



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**August 26, 2019
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
KEITH A. JAMES**

CITY COMMISSION

**PRESIDENT CHRISTINA LAMBERT
COMMISSIONER KELLY SHOAF COMMISSIONER CORY NEERING
COMMISSIONER RICHARD A RYLES COMMISSIONER JOSEPH A. PEDUZZI**

**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.

APPOINTMENTS (1-3): MOVED TO CONSENT CALENDAR

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

CONSENT CALENDAR (1-16): ALL CONSENT ITEMS (1-16) APPROVED

1. Commission Approval is requested for the Mayor's reappointment of Ms. Andrea Peppers and Mr. Leo R. Parry to the Library Board for a term of three years (3) to expire July 20, 2022. Ms. Peppers and Mr. Perry have served over the maximum allowed number of terms (3) and it is required that the City Commission confirms their reappointments.
[Agenda Cover Memorandum No.: 22573](#)
2. City Commission approval is requested for the Mayor's appointment of Mr. Christopher T. Harrison to the City's Employees Defined Benefit Retirement System Board of Trustees for a term of three years (3) to expire on August 2, 2022. It is required that the City Commission confirms his appointment.
[Agenda Cover Memorandum No.: 22574](#)
3. Commission Approval is requested for the Mayor's reappointment of Mr. Everett C. Fennell and Mr. Larry B. Rowe to the Construction Board of Adjustments and Appeals for a term of three years (3) to expire August 24, 2022. Mr. Fennell and Mr. Rowe have served over the maximum allowed number of terms (3) and it is required that the City Commission confirms their reappointments.
[Agenda Cover Memorandum No.: 22576](#)
4. **Minutes of the Regular City Commission Meeting of July 29, 2019.**
[Agenda Cover Memorandum No.: 22582](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on July 29, 2019.

5. **Resolution No. 259-19(F) accepting funding in the amount of \$23,000 from the West Palm Beach Library Foundation to support the Mandel Public Library's Teen Homework Center.**

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 2018/2019 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 A CONTRIBUTION FROM THE WEST PALM BEACH LIBRARY FOUNDATION TO CONTINUE OPERATION OF THE TEEN HOMEWORK CENTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22577](#)

Staff Recommended Motion:

Approve Resolution No. 259-19(F).

Background:

To assist in funding enhanced services at the Mandel Public Library of West Palm Beach, in Resolution No. 6-10 the Commission authorized the Mayor to execute an agreement between the City of West Palm Beach and the West Palm Beach Library Foundation Inc., allowing the Foundation to solicit donations for the Mandel Public Library of West Palm Beach. The Library strives to provide unique programming for citizens of all ages in West Palm Beach such as health and fitness classes, art classes, computer workshops, homework help and so much more.

The West Palm Beach Library Foundation received funds from the Palm Beach County Sheriff's Office State Law Enforcement Trust Fund in the amount of \$23,000. Funding will continue to support the Teen Homework Center by employing local and certified public-school teachers. The teachers will provide homework assistance in a safe and inviting setting for teens four nights a week at the Mandel Public Library of West Palm Beach. Not only will the teens receive homework assistance, they can also take part in Get-That-Job courses, STEAM workshops and college preparation classes.

Resolution No. 259-19(F) accepts and appropriates the funding from the West Palm Beach Library Foundation to continue the operation of the Teen Homework Center.

Fiscal Note:

Approval recognizes/appropriates grant proceeds from the West Palm Beach Library Foundation to continue operation of Teen Homework Centers.

- 6. Resolution No. 260-19(F) accepting funding in the amount of \$25,000 from the West Palm Beach Library Foundation to support the Mandel Public Library's Homework Centers.**

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 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 PROVIDE APPROPRIATIONS FOR A CONTRIBUTION FROM THE WEST PALM BEACH

LIBRARY FOUNDATION TO CONTINUE OPERATION OF THE HOMEWORK CENTERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22578](#)

Staff Recommended Motion:

Approve Resolution No. 260-19(F).

Background:

To assist in funding enhanced services at the Mandel Public Library of West Palm Beach, in Resolution No. 6-10 the Commission authorized the Mayor to execute an agreement between the City of West Palm Beach and the West Palm Beach Library Foundation Inc., allowing the Foundation to solicit donations for the Mandel Public Library of West Palm Beach. The Library strives to provide unique programming for citizens of all ages in West Palm Beach such as health and fitness classes, art classes, computer workshops, homework help and so much more.

The Honorable Ann Brown, Former Chairman of the U.S. Consumer Product Safety and current West Palm Beach Library Foundation Board member, has graciously donated funding to allow the library's Homework Centers to continue for the 2019/2020 school year. This gift was made in honor of the West Palm Beach Library Foundation naming Tami R. Lesser as its new Executive Director. For the past eight (8) years, through the generous donations provided by the West Palm Beach Library Foundation, the Mandel Public Library of West Palm Beach has been able to provide two full-service Homework Centers every Monday through Thursday afternoon and evening during the school year to children in elementary, middle and high school. Over 3,250 children and teens visit the afterschool Homework Centers yearly. Students that repeatedly use the Homework Centers arrive at school better prepared than their peers. The receipt of this gift will allow the Library to keep the Homework Centers open this school year and provide a high level of support to the young students in our area through the assistance of certified teacher, healthy snacks and access to educational materials designated for students learning needs and achievement in school.

Fiscal Note:

Approval recognizes/appropriates grant proceeds from the West Palm Beach Library Foundation to continue operation of Homework Centers.

7. **Resolution No. 280-19 ratifying the submittal of a two-year grant application to South Florida Water Management District (SFWMD) for the FY2019 Cooperative Funding Program Water Conservation Project, requesting up to \$62,500 for the Community Water Conservation Measures Project – Phase VII (High Efficiency Toilet Voucher).**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR A COOPERATIVE FUNDING PROGRAM WATER CONSERVATION GRANT

REQUESTING UP TO \$62,500 FOR THE COMMUNITY WATER CONSERVATION MEASURES PROJECT - PHASE VII (HIGH EFFICIENCY TOILET VOUCHER); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22590](#)

Staff Recommended Motion:

Approve Resolution No. 280-19.

Background:

The South Florida Water Management District ("SFWMD") offers a program for the implementation of technology-based water conservation projects that address the demand side of the water use equation. The intent of the Community Water Conservation Measures Project – Phase VII (High Efficiency Toilet Voucher) project is to provide funding to save water through demand reduction and foster water conservation efforts of public and private water providers or large users within the SFWMD boundaries.

The City of West Palm Beach is dedicated to water conservation and water conservation education. The HET Voucher program can supplement these efforts by increasing customer awareness of water efficiency and achieving water efficiency savings for the program participants thus working toward the goals of 'Rethink Paradise: West Palm Beach, Sustainability Action Plan'.

The proposed project, Community Water Conservation Measures Phase VII, would continue past years' successful residential and commercial toilet voucher program.

The total program cost for a two-year program is \$125,000. The grant is on a reimbursement basis and would reimburse the City for up to 50% or \$62,500 of the program cost for a two (2) year program.

Due to grant deadlines, the City submitted the grant application to SFWMD. Resolution No. 280-19 ratifies the submittal of the grant application.

Fiscal Note:

There is no financial impact at this time. If awarded, the estimated program costs of \$125,000 will come from the Water & Sewer FY 2020 Operating Fund Budget. The grant is on a reimbursement basis and would reimburse the City for up to \$62,500 - 50% of the program cost for a two-year program.

