lighting to the Property. During the term of the license, Bradley's will be responsible for all maintenance on the Property, including but not limited to, litter removal, mowing, tree trimming, pressure cleaning of the passageway and sidewalk maintenance.

Pursuant to the license, the City reserves the right to use the property during the Boat Show, Holiday in Paradise, and Sunfest events. The term of the license is for five (5) years, and the City has the ability to terminate the license with a 30-day notice. The annual license fee paid by Bradley's to the City will be \$100.00 with an initial security deposit of \$1,000.00. Bradley's has named the City as additionally insured under their insurance coverage.

The lands included in this license agreement are located in Commission District 3 represented by Commissioner Paula Ryan.

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTION (18):

- 18. Resolution No. 41-18 granting "Face of the City" approval of above-ground design features in connection with the Windsor Avenue Roadway & Utility Improvements (from 29th Street to 36th Street) project.**

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 WINDSOR AVENUE ROADWAY & UTILITY IMPROVEMENTS (FROM 29TH STREET TO 36TH STREET); PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21803](#)

Staff Recommended Motion:
Approve Resolution No. 41-18.

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 proposed improvements on Windsor Avenue from 29th Street to 36th Street (the "Project") require "Face of the City" approval.

The Project is located in the Northwood Hills Neighborhood. The project limits extend from 29th Street to north of 36th Street on Windsor Avenue for a total length of 0.50 miles. The scope of work involves the reconstruction of roadway (pavement, curbs, sidewalks, and driveways) and replacement of existing aging infrastructure (water, sanitary sewer, and stormwater) between 29th Street to 36th Street. The utility improvements include replacement of existing sanitary sewer up to 37th Street.

The proposed roadway alignment will be centered within the 50-ft road right-of-way to meet or exceed the minimum clear zone from the edge of travel lane to existing power poles. Traffic calming improvements/enhancements include narrowing of the proposed roadway cross section (which will help reduce speeding) and replacement of traffic separators/medians and speed humps. The narrower roadway will also result in less impervious area which will reduce both storm runoff and urban heat island effect.

The target construction start for the Project is July 2018 for approximately eighteen (18) months duration. Funding for the Project will be provided from the Utility System Revenue Bonds, Series 2017A (Fund 45A and Fund 48A) and General Fund (Fund 304).

Resolution No. 41-18 approves the above ground design features for the Windsor Avenue Roadway and Utility Improvements project.

Fiscal Note:

The Utility has budgeted funds available totaling roughly \$3.38 million for the Windsor Avenue Roadway & Utility Improvements Project 12060376. Funds are appropriated in the Water & Sewer Fund 45A, \$2.45 million and the Stormwater Fund 48A, \$934,258.

General Funds 304-042100-541-500630-20146453 for \$363,900 for roadway improvements.

PUBLIC HEARINGS (19- 21):

- 19. Public Hearing and Second Reading of Ordinance No. 4764-18 creating Section 78-10 of the Code of Ordinances to establish a process and standards for Monuments.**

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, AT CHAPTER 78 (STREETS, SIDEWALKS AND PUBLIC PLACES), ARTICLE I (IN GENERAL), TO CREATE SECTION 78-10 – MONUMENTS; PROVIDING A SEVERABILITY AND CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21804](#)

Staff Recommended Motion:

Approve Ordinance No. 4764-18.

Background:

Monuments are not included in the Art in Public Places Master Plan and are not within the authority of the AiPP Committee.

The City Commission desires to establish a process by which a community may make a request for a monument and the standards and conditions for monuments that may be installed by the City.

Ordinance No. 4764-18 creates Section 78-10 of the Code of Ordinances and provides that the City Commission has the sole discretion on the installation of City monuments; establishes standards for consideration of a monument, and provides a process by which erection of a monument can be requested.

Changes from First Reading: The process now reflects that requests for a monument will be made on a City monument application form. The task force will include the applicant and one or more members of the supporting community, along with two members of the AiPP and historians or other persons with knowledge relevant to any recommendations to the city commission regarding the historical significance, design, location, maintenance or other factors relevant to the proposed monument.

