



**City of West Palm Beach
City Commission**

AGENDA

**May 21, 2018
5:00 P.M.**

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

**MAYOR
GERALDINE MUOIO**

CITY COMMISSION

PRESIDENT PAULA RYAN

**COMMISSIONER KELLY SHOAF
COMMISSIONER KEITH JAMES**

**COMMISSIONER CORY NEERING
COMMISSIONER CHRISTINA LAMBERT**

ADMINISTRATION

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

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

PRESENTATION AND AWARDS OF MERIT (1):

1. Presentation of activities for Summer in Paradise 2018.
[Agenda Cover Memorandum No.: 21901](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED:

CONSENT CALENDAR (2 – 19):

2. **Minutes of the Regular City Commission Meeting of April 23, 2018.**
[Agenda Cover Memorandum No.: 21900](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on April 23, 2018.

3. **Resolution No. 96-18 authorizing the assessment of city liens in the total amount of \$42,811.21 for unpaid water service, sewer service, and stormwater service charges for the month of January 2018.**

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.: 21902](#)

Staff Recommended Motion:

Approve Resolution No. 96-18.

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. 96-18 are for unpaid water service, sewer service, and stormwater service charges for the month of January 2018. The list of properties to be assessed and the associated charges totalling \$42,811.21 are attached to Resolution No. 96-18 as EXHIBIT A - Utility Lien List - January 2018. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

4. **Resolution No. 111-18 authorizing the assessment of city liens in the total amount of \$32,194.73 for unpaid water service, sewer service, and stormwater service charges for the month of February 2018.**

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.: 21903](#)

Staff Recommended Motion:

Approve Resolution No. 111-18.

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. 111-18 are for unpaid water service, sewer service, and stormwater service charges for the month of February 2018. The list of properties to be assessed and the associated charges totalling \$32,194.73 are attached to Resolution No. 111-18 as EXHIBIT A - UTILITY LIEN LIST - FEBRUARY 2018. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

5. **Resolution No. 100-18(F) appropriating \$25,100 to purchase trees for the restoration of Gateway Park.**

RESOLUTION NO. 100-18(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 LANDSCAPE TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FOR TREES FOR GATEWAY PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21904](#)

Staff Recommended Motion:

Approve Resolution No. 100-18(F).

Background:

Gateway Park is under renovation to repair the irrigation system and restore the landscape. The majority of funds designated have been used to drill a new well and install a new irrigation system. There is a shortfall for the purchase and installation of the landscaping, including trees. Initial bids for installation have been received, and the cost is higher than the initial estimate.

Funds are available in the Landscape Trust Fund.

Fiscal Note:

Approval will provide \$25,100 in funds to purchase and install trees at Gateway Park.

6. **Resolution No. 129-18(F) providing \$29,385 for other contractual services in the City Clerks office to pay for additional election costs.**

RESOLUTION NO. 129-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND TO PROVIDE APPROPRIATIONS FOR OTHER CONTRACTUAL SERVICES IN THE CITY CLERKS OFFICE FOR ADDITIONAL COSTS FOR THE MARCH 13, 2018 CITY ELECTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21905](#)

Staff Recommended Motion:

Approve Resolution No. 129-18(F).

Background:

The City Clerk's office expenditures for the March 13, 2018 municipal election services was budgeted at \$45,000 and the final invoice from Palm Beach County Supervisor of Elections is \$74,384.40, resulting in the additional budget request of \$29,385.00.

Detailed costs include an increase in absentee ballots and precinct costs::
\$ 2,944.00 Municipal Package
\$ 52,365.50 Absentee Ballots @ \$5.50 per ballot x 9,521 ballots
\$ 19,074.90 Precinct Services @ 293.46 x 65 precincts

Fiscal Note:

Upon approval, approximately \$2,970,600 will be available in the Reserved for Contingency account in the General Fund.

7. **Resolution No. 130-18(F) transferring \$500,000 from the General Fund Contingency to the Self Insurance Fund for repairs of vehicles that have suffered engine failures.**

RESOLUTION NO. 130-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND AND SELF INSURANCE FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR VEHICLE REPAIRS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21915](#)

Staff Recommended Motion:

Approve Resolution No. 130-18(F).

Background:

Over the past month, several motor vehicles, in the City's fleet have experienced engine failures resulting in the need to replace the engines. While the City continues its investigation of the cause of the failures and pursue reimbursement, the vehicles must be repaired. As of April 30th seventy three (73) vehicles require engine replacement at a cost of approximately \$6,000 each.