- 8. Resolution No. 262-19 approving a Facility Use License Agreement with Faith's Place Center for Arts Education, Inc. to offer an arts enrichment after school program, and Faith's Place Center for Education to offer a pre-school and VPK program for ages 3-5 years at Pleasant City Community Center.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING EXECUTION OF A FACILITY USE LICENSE

AGREEMENT BETWEEN FAITH'S PLACE CENTER FOR EDUCATION, INC., FAITH'S PLACE CENTER FOR ARTS EDUCATION, INC. AND THE CITY OF WEST PALM BEACH FOR THE USE OF THE PLEASANT CITY COMMUNITY CENTER FOR THE PURPOSE OF PROVIDING A PRESCHOOL PROGRAM, TUTORIALS AND AFTER-SCHOOL ARTS ENRICHMENT PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
[Agenda Cover Memorandum No.: 22579](#)

Staff Recommended Motion:

Approve Resolution No. 262-19.

Background:

The City entered into an agreement with Faith's Place Center for Education, Inc., in August 2012 and in August 2014 to provide early education preschool/VPK for children ages 3 - 5 years old and Faith's Place Center for Arts Education, Inc., a 501-c3, to offer an after-school program Monday through Friday. Additionally, Faith's Place also was to provide programs during school holidays. Faith's Place worked closely with the Palm Beach County Health Department and the City to maintain their Child Care license for the programs offered.

Faith's Place has an enrollment of 85 children in the Preschool, voluntary prekindergarten (VPK) and after-school programs. Faith's Place is at capacity enrollment in its summer camp program. This past school year as a part of the Center for Arts Education, Inc. children were provided Arts Enrichment programs in Piano, Violin, Steel Drums, Clarinet, Flute, Trumpet, Musical Theater, Show Choir, Ballet and Modern Dance. The Center also focused on Homework Assistance, Tutorials, the 5 B's of Character Building and Etiquette. Faith's Place has a strong sense of social responsibility and requires students to engage in community outreach by performing and giving back to those less fortunate.

This year's Facility Use License Agreement is on a month to month basis. The Pleasant City Community Center is scheduled for construction and renovation to begin in the fall. Once construction permits have been received the building will be closed for renovation for an estimated 10 months.

Fiscal Note:

No fiscal impact.

9. **Resolution No. 247-19 approving a Sponsorship Agreement between the City of West Palm Beach and the Friends of Veterans, Inc., for the Palm Beach County Veterans' Day Parades on November 11, 2019, November 8, 2020, and November 7, 2021.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND FRIENDS OF VETERANS, INC. FOR THE PALM BEACH COUNTY VETERANS' DAY PARADE; AUTHORIZING

THE WAIVER OF CERTAIN FEES FOR THE EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22580](#)

Staff Recommended Motion:

Approve Resolution No. 247-19.

Background:

Friends of Veterans, Inc. will host Veterans Day Parades on Sunday, November 11, 2019, November 8, 2020, and November 7, 2021 from 2:00 P.M to 4:00 P.M on Clematis Street and in the Waterfront Commons. The City will receive certain sponsorship benefits in exchange for waiving the event permit fee valued at \$1,100.00 per year, Community Event Staff fee with an estimated value of \$350 per year, and the parking fees with an estimated value of \$4,360.00 per year. The Friends of Veterans, Inc., will provide the City a sponsorship valued at \$5,000.00. Sponsorship benefits will include sponsor mention in all radio spots, press releases and collateral. Prior to the event, Friends of Veterans, Inc. will pay the City a \$1,000.00 refundable Special Event security deposit. Friends of Veterans, Inc. will also be responsible for paying costs related to City services including Police, Sanitation, and the overtime for the Parking Department. The promoter will provide the City with a \$1 million general liability insurance policy naming the City as additionally insured.

Resolution No. 247-19 approves the waiver fees associated with the Parades, accepts the benefits accruing to the City and authorizes the Mayor to execute the Sponsorship Agreement attached to the Resolution as Exhibit A. Staff recommends approval.

10. **Resolution No. 250-19 correcting a scrivener's error in the use of Resolution No. 220-19 for two separate agenda items.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CORRECTING A SCRIVENER'S ERROR AND CLEARING THE RECORD OF DUPLICATE RESOLUTION NO. 220-19; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22581](#)

Staff Recommended Motion:

Approve Resolution No. 250-19.

Background:

Resolution No. 220-19 was used on an agenda item on the June 17, 2019 Commission meeting, approving an agreement with the Office of the Public Defender to provide legal services for indigent defendants charged with a municipal offense, between the City and Office of the Public Defender for the 15th Judicial Circuit.

Resolution No. 220-19 was also inadvertently used for a different agenda item on the July 29, 2019 Commission meeting, approving an agreement between the City and The Board of Trustees of Everglades College, Inc., Keiser Campus authorizing the City Police Department to provide traffic control and enforcement over private roads owned or controlled by The Board of Trustees of Everglades College, Inc.

Resolution No. 210-19 was the assigned number to the agenda item that went before the Commission on June 17, 2019 approving the agreement with the Office of the Public Defender for legal services.

The City of West Palm Beach desires to correct the scrivener's error by changing the Public Defender Legal Services Resolution No. 220-19 to Resolution No. 210-19.

11. Resolution No. 253-19 approving a pre-litigation settlement in the amount of \$50,000.00 in the matter of Susan Chapman v. City of West Palm Beach.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PRE-LITIGATION SETTLEMENT IN THE AMOUNT OF \$50,000.00 IN THE MATTER OF SUSAN CHAPMAN v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22583](#)

Staff Recommended Motion:

Approve Resolution No. 253-19.

Background:

On January 30, 2017, Ms. Susan Chapman was involved in a Motor Vehicle Accident with a City Vehicle. Ms. Chapman retained an attorney to represent her in pursuing a claim against the City of West Palm Beach for damages as a result of the injuries sustained in the accident. It was alleged that the City of West Palm Beach was at fault for the accident. An agreement has been reached with Ms. Chapman to resolve all claims against the City of West Palm Beach in advance of litigation, including all attorney's fees and costs, for \$50,000.00. In exchange for compensation, Ms. Chapman has signed a general release releasing the City from all claims arising from this motor vehicle accident.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000.00 shall require approval of the City Commission by formal resolution. Resolution No. 129-19 approves the Conditional Settlement Agreement.

12. Resolution 261-19 for the execution of an Interlocal Agreement with Palm Beach County for a 911 Public Safety Answering Point (PSAP) to notify, by radio, City's on-duty personnel of a public safety emergency.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH TO PROVIDE DIRECT RADIO COMMUNICATION BETWEEN 911 PUBLIC SAFETY ANSWERING POINTS AND ON-DUTY CITY PERSONNEL; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22584](#)

Staff Recommended Motion:

Approve Resolution 261-19.

Background:

The Marjory Stoneman Douglas High School Public Safety Commission (the "Commission"), within the Florida Department of Law Enforcement, was established during the 2018 legislative session, to identify and address issues presented by the tragedy that occurred at Marjory Stoneman Douglas High School in Parkland, Florida on February 14, 2018.

The Commission has recommended that counties be required to develop and implement communication systems that allow direct radio communications between public safety answering points (PSAPs) and first responders outside the PSAPs normal service area to provide for more efficient dispatch of first responders.

Pursuant to the Commission's recommendations, the Florida Legislature enacted Section 365.179, Florida Statutes, entitled "Direct radio communication between 911 public safety answering points and first responders."

Section 365.179, Florida Statutes (the new law), requires each Sheriff, in collaboration with all first responder agency heads in his/her county, to facilitate the development and execution of an interlocal agreement between the primary first responder agencies within the county.