A draft of the monument application form is attached for the Commission's information.

Fiscal Note:

Upon approval of a Monument, the City Commission will establish a budget and appropriate funds.

- 20. Public Hearing and Second Reading of Ordinance No. 4760-18 authorizing the sale and conveyance of property located at 464 Fern Street to Linton Jog Associates, Ltd.**

Resolution No. 18-18(F) providing for the receipt and appropriation of funds in the amount of \$1,300,000 to the City's Real Estate Management Fund.

ORDINANCE NO. 4760-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE OF 464 FERN STREET TO LINTON JOG ASSOCIATIONS, LTD., AND AUTHORIZING EXECUTION OF A SALE AND PURCHASE

AGREEMENT; RELEASING ALL MINERAL RIGHTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 18-18(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 REAL ESTATE MANAGEMENT FUND BUDGET TO PROVIDE FOR THE RECEIPT OF PROCEEDS FROM THE SALE OF 464 FERN STREET AND APPROPRIATION OF THE FUNDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21805](#)

Staff Recommended Motion:

Approve Ordinance No. 4760-18 authorizing the sale of 464 Fern Street and the release of all mineral rights.

Approve Resolution No. 18-18(F).

Background:

First Reading. The Ordinance was approved unanimously at First Reading, in compliance with Sec. 2-31(27) of the Code, which requires 4/5 approval at one Reading.

The City of West Palm Beach currently owns land and two (2) structures, known as the Karl Riddle House and the Locust House, located at 464 Fern Street between Quadrille Boulevard and South Dixie Highway. The property served as the City's Employee Health Clinic until the clinic was relocated to City Center in late 2016.

Due to the unique elements of this property, which include location, condition, age, historic designation, and the lack of residential type structures used for commercial within the downtown valuation, the City consulted with Real Estate Asset Disposition Corp, a contractor who currently provides real estate services to the City, in order to explore what is the highest value and best use for the property. From that effort, which included national and international marketing, twenty-six (26) parties expressed interest by providing a purchase price bid and some details on intended future use of the property, with ultimately six (6) parties submitting letters of intent offers that ranged from \$810,000 to \$1,300,000. Three (3) of the offers proposed utilizing the existing buildings as office space, one (1) proposed using the current buildings until future development plans were assessed, and two (2) proposed the relocation of the current structures with plans for future development.

After reviewing the offers received, staff has determined that the highest and best value to the City would be selling the property to the highest bidder, Linton Jog Associates, Ltd., at \$1,300,000. Linton Jog Associates, Ltd. is the adjacent property owner of lot

located at 401 S. Dixie Highway and is proposing to combine the two parcels for future development of a Class A Office space.

As the Karl Riddle House and the Locust House are listed on the City's registry of Historic Properties (Ordinance No. 4103-08), the buyer shall be responsible for the preservation of the existing structures in accordance with the Historic Preservation guidelines and procedures outlined in the City's Zoning and Land Development Regulations Section 94-45 through 94-53.

According to the Palm Beach County's Property Appraiser's data the property has a market value of \$1,039,180. Due to the unique challenges in determining fair market value for this parcel, an appraisal would be of limited value to the City. Current fair market value has been determined through the letters of intent bid process. As allowed for within the City Code and upon unanimous City Commission approval, staff is recommending that the appraisal requirement be waived for the purposes of determining market value.

Ordinance No. 4760-18 authorizes sale and transfer of the property to Linton Jog Associates, Ltd. and approves the Sale and Purchase Agreement. The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading as required by Sec. 2-31(27) of the Code. The Ordinance further releases the mineral and petroleum rights the City has in the Property.

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

Fiscal Note:

\$1,300,000 proceeds of sale (less title insurance and other minor closing costs).

21. **Public Hearing and First Reading of Ordinance No. 4765-18 adopting the City of West Palm Beach Amendments to the Florida Building Code 6th Edition (2017), Chapter 1, Administration.**

ORDINANCE NO. 4765-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF WEST PALM BEACH, FLORIDA AT CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE II (BUILDING CODE), SECTION 18-32, CITY AMENDMENTS ADOPTED; ADOPTING BY REFERENCE THE AMENDMENTS TO THE FLORIDA BUILDING CODE 6TH EDITION (2017); PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, A CODIFICATION CLAUSE, AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21806](#)

Staff Recommended Motion:

Approve Ordinance No. 4765-18 on First Reading and schedule a Public Hearing and Second Reading for March 12, 2018.