Resolution No. 130-18(F) transfers \$500,000 from the General Fund Reserve to the Self Insurance Internal Service Fund to cover these repair costs. The General Fund will be reimbursed upon final settlement of this case.

Fiscal Note:

Upon approval, approximately \$2,470,600 will be available in the Reserved for Contingency account in the General Fund.

8. **Resolution No. 104-18 accepting a grant from the USA swimming foundation for a Make a Splash grant in the amount of \$4,750 for a learn-to-swim program; and Resolution No.105-18(F) accepting the grant funds.**

RESOLUTION NO. 104-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN

AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND USA SWIMMING FOUNDATION ACCEPTING A 2018 MAKE A SPLASH GRANT FOR LEARN TO SWIM PROGRAM SCHOLARSHIPS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 105-18(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 FOR THE RECEIPT OF A MAKE A SPLASH GRANT FROM THE USA SWIMMING FOUNDATION FOR THE LEARN-TO-SWIM PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21913](#)

Staff Recommended Motion:

Approve Resolution No. 104-18 and Resolution No. 105-18(F).

Background:

The City of West Palm Beach is an entitlement recipient of Make a Splash grant funds in the amount of \$4,750 from the USA Swimming Foundation for a swimming program.

The Parks & Recreation Department will utilize the grant funds to provide 135 children with free or reduced-cost swim lessons. The the swim lessons provided is a quality, multi-level learn-to-swim program designed to expand opportunities for at-risk students to learn to swim and to use the sport of swimming to expand fitness and recreational opportunities.

The objectives of the learn-to-swim program include:

1. Preparing young children to be safer in, on and around bodies of water by teaching water safety skills that could ultimately save lives.
2. Positively impacting young people in the City of West Palm Beach (Warren Hawkins Aquatic Center) community by developing lifelong skills that combat childhood obesity by increasing health, recreational and fitness opportunities.
3. Utilizing a multi-level, progressive swimming program to teach children the process of achieving – encourage them to dream, set worthy goals, work towards those goals, be a good teammate, and achieve measurable results.
4. Enhancing the positive impact of the City of West Palm Beach (Warren Hawkins Aquatic Center) aquatic program by offering learn-to-swim opportunities to young people who otherwise would not participate in swim lessons.

Resolution No. 104-18 accepts the grant and authorizes execution of the Letter of Agreement; and Resolution No. 105-18(F) accepts and appropriates the grant funds.

Fiscal Note:

Upon approval of this item, the \$4,750 grant will establish the 2018 Learn to Swim Program.

9. **Resolution No. 119-18 granting ad valorem tax exemption for completion of the rehabilitation of the historic property located at 443 33rd Street.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 443 33rd STREET, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21914](#)

Staff Recommended Motion:

Approve Resolution No. 119-18.

Background:

AUTHORITY: The Florida Constitution, Article VII, Section 3, authorizes municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties which as the result of the restoration, renovation, or rehabilitation of the historic properties. Section 196.1997, Florida Statutes, establishes the process by which such exemption may be granted. The City's Code of Ordinances, Section 94-51, sets forth the City's Ad Valorem Tax Exemption program for historic properties. The program permits a ten year ad valorem tax exemption on the value of improvements made to historic properties. To qualify, the property must be designated as an individual site or as a contributing property within an historic district in the Local and/or National Register of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

APPLICATION: At the March 27, 2018 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (7-0) of the Completed Work Application for the property at 443 33rd Street. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new additions and construction was determined compatible. The subject property is listed as a two-story Mediterranean Revival residence constructed in 1925, and it is a contributing property to the Old Northwood Historic District.

On June 24, 2014, Stepping Stones Assests LLC filed an application and received preliminary approval from the HPB for an Ad Valorem Tax Exemption for the renovation and restoration of the property. Significant improvements to the property include: window replacement, construction of a bedroom and bathroom addition, new windows, significant rehabilitation throughout the interior, and site work including a pool and landscaping. The applicant estimates the work to total \$235,000.

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

Fiscal Note:

No fiscal impact.

10. **Resolution No. 133-18 approving an Economic Development Incentive Grant Agreement (Pop-Up Sponsorship) for Civil Society Brewing Co. in the amount of \$7,400.00.**

RESOLUTION NO. 133-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING ECONOMIC INCENTIVES FOR CIVIL SOCIETY BREWING CO.; AUTHORIZING THE EXECUTION OF A RELATED GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21922](#)

Staff Recommended Motion:

Approve Resolution No. 133-18.