In accordance with the new law, the City is legally required to execute an Interlocal Agreement with Palm Beach County providing for notice by radio of a public safety emergency, in times of emergency as defined in the Agreement, to the on-duty personnel of the City for which the PSAP does not provide primary dispatch functions.

Fiscal Note:

No fiscal impact.

- 13. Resolution No. 244-19 approving an Amendment to the Right-of-Way Maintenance Agreement among the CityPlace CDD, the West Palm Beach CRA and the City to include the Rosemary Square Phase II improvements.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE RIGHT OF WAY MAINTENANCE AGREEMENT AMONG THE CITYPLACE COMMUNITY DEVELOPMENT DISTRICT, THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR MAINTENANCE OF A PORTION OF ROSEMARY AVENUE AND A PORTION OF HIBISCUS STREET AND GARDENIA STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22572](#)

Staff Recommended Motion:

Approve Resolution No. 244-19.

Background:

After issuance of bonds for funding, the CityPlace Community Development District ("CDD") is making improvements within Rosemary Square, including upgrade of the streetscape and other hardscape improvements, landscaping, lighting and stormwater (the "Improvements"). These Improvements will be made within the City's rights-of-way. It is the intent of the City and the CDD, and as a further condition of the approval of the Improvements, that the CDD will maintain the portion of the rights-of-way impacted by the Improvements.

As approved by the City Commission by Resolution No. 250-18, the City, the District, and the CRA entered into that certain Right-of-Way Improvement & Maintenance Agreement dated December 27, 2018 and recorded in Official Records Book 30352, Page 322 of the Public Records of Palm Beach County, Florida (the "Agreement"). The parties desire to amend the Agreement to incorporate additional Improvements to be made by the CDD (Rosemary Square-Phase II).

Resolution No. 244-19 amends the Right-of-Way Improvement & Maintenance Agreement to include an additional portion of Hibiscus Street and a portion of Gardenia Street and grants CityPlace the right to remove 16 additional parking spaces in consideration of payment in the amount of \$268,800.00.

A companion item, Resolution No. 19-35, is on the CRA agenda of this date.

COMMISSION DISTRICT: District No. 4 - Commissioner Richard A. Ryles.

Fiscal Note:

\$268,800 paid for removal of 16 parking spaces.

- 14. Resolution No. 264-19(F) provides appropriations for various Water and Sewer capital projects.**

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 2018/2019 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 AND WATER SEWER SERIES 2017A CONSTRUCTION FUND BUDGETS TO PROVIDE APPROPRIATIONS FUNDING CAPITAL PROJECTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22585](#)

Staff Recommended Motion:

Approve Resolution No. 264-19(F).

Background:

The summary of additional appropriations for various improvements are as follows:

Project Description Funding	Dollar Increase Source
1. Grassy Waters South Nature Center Roof Replacement Water & Sewer Renewal & Replacement Fund (454)	\$350,000
2. Lift Station 26 Improvements Water & Sewer Series 2017A Revenue Bond Construction Fund (45A)	\$550,000
3. Lift Station 45 Improvements Water & Sewer Series 2017A Revenue Bond Construction Fund (45A)	\$350,000
4. Lift Station 51 Improvements Water & Sewer Series 2017A Revenue Bond Construction Fund (45A)	\$200,000

1. The Grassy Waters South Nature Center Building is located at 8264 Northlake Boulevard. The Nature Center's roof has been leaking and causing interior damage to the building. Design for the roof replacement project is underway. The work will include construction of a new roof, modification of the existing wood structure by eliminating all flat roof areas covering the offices and the exposed wood deck, removal of the existing skylight, replacement of the insulation, and relocation of the air conditioning unit from the roof to the existing wood deck level. The total estimated cost of the project (design and construction) is \$400,000, of which, \$50,000 is budgeted for the design phase. Additional funding in the amount of \$350,000 is needed to accomplish the construction phase of the project. Bid solicitation is anticipated in November with construction expected to begin in May 2020.

COMMISSION DISTRICT: The project falls within Commission District No. 4 - Commissioner Joseph Peduzzi.

2. Lift Station No. 26, a wastewater pump station, is located at the northeast corner of 45th Street and N. Flagler Drive in Gettler Park. The above ground improvements at the lift station include installation of new chain link fence with two double gates, new hedging and landscaping outside the fence line, lighting, and sodding. Improvements within the fenced enclosure involve a new wetwell to provide additional storage capacity, submersible pumps and associated piping, a new emergency standby generator, electrical control panel, and remote telemetry unit. Also included is the installation of a checkered pattern concrete slabs and grasscrete in the park. Bid solicitation for the construction of Lift Station No. 26 was issued in conjunction with two other lift stations, Lift Station No. 45 and Lift Station No. 51. Bids have been received. Additional funding in the amount of \$550,000 is needed to accomplish the construction phase of the project (bid award of the construction project, construction engineering and inspection services, and construction contingency). The construction of the lift station is anticipated to begin in February 2020 as soon as long lead items (electrical and control panels) are received. Work is expected to be completed within 7 months duration.

COMMISSION DISTRICT: The project falls within Commission District No. 1 - Commissioner Kelly Shoaf.

3. Lift Station No. 45 is located in the median of Australian Avenue, just west of 10th Street. Australian Avenue is a Palm Beach County (County) roadway. The lift station improvements involve modification of sanitary sewer system, modification of existing wetwell, installation of new submersible pumps, new emergency standby generator, electrical control panel, instrumentation and control systems, asphalt pavement restoration and milling and resurfacing. Bid solicitation for the construction of Lift Station No. 45 was issued in conjunction with two other lift stations, Lift Station No. 26 and Lift Station No. 51. Bids have been received. Additional funding in the amount of \$350,000 is needed to accomplish the construction phase of the project (bid award of the construction project, construction engineering and inspection services, and construction contingency). The construction schedule for Lift Station No. 45 will be coordinated closely with the County's ongoing construction project on Palm Beach Lakes Boulevard and Australian Avenue. The construction of the lift station is anticipated to begin as soon as the County's permit is issued. Work is expected to begin in late 2020 and completed within 7 months duration.

COMMISSION DISTRICT: The project falls within Commission District No. 3 - Commissioner Richard Ryles.

4. Lift Station No. 51 is located within the median of Australian Avenue, just south of 36th Street. Australian Avenue is a Palm Beach County roadway. The lift station improvements involve modification of sanitary sewer system, modification of existing wetwell, installation of new submersible pumps, electrical control panel, instrumentation and control systems, asphalt pavement restoration and milling and resurfacing. Also included is replacement of an existing emergency standby generator in Sunset Park, chain-link fence and landscape improvements around the new emergency standby generator unit. Bid solicitation for the construction of Lift Station No. 51 was issued in conjunction with two other lift stations, Lift Station No. 26 and Lift Station No. 45. Bids have been received.

Additional funding in the amount of \$200,000 is needed to accomplish the construction phase of the project (bid award of the construction project, construction engineering and inspection services, and construction contingency). Construction is anticipated to begin in February 2020 as soon as long lead items (electrical and control panels) and the County's permit are received. Work is expected to be completed within 7 months duration.

COMMISSION DISTRICT: The project falls within Commission District No. 1 - Commissioner Kelly Shoaf.

Fiscal Note:

Approval utilizes Fund 454 and 45A reserves to increase funding for various capital projects (Fund 454 \$350,000, Fund 45A \$1,100,000). Post approval the reserve for future project balances will be approximately \$2.1m in Water Sewer Renewal and Replacement Fund 454 and approximately \$800,000 in Water Sewer Series 2017A Construction Fund 45A.