Background:

The Florida Building Commission has adopted the 6th Edition (2017) of the Florida Building Code. The Florida Building Code is the Statewide building code that is administered by every jurisdiction in the State of Florida. Each jurisdiction may either enforce the base version of Chapter 1, Administration, in the Florida Building Code as adopted by Florida Building Commission, or adopt local amendments to Chapter 1. For earlier editions of the Florida Building Code, the City of West Palm Beach, like most jurisdictions, has adopted local amendments to Chapter 1, Administration.

Chapter 1 is the administrative chapter of Florida Building Codes and it is the only chapter that the Florida Building Commission has authorized local jurisdictions to amend. Among other administrative requirements and exemptions, Chapter 1 lays out the minimum requirements for permit application support documents, minimum plan review criteria, the minimum required inspections, and the procedures for the Construction Board of Adjustment and Appeals. Chapter 1 is also the vehicle used to adopt wind speed maps, in this case the Palm Beach County wind speed maps.

For the 6th Edition (2017) of the Florida Building Code, as with previous editions, the Building Code Advisory Board (BCAB) of Palm Beach County has reviewed Chapter 1, Administration, and published suggested amendments that local jurisdictions can use to formulate their own amendments. The BCAB suggested amendments were used in the drafting of the proposed City of West Palm Beach Amendments to the Florida Building Code 6th Edition (2017), Chapter 1, Administration.

The local amendments adopt the wind speed maps and address variances in flood zone areas.

Ordinance No. 4765-18 adopts the City of West Palm Beach Amendments to the Florida Building Code 6th Edition (2017), Chapter 1, Administration.

Fiscal Note:

No fiscal impact.

PUBLIC HEARING – QUASI-JUDICIAL (22 – 23):

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

22. **A request by Harvey E. Oyer, III, of Shutts & Bowen LLP, on behalf of CityPlace Retail, LLC, for the approval of the following:**

Public Hearing and First Reading of Ordinance No. 4759-18: A Major Planned Development Amendment to the CityPlace CPD to establish development regulations for the area currently leased by CityPlace Retail, LLC, from the West Palm Beach CRA and into a separate Resolution.

Discussion of Resolution No. 1-18: The development regulations for the area currently leased by CityPlace Retail, LLC, from the West Palm Beach CRA, which will be known as the CityPlace Core.

ORDINANCE NO. 4759-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 2267-89, AS AMENDED BY ORDINANCE NO. 3126-98, RELATING TO THE CITYPLACE COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED ON EITHER SIDE OF ROSEMARY AVENUE BETWEEN OKEECHOBEE BOULEVARD AND FERN STREET, TO TRANSFER DEVELOPMENT REGULATIONS FOR THE CITYPLACE RETAIL, LLC, LEASE AREA PORTION OF THE CITYPLACE COMMERCIAL PLANNED DEVELOPMENT TO RESOLUTION NO. 1-18; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 1-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, SETTING FORTH THE DEVELOPMENT REGULATIONS FOR THE CITYPLACE RETAIL, LLC, LEASE AREA PORTION OF THE CITYPLACE COMMERCIAL PLANNED DEVELOPMENT, WHICH WILL BE KNOWN AS THE CITYPLACE CORE; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21807](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4759-18, a Major Planned Development Amendment to the CityPlace CPD to provide revised development regulations for the area currently leased by CityPlace Retail, LLC, from the West Palm Beach CRA by separate Resolution. This motion is based upon the factual testimony presented, the application submitted, 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 found in Section 94-32 of the City's Zoning and Land Development Regulations.