Background:

Civil Society Brewing is a successful brewery company currently manufacturing beer in Jupiter, Florida and expanding into West Palm Beach (City). Civil Society approached the City for assistance in identifying potential locations for expanded manufacturing operations, brand exposure opportunities and other incentives that could help lower the business barriers to entry.

Timing was appropriate for Civil Society to create a temporary pop-up beer garden at 314 Clematis Street, the location for the 12x12 Knight Foundation Project. As the City was working with the property owner to organize the demolition and construction documents for the build out of the 14,000 square foot location at 314 Clematis Street, Civil Society would give the front porch of the property a temporary makeover that included a mural, seating, an audio system, serving taps and landscaping. From January 1 to February 28, Civil Society operated the beer garden Thursday-Saturday serving exclusive craft beers created at their manufacturing location in Jupiter and occasional guest taps from partnered breweries.

Two goals were set for the pop-up beer garden. First was to introduce Civil Society's brand to West Palm Beach visitors and residents. While open Civil Society shared their

temporary setup on Clematis Street through social media. In addition, Civil Society was also able to tell customers about their future permanent expansion into City located at 425 Kanuga Drive. Civil Society is currently in permit review for the renovation of the unused 12,400 square foot location. Second, the temporary makeover served as an indicator to residents, workers and visitors that 314 Clematis Street was changing into something new. Having been a night club for several years, the pop-up beer garden served as the first step in the reinvention 314 Clematis Street. Both goals were achieved.

Shortly after the beer garden concluded, 314 Clematis Street went under demolition to make way for the permanent 12x12 Knight Foundation project. In return for achieving the above goals, the City desires to award Civil Society a \$7,400 sponsorship for the pop-up beer garden.

The pop-up beer garden project was located in District 3 which is represented by Commissioner Paula Ryan. The future expansion of Civil Society is located in District 5 represented by Commissioner Christina Lambert.

11. Resolution No. 135-18 approving an amendment to the Economic Development Incentive Grant Agreement with West Palm Brewing, LLC

RESOLUTION NO. 135-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE ECONOMIC DEVELOPMENT INCENTIVE GRANT AGREEMENT BETWEEN WEST PALM BREWING, LLC, AND THE CITY OF WEST PALM BEACH REGARDING THE EXTENSION OF THE PERFORMANCE PERIOD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21924](#)

Staff Recommended Motion:

Approve Resolution No. 135-18.

Background:

By Resolution No. 146-17, the City Commission approved an economic development incentive Grant Agreement with West Palm Brewing, LLC, which agreed to provide an economic incentive grant of \$100,000, provided that the remodeling of a portion of the building referred to as "1500-B" located at 1500-A Elizabeth Avenue for the establishment of a brewery was completed by February 28, 2018. Due to the complexities and unforeseen delays in construction the West Palm Brewing, LLC d/b/a Steamhorse Brewing Company (hereinafter "Steamhorse") has requested an extension of the grant deadline to July 31, 2018.

Steamhorse will be an addition to the "Warehouse District" located in the industrial area south of Okeechobee Boulevard and west of Parker Avenue. Steamhorse is improving over 28,000 square feet of industrial space that was originally constructed in 1950. The brewery will employ 10 full time and 15 part time people. Steamhorse is in the midst of

renovations and anticipates that it will obtain the Final Certificate of Occupancy for the renovations, be open to the public for business and submit all requisite documentation to the City to July 31, 2018.

The Steamhorse project helps the City's economic development goals by modernizing dated industrial space and is located in District 5 represented by Commissioner Christina Lambert.

Resolution No. 135-18 approves an amendment to the Grant Agreement to extend the project completion date to July 31, 2018.

Fiscal Note:

No fiscal changes, time extension only.

12. Resolution No. 120-18(F) provides appropriations for various Water, Sewer and Stormwater capital projects.

RESOLUTION NO. 120-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER AND SEWER SERIES 2017A REVENUE BOND CONSTRUCTION FUND, THE STORMWATER SERIES 2017A REVENUE BOND CONSTRUCTION FUND, THE WATER AND SEWER RENEWAL & REPLACEMENT FUND, AND THE WATER AND SEWER GENERAL RESERVE FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR VARIOUS CAPITAL PROJECTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21912](#)

Staff Recommended Motion:

Approve Resolution No. 120-18(F).