15. **Resolution No. 269-19(F) approving the use of Real Estate Management reserve funds for the completion of an upgrade and replacement of the Fleet Security Gate System.**

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 2018/2019 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 REPLACEMENT AND IMPROVEMENTS OF THE SECURITY GATES AND ACCESS SYSTEM ON CITY PROPERTY AT THE FLEET YARD COMPLEX; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22587](#)

Staff Recommended Motion:

Approve Resolution No. 269-19(F).

Background:

The City of West Palm Beach service complex, a/k/a fleet yard, houses city buildings for fleet maintenance and fueling, public works, and utilities operations. The complex secures vehicles, trucks, and equipment and safety of employees working. The security access gate system has been inoperable, and the City has had to hire security guards until the gate system can be replaced. Funding was originally appropriated in the amount of \$459,125.55 for this project based on a proposal from Unicom Government, Inc. on August 16, 2018. Since then it has been determined that additional upgrades are necessary for proper site security.

·The original scope of the complex gates included only 3 Mega Arms when five (5) are needed (Daytime Normal Operating Hours: 2 at the main entrance on Charlotte for Entry Exit; One at the Vehicle Exit only at Charlotte; and 2 at the employee parking entrance at

Mercer for Entry and Exit Traffic).

·Original proposal assumed that the original rolling gate equipment at the main Charlotte gate could be repaired. Gate Tech inspected equipment during a walkthrough and determined the gate was not functioning and is too old to repair (parts too hard to get). The old equipment will have to be removed and the pedestals will need to be built out to sustain the new equipment. The existing equipment at Mercer gate is still functioning and will be used.

·Original scope assumed continuing to use the existing manual rolling Charlotte exit gate. New proposal replaces manual rolling gate with automated exit gate like main Charlotte and employee Mercer gates.

·Original proposal had no pedestrian gates; New proposal adds 3 pedestrian gates. One at the Mercer Parking gate; one at the main gate (south side) between main gate and warehouse; one at the main gate (north side) current existing pedestrian walkway near Fuel Station.

·Original Assumption that there was fiber to main gate was inaccurate. Stainless steel cabinets for Main gate will need to be installed. (see Jade Proposal)

The new proposals for project completion total \$219,936.40 with the detail as follows:

Additional Gate proposal (Securitas):	\$ 163,537.97
Network Equipment (CDW):	\$ 6,312.00
Fiber to Main gate (Jade)	\$ 3,842.80
Repairing network infrastructure Bldg. #4 (Jade)	\$ 4,706.63
Electric to power all gates (Grid1)	\$ 31,537.00

Resolution 269-19(F) approves the transfer of \$220,000.00 from the General Fund Real Estate Management reserve budget to the Real Estate Management repair and maintenance account.

Fiscal Note:

Funds will be transferred from General Fund Real Estate Management Reserves.

16. **Approval of various documents related to the development of the Brightline/Virgin Trains USA Florida Train Station, specifically: Resolution No. 276-19 accepting deeds from Virgin Trains USA Florida for the roads fronting the Brightline train station and an adjacent parcel and approving a Maintenance Agreement for such roads; Resolution No. 277-19 granting an Easement to Brightline/Virgin Trains for footers, canopies and solar trees that encroach upon the station rights-of-way; Resolution No. 278-19 granting easements at various crossings for crossing equipment and approving a Sidewalk Removal Agreement; and Resolution No. 279-19 approving a wayfinding Signage Agreement.**

Resolution No. 276-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A RIGHT OF WAY DEED CONVEYING THE STATION ROAD FROM EVERNIA STREET TO DATURA STREET, AND A SPECIAL WARRANTY DEED CONVEYING THE

FRONTAGE ROAD FROM DATURA TO CLEMATIS STREET FROM VIRGIN TRAINS USA FLORIDA, LLC; ACCEPTING A SPECIAL WARRANTY DEED CONVEYING THE ADJACENT PROPERTY STRIP FROM WPB ROSEMARY, INC.; APPROVING A RIGHT-OF-WAY MAINTENANCE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Resolution No. 277-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A FOOTER AND AERIAL EASEMENT AGREEMENT BY AND BETWEEN VIRGIN TRAINS USA FLORIDA, LLC AND THE CITY OF WEST PALM BEACH RELATED TO THE BRIGHTLINE/VIRGIN TRAINS STATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Resolution No. 278-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING EASEMENTS TO VIRGIN TRAINS USA FLORIDA, LLC ACROSS CITY RIGHTS-OF-WAY AT VARIOUS CROSSINGS FOR CROSSING GATES AND SAFETY FEATURES; APPROVING A SIDEWALK REMOVAL AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Resolution No. 279-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SIGNAGE INSTALLATION AND MAINTENANCE AGREEMENT BY AND BETWEEN VIRGIN TRAINS USA FLORIDA, LLC AND THE CITY OF WEST PALM BEACH RELATED TO WAYFINDING SIGNS FOR THE BRIGHTLINE/VIRGIN TRAINS STATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22588](#)

Staff Recommended Motion:

Approve Resolution Nos. 276-19, 277-19, 278-19, and 279-19.

Background:

Virgin Trains USA Florida, formally known as Brightline Trains, formally known as All Aboard Florida, and its affiliates, constructed a train station in downtown West Palm Beach.

RESOLUTION NO. 276-19: - ROAD & PARCEL DEEDS: By Resolution No. 146-15, the City Commission of the City of West Palm Beach approved that Agreement by and between the City of West Palm Beach, the West Palm Beach Community Redevelopment Agency, All Aboard Florida - Operations, LLC, FDG Mezzanine III, LLC, PBC Investments and Acquisitions LLC, and WPB Investments, LLC, dated April 28, 2015. Pursuant to this Agreement, Virgin Trains agreed to construct a station roadway from Evernia Street to Datura Street, and a connector road from Datura Street to Clematis Street; and to dedicate the station roadway to the City and convey the connector road and ownership of the underlying parcels to the City; additionally, Virgin Trains would receive

transfer development rights and tax increment for its construction of a mixed use residential and parking development. Virgin Trains completed its construction and desires to complete the conveyances of the roadways and parcel. Resolution No. 276-19 accepts the deeds for the station roadway, the connector roadway and the adjacent strip of land. Virgin Trains desired that the Station Roadway be constructed with specialty landscaping, trees, tree grates, irrigation, pavers and signage to enhance the Train Station. The Agreement required Virgin Trains to execute a separate maintenance agreement with the City for maintenance of all non-standard improvements it constructs on the Station Roadway. Resolution No. 276-19 also approves this Right-of-Way Maintenance Agreement.

RESOLUTION NO. 277-19 - FOOTER AND AERIAL EASEMENTS: The Brightline train station features footers under a portion of the property to be dedicated to the City as public right-of-way serving the Station and also features canopies over a portion of the property to be dedicated to the City as public right-of-way. Brightline/Virgin Trains permitted the installation of FPL solar trees on the station property; however, a portion of the solar trees project over a portion of the property to be dedicated to the City as public right-of-way. Resolution No. 277-19 grants a footer and aerial easement to allow Virgin Trains to operate, repair, maintain and replace the footers, canopies and solar trees within the City right-of-way for the benefit of the train station.