DISCUSS Resolution No. 1-18

Background:

STANDARDS: The Planning Division has determined that the Major Planned Development Amendment to the CityPlace CPD to establish development regulations for the area currently leased by CityPlace Retail, LLC, from the West Palm Beach CRA into a separate Resolution meets all eight (8) of the required amendment standards found in

Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

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

PLANNING BOARD: The Planning Board recommended approval (6-0) of this request to the City Commission after a Public Hearing on January 17, 2018.

ANALYSIS: The original 77 acre CityPlace Commercial Planned Development (CPD) was created by the adoption of Ordinance No. 2267-89 on March 20, 1989 to mirror the boundaries of the Downtown/Uptown Development of Regional Impact (DRI). Ordinance No. 2267-89 included a list of permitted uses. The development approved as part of the Downtown/Uptown DRI was not constructed and the majority of the parcels within the DRI were acquired by the West Palm Beach Community Redevelopment Agency (CRA). On January 12, 1998, the City Commission approved Ordinance No. 3098-97, which replaced the Downtown/Uptown DRI with the CityPlace DRI. Later in 1998, approximately five (5) acres were added to the DRI with Ordinance No. 3126-98 expanding the boundaries of the CPD to its current size of approximately 82 acres. Ordinance No. 3126-98 references Ordinance No. 3098-97 as controlling the permitted land uses within the CPD; however, there has been no legislative action which specifically removed the use list that was approved as part of Ordinance No. 2267-89. Ordinance No. 4759-18 corrects this omission.

As previously mentioned, at the time of the creation of the CityPlace DRI, the CRA owned the majority of the land within the DRI. The CRA issued a request for proposals to develop the majority of the parcels that they owned. CityPlace Partners was selected to develop a mixed use project containing residential, retail, restaurant, office, hotel and entertainment uses to be known as CityPlace. In 1997, the CRA and CityPlace Partners entered into a Lease Agreement for the development, construction, ownership and operation of the project to be known as CityPlace. The Palm Beach County Convention Center, the Raymond F. Kravis Center for the Performing Arts, the Opera Place parcel and the Tent Site were not included within the lease area. The Lease Agreement, as amended (now known as the Master Lease), includes Exhibit H Master Design Guidelines for CityPlace (Attachment 2 - Master Lease Exhibit H - CityPlace Design Guidelines) which acts as the zoning regulations for the area covered by the Master Lease.

As CityPlace developed, the majority of the parcels that were once subject to the lease were conveyed to subsequent property owners in accordance with the provisions of the Master Lease. These included the residential buildings along Sapodilla Avenue and Fern Street, the CityPlace Office Tower, the CityPlace South Tower, the Okeechobee Parcel (Restoration Hardware) and the Hilton Hotel. CityPlace Retail, LLC, wishes to exercise the purchase option for the remaining area which they currently lease from the CRA, which is generally located on either side of Rosemary Avenue between Okeechobee Boulevard and Fern Street. Included in the Lease Area are the buildings containing

H&M, Cheesecake Factory, the old Macy's, Revolutions, Publix, the Improv, Brio, Muvico, the Harriot Himmel Theater, Panera Bread and L.A. Fitness. The commercial garages and the plaza are leased by the CRA to the CityPlace Community Development District and are not subject to this amendment.

Since the Lease contains the Design Guidelines, if the Lease no longer applies, the Lease Area would be left with no objective zoning regulations. CityPlace Retail, the CRA and the Planning Division staff have agreed that adopting the current Exhibit H Design Guidelines, with minor updates to reflect current conditions, as development regulations is appropriate to maintain predictability for any short term redevelopment of the Lease Area parcels. The design guidelines will apply to what will be known as the CityPlace Core. CityPlace Retail will work with the Planning Division staff to draft more comprehensive development regulations as they formulate their vision for the future of CityPlace. Any future changes to the development regulations will require City Commission approval.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the CityPlace Core. Signs for the Major Amendment were posted on the property on December 29, 2017.

COMMISSION DISTRICT: The subject property is located within Commission District No. 3 – Commissioner Paula Ryan.

Fiscal Note:

No fiscal impact.