Background:

The summary of additional appropriations for various water, sewer and stormwater improvements are as follows:

Project Source	Dollar Increase	Funding
1. 32nd Street and 33rd Street Water Main Improvements and Sewer Series 2017A Revenue Bond Construction Fund (45A)	\$ 1,000,000	Water
2. Belmonte Road and Pershing Way Improvements Series 2017A Construction Fund (48A)	\$300,000	Stormwater

3a. Grandview Heights Water Main Improvements and Sewer General Reserve Fund (459)	\$ 1,000,000	Water
3b. Lake Mangonia 42-inch Force Main Aerial Crossing and Sewer General Reserve Fund (459)	\$ 4,000,000	Water
3c. Lakeview Avenue Sanitary Sewer Improvements and Sewer General Reserve Fund (459)	\$ 2,000,000	Water
4. Valley Forge Repump Station Improvements and Sewer Renewal & Replacement Fund (454)	\$ 400,000	Water
Total:	\$ 8,700,000	

1. Water and Sewer Series 2017A Revenue Bond Construction Fund (45A)

The 32nd Street and 33rd Street Water Main Improvements project is budgeted in the Water & Sewer Series 2017A Construction Fund 45A. The project is located between Floral Avenue and Flagler Drive (Exhibit A). The existing water mains are transite and were installed in 1920's. The improvements involve replacement of existing water mains, reconstruction of roadway (including curb, sidewalk, and driveways). During the data collection of the design phase of the water main replacement, it was determined that the existing vitrified clay sanitary sewer main in the rear easement requires replacement and relocation to the road right-of-way due to its deteriorating condition. In addition, access for maintenance and repair activities are restricted due to its current location. The estimated amount required to accomplish the sanitary sewer component of the project is \$1,000,000. Funding is available in the Rehabilitation and Replacement of City's Water & Wastewater Assets project which will be moved to reserves for future projects in order to fund the sanitary portion of the 32nd and 33rd Street project. Post approval, the Fund 45A reserve for future projects balance will be approximately \$250,000. Bid advertisement of the project is planned for July 2018 with the start of construction expected in early 2019. The project falls within Commission District No. 1.

2. Stormwater Series 2017A Revenue Bond Construction Fund (48A)

The Belmonte Road and Pershing Way Improvements project is budgeted in both the Water & Sewer and Stormwater Series 2017A Construction Funds 45A and 48A, respectively. The project is located between Olive Avenue and Flagler Drive (Exhibit B). The existing water main and sewer main are located in the rear easement and were installed in 1930's. The improvements involve installation of water main and sanitary sewer system in the roadway right-of-way and relocation of water and sanitary sewer services from rear easement to road right-of-way, reconstruction of roadway (including curb, sidewalk, and driveways). An additional \$300,000 is required to accomplish the stormwater component of the project. Funding is available in reserve for future projects in Fund 48A Stormwater Series 2017A Construction Fund. Post approval, the Fund 48A reserve for future projects balance will be approximately \$4 million. The start of

construction is expected in early 2019. The project falls within Commission District No. 3.

Water and Sewer General Reserve Fund (459) transfer to Water and Sewer Renewal and Replacement Fund (454)

3a. The Grandview Heights Water Main Improvements project involves the replacement of existing water main on Newark Street, O Street, and P Street from Lake Avenue to Alabama Avenue (Exhibit C). The existing water mains are undersized and were installed in 1930's and 1940's. The improvements will increase system pressure and fire protection to the vicinity. The water main replacement will be performed in conjunction with the roadway improvements planned for the Grandview Heights neighborhood, a GASB Roadway Improvements project. The estimated amount required to accomplish the construction phase of the water main is \$1,000,000. Bid advertisement of the project is planned for June 2018 with the start of construction expected in late 2018. The project falls within Commission District No. 5.

3b. The existing 42-inch force main aerial crossing is located approximately 1,000 feet north of Palm Beach Lakes Boulevard (Exhibit D). This forcemain transmits wastewater flows from the City of West Palm Beach and Town of Palm Beach to the East Central Regional Wastewater Treatment Facility (ECR). The transmission main begins on Tamarind Avenue (just west of the 23rd Street) and terminates at Ernest Road (west end of Haverhill Road) for approximately 6 miles in total length. This major pipeline, constructed in 1974, is the only wastewater flow conveyance to the ECR. Due to its high volume and pipe material, the section of forcemain located between Forum Place and North Mangonia Circle that crosses over Lake Mangonia, one of the twin lake reservoirs for the City's drinking water supply, has been determined to be high risk. This project involves the construction of a new pipeline that will be in parallel to the existing forcemain. The new forcemain, which consists of 42-inch ductile iron pipe in a 60-inch steel casing, will be installed on the empty pipe cradle of existing concrete support structure across Lake Mangonia. The scope of work also includes bypassing piping, new valves, fan guards, and site restoration. For system redundancy, the design includes an option for the replacement of the existing force main. The total estimated amount required to accomplish the project, including construction phase engineering services and construction contingency, is \$4,000,000. The City's portion of the estimated project cost is 77.4% or \$3,096,000. The Town of Palm Beach's portion of the estimated project cost is 22.6% or \$904,000. Bid advertisement of the project is planned for July 2018 and construction is expected to begin in early 2019. The project falls within Commission District No. 1.