RESOLUTION NO. 278-19 - CROSSING EASEMENTS: Brightline/Virgin Trains USA Florida, constructed its train station in downtown West Palm Beach as part of the passenger rail system it is constructing between Miami and Orlando, Florida. The new railroad infrastructure required the relocation of signal equipment which exists for the benefit of public safety. The City desires to grant easements over portions of various City rights-of-way to allow Virgin Trains to install, place, construct, use, maintain, alter, repair, and replace railway automatic warning gates, flashing lights, supporting structures, and fixture connections and any other incidental crossing improvements and safety features which benefit the public safety and allow for the train quiet zone. The locations at which such easements will be granted are:

Banyan Boulevard (2 easement areas)	15th Street
Clematis Street (2 easement areas)	Gardinia Street (2 easement areas)
Ardmore Road (2 easement areas)	Westwood Road
Avenida Hermosa	El Vedado
Monroe Drive	Roseland Drive
3rd Street	Gregory Road
Fern Street	

Resolution No. 278-19 grants these crossing easements. In consideration of the granting of these crossing easements, Virgin Trains agreed to pay the City \$50,000 which the City will use to remove the sidewalk immediately adjacent to the train tracks on the east side of the City's Clematis Parking Garage and to improve a pedestrian passageway on the west side of the Clematis Parking Garage. Resolution No. 278-19 also approves the Sidewalk Removal Agreement.

RESOLUTION NO. 279-19 - SIGNAGE AGREEMENT: Brightline/Virgin Trains desired to locate wayfinding signs for the Brightline Train Station at specific locations on City right-of-way, being the northwest corner of Rosemary and Evernia and the southwest corner of Clematis and Quadrille Plaza, to efficiently direct residents and visitors to the Train Station. By Resolution 170-17, the City approved the design features of the Train Station Wayfinding Signage (the "Signage") and required Brightline/Virgin Trains to enter into an agreement with the City for the installation and maintenance of the Signage. Resolution No. 279-19 approves this Signage Maintenance Agreement.

Fiscal Note:

\$50,000 received as consideration for the various crossing easements; such funds are intended for removal of the indicated sidewalk and improvement of the pedestrian passageway.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTION (17):

17. **Resolution No. 239-19 APPROVED granting "Face of the City" approval of above-ground design features for the improvements to Flagler Drive from Gregory Road to South Worth Court.**

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 IMPROVEMENTS OF FLAGLER DRIVE FROM GREGORY ROAD TO SOUTH WORTH COURT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22571](#)

Staff Recommended Motion:

Approve Resolution No. 239-19.

Background:

Section 66-13 of the Code of Ordinances requires City Commission approval of design features for above-ground changes involving City buildings, and other above-ground elements, referred to as the "Face of the City".

The East Coast Greenway Alliance is a national non-profit, membership organization whose mission is to partner with local, state, and national agencies and organizations to promote the establishment, preservation, and use of a long-distance multi-user trail system from Maine to Florida. The East Coast Greenway is a 2,500-mile path began in 1991 as an urban alternative to the Appalachian Trail.

Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade counties, and jurisdictions therein, have designated trails to comprise the East Coast Greenway Southeast

Region, a six-county Shared-Use Non-motorized (SUN) Trail, which is the only single continuous segment within the Southeast Florida Greenways & Trails network, providing access to millions of residents and visitors to the region.

Resolution No. 10-01, the City Commission of the City of West Palm Beach expressed its support for the Alliance and the East Coast Greenway, and approved the designation of three trails within the City as part of the East Coast Greenway - Southeast Region, and the six-county Shared-Use Non-motorized (SUN) Trail: the Flagler Drive Trail, Summa Park north to Currie Park; the North Flagler Drive Bike Lane, from Currie Park north to 42nd Street; and the North Flagler Drive Multi-use Trail, from 42nd Street north to 54th Street.

Flagler Drive is an important network within the City of West Palm Beach's Bicycle Masterplan; connection more than 8 miles of connected trail along the City's waterfront. During the development of the City's Bicycle Masterplan in 2017, three public meetings were held throughout the City. Community leaders, residents and stakeholders attended gain a deeper understand of the collective community vision, including existing constraints, desired outcomes and preferred facilities. A two-way cycle track is proposed east along Flagler Drive and was accepted through Resolution No. 134-18; accepting the Citywide Bicycle Masterplan, prepared by McMahan Transportation Engineers & Planners, dated January 2018.

Phase 1 of the Flagler Trail is Flagler Drive from Gregory Road to South Worth Court. The proposed design consists of two 10-foot travel lanes and a 10-foot two-way cycle track. There are proposed raised intersection and marked crosswalks proposed to assist with pedestrian and active mobility access to the waterfront. There will be concrete curb separating the travel lane from the cycle track to provide protected facilities for all users and ability.

Significant community engagement during the 9 months design process consists of: 3 SENA meetings, individual stakeholders and Connect WPB meetings. A public demonstration workshop; South Flagler Pedal Party was held on June 29th, 2019. Approximately 2/3 of participants favors a two-way cycle track over conventional bike lanes.

COMMISSION DISTRICT: District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

PUBLIC HEARING (18-23):

- 18. Public Hearing of Resolution No. 252-19 **APPROVED** establishing the rates for the Fire Service Assessment Fee for fiscal year 2019/2020 and approving the assessment roll.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE RATES FOR THE FIRE SERVICE SPECIAL ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2019; APPROVING THE RATES OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22594](#)

Staff Recommended Motion:

Approve Resolution No. 252-19 providing an increase in the Fire Service Assessment Fee.

Background:

Fire suppression, prevention and other fire services provide a special benefit to properties by protecting the value and integrity of improvements to real property and protecting the use and enjoyment of such property. The availability of comprehensive fire services reduces the cost of fire insurance and enhances the market perception and property values.

In 2008, the City Commission adopted Ordinance No. 4141-08, and Resolution Nos. 212-08 and 332-08, establishing an annual recurring Fire Services special assessment program for properties within the City, to fund the assessable costs of providing fire services, excluding Emergency Medical Services. The City Commission approved a rate increase for the Fire Service Assessment August 27, 2018 for the first time since initially adopted in 2008. However, the operating costs of the Fire Department Fire services have increased significantly for firefighter pensions, building renovations for additional personnel, and for acquisition and maintenance of the fire trucks, equipment, hoses and apparatus. It has been determined that an increase in the Fire Assessment rates is necessary to help offset the increase in the operating costs of the Fire Department.

The City contracts with Government Services Group, Inc., for annual Fire Assessment Program services. For Fiscal Year 2019, an additional study was performed to update the apportionment methodology based on the Fire Department's cost of providing services and a study of call data for the past 3 years. Based on this cost apportionment study, an increase in assessment rates is supported to meet the service demands and cost of providing the services.

The City Commission annually passes a resolution describing the services, facilities or programs to be funded, determining the cost to be assessed, establishing the assessment rates, and following all procedural requirements required by law and Ordinance No. 4141-08. By Resolution No. 228-19 on July 15, 2019, the City Commission adopted the Preliminary Rate for 2019/20 which increases the fire assessment rates and increases anticipated revenue by approximately \$3 million.

The preliminary Assessment Roll was updated and made available for inspection by the public. Notice of this public hearing was published in the Palm Beach Post on August 5,

2019. Notices were also mailed to each affected property owner.

The proposed Fire Service Assessment rates for 2019 is as follows:

RESIDENTIAL \$100

NON-RESIDENTIAL PROPERTY

Rate Per Building Square Foot

Commercial	\$0.103
Industrial/Warehouse	\$0.018
Institutional	\$0.123
Nursing Home	\$0.372

No Fire Services Assessment will be imposed upon Governmental Property. The City will buy down this exemption with non-assessment funds.

Institutional Property whose use is exempt from taxation under Florida law shall be assessed but shall be required to pay only twenty percent of the Fire Services Assessment imposed against each parcel. The City will buy down this 80% exemption with non-assessment funds.

The Fire Service Special Assessment will be collected by the County Tax Collector through the property tax bill.