23. **Public Hearing of Resolution No. 31-18: A request by Harvey E. Oyer, Esq., of Shutts & Bowen LLP, on behalf of First Baptist Church of West Palm Beach, Florida, for a Major Amendment to the First Baptist Community Service Planned Development (CSPD), located at 1101 South Flagler Drive, to demolish four (4) existing two-story apartment buildings and modify the existing parking lot to provide for the construction of an enclosed parking structure and administrative office space.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE FIRST BAPTIST CHURCH COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED AT 1101 SOUTH FLAGLER DRIVE, TO DEMOLISH FOUR EXISTING TWO-STORY APARTMENT BUILDING AND MODIFY THE EXISTING PARKING LOT TO CONSTRUCT AN ENCLOSED PARKING STRUCTURE AND ADMINISTRATIVE OFFICE SPACE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21808](#)

Staff Recommended Motion:

APPROVE Resolution No. 31-18, approving a Major Amendment to the First Baptist Community Service Planned Development (CSPD), located at 1101 South Flagler Drive, to demolish four (4) existing two-story apartment buildings and modify the existing parking lot to provide for the construction of an enclosed parking structure and administrative office space. 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).

Located on the west side of South Flagler Drive, approximately 430 feet south of Okeechobee Boulevard, the First Baptist Church Community Service Planned Development (CSPD) was originally approved in 1998 with the adoption of Ordinance No. 3156-98. At the time of the original approval, the CSPD also contained ± 3.21 acres on the east side of South Flagler Drive, which provided additional off-street parking and an outdoor amphitheater. The parking lot and amphitheater (known as Chapel by the Lake) were sold by the church in 2014 and removed from the CSPD with the adoption of Ordinance 4485-13 and Resolution No. 251-13, making way for the residential development now known as The Bristol.

With the removal of the Chapel by the Lake property, a revised Master Plan was approved for the remaining First Baptist Church CSPD and involved the demolition of multiple commercial and multifamily residential structures, and the complete reconstruction of the site including new and expanded parking and all new landscaping throughout. The reconstruction was ultimately completed in 2015.

The revised First Baptist Church CSPD approved in 2014 provided for maintaining four (4) multifamily residential buildings in the southeast corner of the site. These structures, containing 16 dwelling units, were housing units occupied by students of Palm Beach Atlantic University. It is Staff's understanding that the leases on these units is nearing expiration and that the conditions inside the structures no longer meet the standards set by the University and that renewal of the leases is not an option. As such, First Baptist Church has been evaluating the future of the buildings and determined that demolishing is the preferred option.

With this portion of the site vacated by the demolition, a proposal has been submitted to construct a new enclosed parking structure. The structure would consist of approximately 18,877 square feet of at-grade parking, providing a total of 52 parking spaces completely enclosed within a roofed structure; the only parking is that which is provided at-grade, there is no parking on the roof. The parking structure would also provide approximately 1,048 square feet of ancillary office space to be occupied by the church along the east side of the building facing South Flagler Drive. In order to provide

the new construction, the Applicant is requesting a Major Amendment to the First Baptist CSPD in accordance with Sec. 94-207(e)(1).

The parking structure is proposed to occur in almost the exact same footprint as the four (4) residential buildings that are slated for demolition and will be accessed internally on the site via the existing surface parking lot. The proposed parking structure will exist entirely within the boundaries of the First Baptist Church CSPD, and will be owned by the Church, however, it is proposed that the enclosed parking be made available for rent to The Bristol, the 69 unit multifamily development under construction on the east side of South Flagler Drive. While no waivers are being requested regarding the physical structure, the Applicant is requesting that off-site accessory parking be allowed as a permitted use within the CSPD to accommodate the proposed leasing of the spaces.

CONCLUSION: Overall, the proposed parking structure complies with all of the requirements of the City's Zoning and Land Development Regulations, and that while not ideal, does try to incorporate some active use into the building to prevent what would otherwise be a blank façade. The Development Services Department – Planning Division has found that 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 herein.

PLANNING BOARD: After a Public Hearing on January 17, 2018, the Planning Board recommended approval (6-0) of the requests.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Resolution No. 31-18 was advertised in the Palm Beach Post on February 16, 2018.

COMMISSION DISTRICT: The site is located within Commission District No. 3 - Commissioner Paula Ryan.

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.