3c. The existing sanitary sewer system on Lakeview Avenue, a Florida Department of Transportation roadway, consists of vitrified clay pipe material. The sanitary sewer mains have undergone multiple repairs and are in need of replacement. The sanitary sewer replacement project will be accomplished in two (2) phases. The limits for Phase 1 extend from Chase Street to Flagler Drive on Lakeview Avenue, and from Lakeview Avenue to Tanglewood Court on Chase Street. The limits for Phase 2, a future phase,

extend from Dixie Highway to Olive Avenue (Exhibit E). The estimated funding required to accomplish the construction phase of Phase 1 and design phase of Phase 2 is \$2,000,000. Bid advertisement of Phase 1 is planned for July 2018 with the start of construction expected in January 2019. The project falls within Commission District No. Seven million dollars (\$7,000,000) will be transferred from the Water and Sewer General Reserve Fund 459 to the Water and Sewer Renewal and Replacement Fund 454 to fund these three projects. Post approval, the balance in General Reserves Fund 459 will be approximately \$37.5 million.

4. Water and Sewer Renewal and Replacement Fund (454)

Valley Forge Repump Station is located at the south east corner of Parker Avenue and Valley Forge Road (Exhibit F). The existing 3-million gallon welded steel ground water storage tank was built in the 1950's. It is approximately 115 feet in diameter and has a dome roof. An inspection report, completed in February 2018, recommended extensive tank rehabilitation and structural repairs, or tank replacement in the near future due to the overall condition of the tank. The tank replacement option, at the planning level, will provide an additional 30 years of service for the same cost as rehabilitation of the existing steel tank. The Valley Forge Repump Station Improvements project involves the demolition and replacement of the existing storage tank. In addition, the work will include improvements of associated pump building structure and pump upgrades. The estimated funding to accomplish the design phase is \$400,000. Construction phase is anticipated to take place in Fiscal Year 2020. The project falls within Commission District No. 5.

Funding is available in reserve for future projects. Post approval the Fund 454 reserve for futures projects balance will be approximately \$977,000.

Fiscal Note:

Post approval, the approximate balance in reserve for future projects in Fund 45A - \$250,000; Fund 48A - \$4 million; Fund 454 - \$977,000. The General Reserves Fund 459 balance, post approval, will be approximately \$37.5 million.

13. Resolution No. 128-18(F) receiving the funds from the sale of the Old City Hall property at 200 Second Street, and appropriating the funds.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND, THE CAPITAL ACQUISITION FUND, THE INFORMATION TECHNOLOGY REPLACEMENT FUND, AND THE FLEET REPLACEMENT FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF PROCEEDS FROM THE SALE OF THE OLD CITY HALL; TO PROVIDE APPROPRIATIONS FOR VARIOUS PURCHASES; TO REPAY THE ADVANCE

OF FUNDS FROM GENERAL FUND RESERVES FOR THE PURCHASE OF POLICE VEHICLES AND THE REPLACEMENT OF AUSTRALIAN PINES PRIOR TO THE SALE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21920](#)

Staff Recommended Motion:

Approve Resolution No. 128-18(F).

Background:

By Resolution No. 151-12, the City determined that the Old City Hall property located at 200 Second Street (the "Old City Hall" property), was not needed for other City purposes, declared the Property surplus, and authorized the issuance of a procurement solicitation for the redevelopment and disposal of the Property. The City of West Palm Beach and the West Palm Beach Community Redevelopment Agency issued Request for Proposals No. 13-14-214 for the purchase or lease of the City Hall Property and the land formerly occupied by the Helen Wilkes Hotel and the development and completion of a unified, mixed used development on the two parcels of land. By Ordinance No. 4601-15, the City Commission approved a Sale and Purchase Agreement with Navarro Lowry, Inc., for the sale of the Old City Hall property.