Resolution No. 252-19 approves the increased 2019/20 fire assessment rates.

Fiscal Note:

The increase in rates will add approximately \$3 million from the prior year receipts.

19. **Public Hearing of Resolution No. 251-19 APPROVED AS AMENDED adopting the assessment roll for the Chronic Nuisance Assessment for fiscal year 2019/20 which includes properties with unpaid charges for the abatement of code violations and chronic nuisance.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATED TO THOSE NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT MOWING AND DEBRIS REMOVAL SERVICES, BOARDING AND SECURING OF VACANT OR UNSAFE STRUCTURES, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES, CALLS FOR SERVICE AND INSPECTIONS TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY, AND OTHER PROPERTY MAINTENANCE SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY; APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2019-2020; PROVIDING AN

EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22595](#)

Staff Recommended Motion:

Approve Resolution No. 251-19.

Background:

In September 2011, the City of West Palm Beach adopted a series of new Ordinances intended to change the way the City deals with chronic nuisance properties and chronic nuisances in general. These ordinances were intended to recognize that the work that City staff provides to chronic nuisance properties is of direct benefit to the affected property. Through the adoption of Ordinance Nos. 4350-11, 4361-11, and 4362-11 the City Commission declared that any unpaid chronic nuisance service charges, unpaid Code Enforcement re-inspection assessment charges, or unpaid costs incurred for the abatement of code violations that remained delinquent and unpaid should become a special assessment against these properties as a non-ad valorem assessment equal in rank and dignity to a lien for ad valorem taxes.

In order to satisfy the statutory requirements for the implementation of special assessments contained in Section 197.3632 Florida Statutes, the City Commission also adopted Resolution No. 17-13, which declared the City's intent to utilize the uniform method of collecting these non-ad valorem assessments.

By Resolution No. 229-19, the City Commission directed the Finance Director to prepare an assessment roll for the chronic nuisance service assessments for fiscal year 2018/19 and set August 26, 2019 as the date for the public hearing to adopt a final assessment roll as required by statute. Written notification by first class mail was sent to each affected property owners advising of the total amount to be levied against each parcel of assessed real property; that failure to pay the assessment will cause a tax certificate to be issued against the property; that the property owners have a right to appear at the public hearing and to file written objections with the City Commission within twenty days of the date of the notice; and providing the date, time, and place of the public hearing. Notice of the assessment was also published in the Palm Beach Post.

Fiscal Note:

No fiscal impact, as revenue generated from the Chronic Nuisance Program is a reimbursement of expenditures incurred by the City to abate the nuisance.

- 20. Public Hearing and Second Reading of Ordinance No. 4862-19 **APPROVED** amending Section 94-313 of the City's Zoning and Land Development Regulation to allow for a maximum of two existing docks if adjacent single-family residential lots are combined.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND

DEVELOPMENT REGULATIONS, ARTICLE X, SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 94-313, DOCKS, TO ENABLE A MAXIMUM OF TWO EXISTING DOCKS TO BE PRESERVED IN THE EVENT THAT TWO ADJACENT SINGLE FAMILY LOTS ARE COMBINED; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22596](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4862-19, amending Section 94-313 of the City's Zoning and Land Development Regulations, to allow for the preservation of a maximum of two existing docks if adjacent single-family residential lots are combined. This motion is based upon the factual testimony presented, the application submitted the staff report, and the recommendation of the Planning Board, along with the finding that the amendment is consistent with the standards of Section 94-32 of the Zoning and Land Development Regulations.

Background:

The City's Zoning and Land Development Regulations contain numerous standards which regulate the type, location, and numerical and dimensional characteristics of docks, including Section 94-313(a)(3)(f), which limits the maximum number of docks to one per single family residential city lot. However, recent redevelopment in West Palm Beach has included a significant increase in the construction of new single-family homes, particularly in waterfront locations such as Flagler Drive. Such redevelopment often includes the demolition of existing single-family homes and combining adjacent single-family residential lots into one in an effort to maximize land values and exposure to the Intracoastal Waterway and to command more expansive views of neighboring Palm Beach Island. These lots, like those on North Flagler Drive, commonly contain existing docks for residents to keep their boats. The regulation of docks in West Palm Beach falls under the purview of the Florida Department of Environmental Protection, Army Corps of Engineers, and the City's Zoning and Land Development Regulations.

Staff presented this item during the September 6, 2018 Mayor/Commission Workshop. Staff presented the scenario of a simple waterfront single family residential lot combination that may require the demolition of an existing dock. The Mayor and Commissioners were unanimous in directing Staff to proceed with an amendment to Section 94-313(a)(3)(f) in order to enable the preservation of existing docks as a result of single family residential lots being combined. Members of the commission commented that the maximum number of docks to be preserved as a result of lots being combined should be capped at two, and that this regulation apply solely to residential properties, explaining that the increase in lot size substantiates a second dock. New docks will still require staff level review in addition to obtaining permits from the requisite agencies as previously discussed. To ensure that docks on newly combined adjacent parcels maintain adequate separation distance, newly combined single-family residential lots containing docks must each contain a minimum

width of 75 feet.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the request to the City Commission after a Public Hearing on June 18, 2019.

PUBLIC NOTICE: The second reading of Ordinance 4862-19 was advertised in the Palm Beach Post on August 16, 2019.

COMMISSION DISTRICT: The amendment applies City-wide.

21. **Public Hearing and First Reading of Ordinance No. 4861-19 **APPROVED** amending the City Code of Ordinances at Chapter 86-Traffic, to create Article VII - Micromobility System and Devices regarding bicycle, scooter and other personal transportation vehicles; and Resolution No. 275-19 **DISCUSSED** establishing a fee schedule for the micromobility system.**

ORDINANCE NO. 4861-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY OF WEST PALM BEACH CODE OF ORDINANCES AT CHAPTER 86, TRAFFIC, TO CREATE ARTICLE VII, MICROMOBILITY SYSTEM AND DEVICES, IN ORDER TO PERMIT AND REGULATE A MICROMOBILITY SYSTEM WITHIN THE CITY; ESTABLISHING GENERAL PERMIT PROVISIONS; ESTABLISHING REGULATIONS; PROVIDING FOR IMPOSITION OF FEES; PROVIDING FOR ENFORCEMENT OF VIOLATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 275-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, THE COMPREHENSIVE FEE SCHEDULE TO ESTABLISH THE FEE SCHEDULE FOR A MICROMOBILITY SYSTEM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
[Agenda Cover Memorandum No.: 22592](#)

Staff Recommended Motion:

Approve Ordinance No. 4861-19 at First Reading.

Resolution No. 275-19 to be considered at Second Reading.

Background:

The recent adoption of the City's Mobility Plans, by Resolution No. 134-18, has generated interest in the establishment of various transportation alternatives within the City of West Palm Beach, including the establishment of mobility "micro hubs" for the sharing of bicycles, scooters and/or other micromobility personal transportation vehicles.

The City's Comprehensive Plan, in its Transportation Element, sets out goals, objectives and policies to develop and maintain a safe, convenient, efficient transportation system

which: recognizes present need, reflects the Future Land Use Element, and provides for safe, efficient intermodal transportation linkage. Goal 2.1 of the Transportation Element of the Comprehensive Plan states, “[t]he City shall regularly evaluate the operational conditions of its roads while making sure that the needs of the users of different modes of transportation are considered;” and Goal 2.3 states, “[t]he City shall seek to manage traffic congestion through initiatives such as transportation systems management (TSM), and transportation demand management (TDM) measures, as well as through other strategies that reduce reliance on automobiles, and reduce vehicle miles traveled.”