Pursuant to the Sale and Purchase Agreement, the sale of the Old City Hall property has closed and the City has received funds in the amount of \$11,409,488.04 after all closing costs and settlement fees.

Following is a summary of the appropriations of the \$11,409,488. Additional details are also provided.

Sale of Old City Hall Site		\$11,409,488
Less General Fund Advances		(1,192,168)
Australian Pines	800,000	
27 Police Vehicles	392,168	

Available Balance		\$10,217,320
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Funding Requests

Communications Equipment for ADA		200,000
Public Works for furnishings, barricades, repairs		61,000
Finance Department for software, renovations		50,000
Engineering Services for consultants, two vehicles		148,000
Police Department		2,298,867
Shot Spotter/LPR System	1,000,585	
16 Vehicles	889,832	
Laptops/Radios for 27 Vehicles	57,000	
Minor Equipment	151,450	

Fleet Equipment Prefunding for FY 2018		1,652,553
Tree Program (Citywide)		1,000,000
IT Equipment Upgrades		776,000
Fire/ EOC	400,000	
Network Storage	106,000	
40 Library Computers	20,000	
Computer Replacements	250,000	
Library Materials \$150,000, Fans \$27,000		177,000
Fire/EOC Upgrades		265,450
Parks & Recreation		288,450
Plantings/Improvements	83,800	
2 Buses and Operations vehicle	204,650	
Phipps Park Baseball Field Improvements		200,000
Dreher Park Recreation Equipment Improvements		100,000
Total Funding Requests		7,217,320
Remaining Addition to Reserve		\$3,000,000

Two (2) Resolutions advanced a total of \$1,192,168 from the General Fund. Resolution No. 409-17(F) provided \$800,000 for the replacement of Australian Pines and Resolution No. 106-18(F) provided \$392,168 for the purchase of 27 vehicles for the Police Department.

The appropriation of funds includes approximately \$3,000,000 that was proposed for the fiscal year 2018 (FY18) budget but deferred until the City received the proceeds of the sale.

The Mayor's Office is funded \$200,000 for Communications equipment related to requirements of the American Disabilities Act (ADA).

The Public Works Department is funded \$61,000 for improvements that include renovation, repairs, signage and furnishings at various buildings at the City Complex and barricades for special events.

The Finance Department is funded \$10,000 for Grant software and \$40,000 for office renovations.

The Engineering Department is funded \$100,000 for consultant contracts and \$48,000 for replacement of two (2) vehicles.

The Police Department is funded \$2,298,867 in addition to the \$392,168 advance. Funding includes \$1,000,585 for the Shot Spotter with License Plate Reader System; \$889,832 for 16 new vehicles; \$257,000 for laptops and radios for 27 vehicles; and

\$151,450 for miscellaneous expenses including minor equipment, such as photo, video and camera equipment, and repair and maintenance of items such as a BOMB Robot. The Fleet Management Division is funded \$1,652,553 for the citywide prefunding of future vehicles and equipment.

The Citywide Tree Program is funded \$1,000,000.

The Information Technology (IT) Department is funded \$106,000 for network file storage and \$250,000 for citywide computer replacements.

The Library Department is funded \$150,000 for library materials, such as books, DVDs, downloads; \$20,000 for 40 computers to support VMWare; and \$27,000 for energy-efficient replacement fans.

The Fire Department is funded \$665,450 for equipment and improvements. They include \$400,000 for IT upgrades for the department and Emergency Operations Center (EOC); \$79,750 for a hazardous material monitor; \$75,000 for uniforms and bunker gear for 15 new firefighters; \$26,700 for Thermal Imaging software; \$25,000 for technical support for SafetyPad; \$15,000 for Firestorm Summer Camp; and \$44,000 for minor equipment including power tools and furnishings for the EOC.

The Parks and Recreation Department is funded \$204,650 for two (2) buses and an operations vehicle; \$48,000 for landscaping; \$10,000 for special-events signage; \$15,000 for repair and maintenance; \$10,800 for minor equipment. In addition, \$200,000 is funded for improvements at the Phipps Park baseball field and \$100,000 for improvements of recreation equipment at Dreher Park.

The General Government Division is funded \$3,000,000 in Contingency reserves in the General Fund.

Fiscal Note:

Approval provides appropriations of the proceeds of the sale and the expenditures of the funds. Upon approval, approximately \$11,599,200 will be available in Unassigned Fund Balance in the General Fund and \$3,000,000 will be available in the Reserved for Contingency account in the General Fund.

14. **Resolution No. 123-18 modifying the collective bargaining agreement between the City of West Palm Beach and the Palm Beach Benevolent Association Certified Unit 145 and Certified Unit 825 for the period of October 1, 2017 - September 30, 2020.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA MODIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION CERTIFIED UNIT 145 AND CERTIFIED UNIT 825 FOR THE PERIOD OF OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2020; PROVIDING AN EFFECTIVE DATE; AND

FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21906](#)

Staff Recommended Motion:

Approve Resolution No. 123-18.

Background:

Resolution No. 123-18 modifies Article 13, EMPLOYMENT AND PROMOTION POLICY, Article 14, LEAVES OF ABSENCE, and Article 30, SALARY PLAN of the collective bargaining agreement between the City of West Palm Beach and the Palm Beach County Police Benevolent Association Certified Unit 145 and Certified Unit 825 for the period of October 1, 2017 to September 30, 2020.

Highlights of the changes are shown below, exact language of the Memorandum of Understanding is attached.

Article 13 - EMPLOYMENT AND PROMOTIONAL POLICY

1. Section 4.B - Correcting scrivener's error/language clarification regarding addition of seniority points.

Article 14 - LEAVES OF ABSENCE

1. Section 3.A - Changing the maximum bereavement leave from three (3) to five (5) days with pay not to exceed forty (40) work hours.

Article 30 - SALARY PLAN

1. Section 1 - Language clarification.

Fiscal Note:

No fiscal impact.

15. **Resolution No. 122-18 amending the City's Salary Plan for FY 2017-18 and Resolution No. 125-18(F) amending the full time equivalent (FTE) budget for Department of Procurement and Department of Finance.**

RESOLUTION NO. 122-18: 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 CONTRACT COMPLIANCE SPECIALIST AND TO CHANGE THE PAY GRADE ALLOCATION AND/OR SALARY RANGE OF SELECTED JOB CLASSIFICATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 125-18: 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 BUDGET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21916](#)

Staff Recommended Motion:

Approve Resolution No. 122-18 and Resolution No. 125-18(F).

Background:

Resolution No. 122-18 amends the City's Salary Plan for FY2017-18 by creating the job classification of Contract Compliance Specialist. This job classification is necessary to adhere to the mandated requirements in the City's Ordinances Sec. 66-221 Small Business Program and Sec. 66-250 Living Wage Program and the implementation of such programs by the Department of Procurement. The incumbent will be responsible for performing a variety of procurement and accounting functions, financial audits and accounting transactions, to determine compliance with City Ordinances. The creation of this job classification will not have a fiscal impact on the department. This resolution also amends the pay grade for the Senior Commercial Combination Plans Examiner and the Engineering Services Project Coordinator job classifications. The changes in pay grade will not have a fiscal impact in the departments.

Resolution No. 125-18(F) amends the FTE budget for the Department of Procurement by eliminating one (1) Accountant position and adding one (1) Contract Compliance Specialist position. This resolution also amends the FTE budget for the Department of Finance by adding one (1) Accountant and one (1) Fiscal Analyst. These positions are the result of the Department of Finance assuming the responsibilities and tasks previously assigned to the Accountant who recently retired from the Department of Procurement, resulting in the need for an additional Accountant in Finance. The Finance Department has not had a full compliment of required staff to allow for efficient work processes and its workload has continued to increase for tasks such as: processing of invoices and check requests, contract funding reviews, new tasks related to budget and accounting software upgrades, additional accounting necessary for new Bond issues, asset control and financial compliance. The Finance Department requires an additional full time Fiscal Analyst to help with work processes and funds are available for this added position from 8 months of budget savings from the vacant Assistant Director of Finance position.

Fiscal Note:

No impact to FY2018 due to vacancy budget available. FY 2019 impact of adding 2 FTE's is \$107,000.

16. **Resolution No. 136-18 approving a Statewide Mutual Aid Agreement with the Florida Division of Emergency Management.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING PARTICIPATION BY THE CITY OF WEST PALM BEACH IN THE STATEWIDE MUTUAL AID AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT AND AUTHORIZING EXECUTION OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21921](#)

Staff Recommended Motion:

Approve Resolution No. 136-18.

Background:

The State of Florida is vulnerable to a wide range of disasters that are likely to cause the disruption of essential municipal services and the destruction of the infrastructure needed to deliver those services. Such disasters are likely to exceed the capability of any one local government to cope with the emergency with existing resources. Such disasters may also give rise to unusual technical needs that the City of West Palm Beach may be unable to meet with existing resources, but that other local governments may be able to offer.