The City wants to explore and encourage alternative means of transportation within the City to reduce automobile traffic and in accordance with the Mobility Plans. Local governments across the country are experiencing the increased integration of new technology platforms into their transportation systems. One area where this growth is moving at a fast pace is the deployment of dockless micromobility, such as bikes, including electric assist, and electric scooters. While dockless micromobility offers great opportunities to reduce congestion and help local governments meet goals around reduction in greenhouse gas emissions, these new technologies are challenging to regulate since they often do not fit neatly into existing ordinances and laws. They can also pose safety and privacy risks to users and thus it is important that local governments carefully consider if and how to regulate them.

Today, in its most popular form, micromobility encompasses shared fleets of small vehicles like bikes, scooters, e-bikes, and e-scooters. Their popularity is booming: In 2018, 84 million trips were taken on shared bikes and scooters in the U.S., doubling shared micromobility use from the previous year. Some communities are moving forward with the deployment of dockless micromobility by releasing a request for proposals to determine which firms not only have the experience and qualifications to operate within a community, but also have operational goals that align with the stated vision for dockless micromobility in the request for proposals. City staff is aware of other cities within our nation where the safety and/or welfare of the public have been negatively impacted by the unregulated use of personal transportation vehicles, such as scooters and bicycles. Some cities have found that, while bike rentals like those in West Palm often have set locations for renting and returning, docking areas, scooter rentals frequently operate as dock-less systems, which means they can be left about when no longer in use, blocking sidewalks and ADA access. The City has evaluated other micromobility programs ordinances and regulations from Atlanta, Chicago, Denver, Ft. Lauderdale, Los Angeles, Orlando, San Francisco, Santa Monica, Seattle, and other cities to understand the regulatory programs that have been implemented to regulate various micromobility programs and devices.

The City has a substantial interest in regulating how private operators of micromobility systems and devices operate on the public right-of-way to promote public health, safety and welfare and to ensure that public rights-of-way remain obstruction free. By state law, electronically powered bicycles and scooters may not operate on the sidewalk. The City also has a substantial interest in ensuring that micromobility systems and devices are socially equitable and accessible to persons without smartphones or those who are underbanked or unbanked.

Previously adopted Ordinance No. 4810-18, authorized a temporary moratorium upon the acceptance of applications and the issuance of permits or franchises pertaining to micro mobility hubs, including but not limited to bicycle or scooter sharing, in order to facilitate the development and adoption of regulations and standards for the permitting and operation of such micro mobility systems within the City. Ordinance No. 4843-19 extended the temporary moratorium until September 23, 2019.

Ordinance No. 4861-19 amends the Code of Ordinances at Chapter 86-Traffic, to create Article VII -Micromobility System and Devices. The Ordinance requires that operators of commercial micromobility systems (including e-bikes, e-scooters, bicycles and scooters) must have a permit from the City in order to operate on City streets. The requirement does not apply to tour operators that provide tours by segway or other personal transportation device and who commence and return to the same location. The ordinance also establishes regulations for the operation of micromobility devices on public streets and sidewalks.

The Ordinance establishes requirements for a micromobility system permit, including any requirements established in the permit and license, along with regulations for operation of the system. Such regulations include, but are not limited to:

- No rental of devices to persons under 16 years of age, and helmets are required to be worn by all persons under age 18.
- The system operator must require all devices to be parked and returned to designated locations.
- The system operator must perform relocation and rebalancing of devices throughout the day to provide sufficient availability and throughout the deployment area and avoid overconcentration in a particular area.
- The system operator must monitor devices and right fallen devices, collect inoperable or damaged devices and devices outside of the permitted area.
- The operator must have customer service available for its users and the City, 24 hours per day, seven days per week.
- The system operator must provide forms of transportation equity, so that a user without a smart phone or without a credit card or bank account can still use the system.
- The system operator must also share real-time data related to the use of micromobility devices, including type of device, travel, user demographics, and revenue.
- The system operator must provide racks, corrals or other parking locations and fixtures, to be determined in conjunction with the City. The design of such fixtures would be brought to the City Commission for face of the City approval.

By obtaining a micromobility system permit and operating a micromobility system, a system operator agrees to indemnify the City from and against any and all claims, demands, actions, or causes of action which may be made against the City for the recovery of damages for injury to or death of any person or persons and/or the damage to any property resulting directly or indirectly out of the wrongful acts or omission of the micromobility system operator or its employees or subcontractors, arising from the rental, use and operation of the micromobility service and micromobility devices within the City.

Additionally, the City reserves, the power to modify the micromobility system, including but not limited to the right to revoke all permits granted, to change or limit the rights granted, to expand or limit the number of permits issued, or to otherwise modify the micromobility system within the City at any time and from time to time.

Ordinance No. 4861-19 also establishes requirements for the features and functions of micromobility devices, bicycles and scooters, including requirements for front and rear lights, the ability to stand upright, a tracking device, ability to be geo-fenced, and maximum motor speeds.

Ordinance No. 4861-19 also provide enforcement methods and fines and penalties for ordinance violations by both the system operator and users operating devices on City streets and sidewalks.

It is the intent of the City to competitively select one system operator to be permitted to operate within the City, and to provide the full spectrum of micromobility devices, bicycles and scooters. The selected operator may subcontract with other firms if necessary to provide all forms of devices.

The City has prepared an RFP (Request for Proposals) from companies that would provide rental bikes, e-bikes and e-scooters for use downtown and elsewhere in the City. The selected firm would be issued a permit and license to operate within the City.

Resolution No. 275-19 the fee schedule related to the micromobility system, which includes an application fee, an annual license fee, per device charges, charges in the event the City must relocate or remove and/or store a device, a \$1 per device charge to be used for transportation equity programs, and a charge for future costs of repairing or maintaining rights-of-way damaged by the system operator or its users.

Second Reading to be scheduled after the RFP pre-proposal meeting.

Fiscal Note:

No fiscal impact. Fees may be collected in accordance with the fee schedule.

22. **Public Hearing and First Reading of Ordinance No. 4858-19 **APPROVED** for City-initiated request for a text amendment to Chapter 94, Article IV. Downtown Master Plan urban regulations to correct scrivener's errors.**

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 SECTION 94-105 USE REQUIREMENTS, TABLE UV-2: PERMITTED USE TABLE FOR DMP; SECTION 94-106 GENERAL USES WITH SPECIAL REQUIREMENTS; SECTION 94-110 SIGNAGE REQUIREMENTS; CORRECTING SCRIVENER'S ERRORS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE,

AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22591](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4858-19. This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board and the Downtown Action Committee, and the finding 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 Downtown Master Plan (DMP) includes all the zoning regulations that guide the development of the properties within the downtown area. With a complex document such as the DMP it is anticipated that drafting errors occur. Acknowledging this situation staff regularly conducts reviews of the document to detect scrivener's errors that require correction. The subject amendment intends to correct scrivener's errors recently identified in the document. The proposed amendments include:

1. Section 94-105. Use requirements

a. Bed and Breakfast. Bed and breakfast (B&B) are currently permitted within the Brelsford Park District and the Northwest Neighborhood District. In both cases, except for the BPD-5 subdistrict B&B are permitted with certain conditions listed as P11. The language included in the DMP fails to identify the section of the general code that includes the specific requirements for the establishment of a B&B. The proposed amendment adds the section reference to the P11 language.

b. Table IV-2: Permitted use table for DMP. Last April 23, 2018, the City Commission approved Ordinance 4770-18 removing the requirement for ground floor retail uses along all the properties fronting Rosemary Avenue south of Clematis Street, Clematis Street from Rosemary Avenue to Narcissus Avenue, North Clematis Street and South Clematis Street, to allow more flexibility for the uses, and reduce the vacancy rate along the street.

Table IV-2: Permitted use table for the DMP was modified to remove the "R" that indicated the required use. Specifically, for the CWD-CD the "R" indicating the required use was removed from the table, but a "P" for permitted was not inserted in the CWD-CD box, failing to indicate that retail uses are permitted, but not required. The proposed amendment corrects the scrivener's error by indicating the permitted use.

2. Section 94-106. General uses with special requirements.

a. Community centers. The amendment proposes to correct the cross reference for the requirements applicable to community centers. The requirements were previously located under subsection 94-106(10)b, under the use requirements for schools, civic uses, and places of worship, and are now located under subsection 94-106(a) (12) b. The

requirements have not changed and remain as previously approved.

b. Medical marijuana dispensaries. Last June 18, 2018, the City Commission approved Ordinance No. 4780-18 authorizing medical marijuana dispensaries as a use permitted within certain districts. The Ordinance included regulations for the entire City, and specifically the DMP area. For the DMP area, the intent was to allow medical marijuana dispensaries in all the areas where pharmacies are allowed, which means all the districts except certain subdistricts within the residential enclave planning area. The goal was to protect the integrity of the residential subdistrict and abide by the state regulations.

The language included in the Ordinance states that “medical marijuana dispensaries shall be permitted within the urban core planning area, except residential subdistrict,”. The language included fails to identify that dispensaries are also permitted within the special district planning area, and within the mixed-use corridors within the residential enclave planning area. The proposed amendment will clarify that medical marijuana dispensaries are not permitted within the NWD-R-C1, BPD-R, PPD-PO and PPD-R, the residential subdistricts in the DMP area.

3. Section 94-110. Signage requirements.

Last January 28, 2019, the City Commission approved Ordinance No. 4820-18 introducing new regulations regarding changeable copy signs for cultural facility uses. The language approved needs to be corrected to clarify that the maximum size of the allowed sign per frontage is 400 square feet. The word “square” is currently missing from the text.

The Downtown Action Committee recommended approval (7-0) of the request described herein at their April 10, 2019 public hearing. The Planning Board recommended approval (7-0) of the request described herein at their June 18, 2019 public hearing.

Ordinance 4858-19 was advertised in the Palm Beach Post on August 19, 2019.

COMMISSION DISTRICT: The affected properties are located within Commission District No. 3- Commissioner Richard Ryles.

23. **Public Hearing and First Reading of Ordinance No 4864-19 APPROVED amending various sections of the City Code at Chapter 94, Article IV Downtown Master Plan urban regulations, to introduce additional regulations and clarify several provisions of the DMP code.**

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 SECTION 94-109 DEFINITIONS AND MINIMUM REQUIREMENTS; SECTION 94-111 PARKING AND LOADING REQUIREMENTS; AND SECTION 94-132 TRANSFER OF DEVELOPMENT RIGHTS PROGRAM; INTRODUCING ADDITIONAL REGULATIONS; CLARIFYING SEVERAL PROVISIONS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY

CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
[Agenda Cover Memorandum No.: 22593](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4864-19. This motion is based on the factual testimony presented, the staff report, the recommendation of the Downtown Action Committee and the Planning Board, and the finding 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 Downtown Master Plan (DMP) includes all the zoning regulations that guide the development of the properties within the downtown area. On a regular basis staff reviews the language in the code and introduces different corrections intended to modify and clarify existing regulations, or introduce additional regulations needed to continue the redevelopment process. The main changes proposed are as follows:

1. Section 94-109. Definitions. The definitions section contains in addition to the definition of terms and elements minimum requirements applicable to the urban regulations. The proposed amendments in this section are as follows:

a. Active use, ground floor

The general intent of the active use regulations is to ensure that sufficient activity is provided at the ground level to attract pedestrian movement and interaction. With the development of recent projects, staff has noticed that some uses at the ground level are not conducive to pedestrian interaction even though they can be classified as active uses according to the definition. Uses such as private gyms, movie rooms and yoga rooms associated with residential developments meet this criteria. The proposed amendment clarifies that the active uses at the ground level are intended to provide direct access from the sidewalk or the public open spaces, and prohibits the location of residential amenities such as gyms, movie rooms and yoga rooms to comply with the active use requirement along primary street designations.

b. Fence

The proposed amendment prohibits chain link fences within the street frontage maximum setback within the Urban Core and Special Districts planning areas and allows it within the Residential Enclave planning area when screened with a hedge. The amendment also introduces regulations requiring a top rail for allowed chain link fences.

c. Setback

Proposed changes clarify the way street frontage setbacks are measured for the Providencia Park District-Professional Office, and for cases where curb line varies along property line or minimum setback is larger than 30 feet.

d. Table IV-6: Open space types by subdistrict

The proposed amendment introduces changes to allow other types of public open spaces

within the CWD for those cases where the passageway currently required is not appropriate. The amendment gives the Planning and Zoning Administrator discretion to determine when the passageway is appropriate based on the context. Table IV-6 is also amended to include the type of open spaces allowed within the Okeechobee Business District (OBD).

e. Table IV-7: Open space standards

The proposed amendments to the open space standards are directed to enhance the quality of the required public open spaces. Currently, the public open spaces are required to provide active uses only along one side of the public open space, the proposed amendment increase the active use requirement to minimum two sides of the open space. The abutment of active uses with direct access from the open space will substantially enhance the use of the public open space.

2. Section 94-111. Parking and loading requirements. The proposed amendment to the parking section includes the following:

a. Bicycle racks

The proposed amendment modifies the language to require bicycle parking spaces on a ratio based on the number of parking spaces provided rather than the minimum amount of parking spaces required by the code. The proposal intends to increase the number of bicycle parking available if the vehicle parking increases. In addition, the proposed amendment introduces a bicycle parking requirement for hotel uses, currently excluded from the requirement.

b. Porte cochere passenger loading and drop-off

The proposed amendment clarifies that the porte cochere shall be set back a minimum of 16 feet from the back of curb. The distance requirement results in the porte cochere location to be always outside the minimum pedestrian area provided along the street frontage, minimizing the impact on the pedestrian environment.

The amendments also propose to allow both types of porte cochere (Type A and Type B) for class A office buildings and hotels. It is staff's professional opinion both types are appropriate for the urban context. An additional regulation is introduced to require a minimum 5-foot-wide landscape buffer between the porte cochere and the sidewalk.

c. Curb cuts, parking entrances, and driveways

Curb cuts continue to be a challenge for the intended pedestrian environment envisioned for the downtown. The proposed regulation intends to minimize the negative impact caused on pedestrians when two curb cuts are located adjacent to each other. The proposed 10-foot separation will provide a relief for pedestrians and reduce the visual impact of the curb cut. Table IV-11: Curb cuts and passenger loading, and drop-off standards is also amended to include the new Okeechobee Business District (OBD).

3. Section 94-132. Transfer of development rights program. The proposed amendment to the TDR program clarifies the possible use of the program for those projects seeking to

take advantage of the additional height offered by the TDR incentive program but not seeking additional Floor Area Ratio (FAR). The amendment establishes the regulation by which the use of the additional height is possible as long as the total square footage of the proposed floors above the height permitted by right is obtained through the transfer of development rights to the site.

The Planning Board recommended approval (6-0) of the proposed amendment during its meeting held on July 16, 2019. The Downtown Action Committee recommended approval (5-0) of the proposed amendment during its meeting held on July 23, 2019.

The affected properties are located within Commission District No. 3-Commissioner Ryles.

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.