The Emergency Management Act, Chapter 252, Florida Statutes, provides each local government the authority to develop and enter into mutual aid agreements within the state for reciprocal emergency aid and assistance in case of emergencies too extensive to be dealt with unassisted, and through such agreements to ensure the timely reimbursement of costs incurred by the local governments which render such assistance.

The City of West Palm Beach desires to enter into the Florida Division of Emergency Management's Statewide Mutual Aid Agreement so that the City may request assistance from the State or another local government in the event of a disaster.

The Statewide Mutual Aid Agreement may also be used for smaller events; no declaration of a state of emergency is needed for the agreement to be activated. The Agreement establishes a process that allows for a formal mutual aid process for the government entities to use in assisting and aid each other.

Resolution No. 136-18 authorizes execution of the Statewide Mutual Aid Agreement.

Fiscal Note:

No immediate fiscal impact. Fiscal impact will result from a disaster or emergency.

- 17. Resolution No. 132-18 approving and authorizing the Mayor to execute a Grant Agreement with the Federal Transit Administration through SFRTA to accept a FTA JARC 3 Grant in an amount not-to-exceed \$364,140 for operating the trolley service to the downtown; and Resolution No. 137-18(F) amending the Fiscal Year 2017/2018 Parking Systems Operating Fund budget to recognize said grant proceeds and appropriate funding for the operation of said trolleys.**

RESOLUTION NO. 132-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A GRANT SUBRECIPIENT AGREEMENT BETWEEN THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY (SFRTA) AND THE CITY OF WEST PALM BEACH AWARDED GRANT FUNDING FOR THE OPERATION OF TROLLEYS ALONG A SPECIFIED ROUTE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 137-18(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 PARKING SYSTEMS OPERATING FUND BUDGET TO PROVIDE FUNDS FOR THE RECEIPT AND APPROPRIATION OF JARC 3 GRANT FUNDS FOR THE OPERATION OF TROLLEY SERVICES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21923](#)

Staff Recommended Motion:

Approve Resolution No. 132-18 and Resolution No. 137-18(F).

Background:

The South Florida Regional Transportation Authority (SFRTA), acting in its role as the Miami Urbanized Area Designated Recipient, is the recipient and administrator of federal grant funds under the Federal Transit Administration's (FTA) Job Access and Reverse Commute (JARC) Program. The JARC Program aims to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities.

In 2010 the City of West Palm Beach was awarded by the SFRTA matching grant funding under the JARC Program in the amount of \$688,500 to start a free downtown Commuter Trolley Circulator route between Downtown West Palm Beach and West Palm Beach Intermodal Center. In 2011 the City signed a subrecipient grant agreement with SFRTA for the JARC funds in which the City agreed to share in the costs of the project by matching the amount of the grant. This agreement expired in December 31, 2013.

The Commuter route started operations in May of 2012, and was expected to have served over 100,000 passengers in its first 12 months of operations. The route currently stops at or near City, County, State and Federal offices; and schools. The route enhances the connection between regional transportation services and places of work throughout the City and provides much needed service to individuals accessing jobs.

In late 2011, the City was awarded by SFRTA additional grant funding under the JARC Program in the amount of \$620,500 to continue operations of the Commuter Trolley Circulator. The City of West Palm Beach was required to provide a local match for not less than \$620,500. This grant funding expired in 2018.

In late 2017, the City was awarded by SFRTA additional grant funding under the JARC Program in the amount of \$364,140 to continue operations of the Commuter Trolley Circulator. The City of West Palm Beach would have an obligation under the attached grant agreement with the SFRTA to share in the costs of project by providing a local match for not less than \$364,140. The new grant agreement between SFRTA and the City would be valid until 2019.

Fiscal Note:

Approval provides \$364,140 from JARC 3 grant funds for trolley operations. City 100% matching funds in amount of \$364,140 are available in the annual budgets of the Parking Systems Operating Fund.

- 18. Resolution No. 141-18 approving the First Amendment to the Project Funding Agreement with the West Palm Beach CRA for additional funding the Clematis Streetscape Project based on the Guaranteed Maximum Price; and Resolution No. 146-18 approving the Guaranteed Maximum Price for Phase 1 - the 300 Block and the First Amendment to the Construction Contract with Burkhardt Construction establishing the GMP.**

RESOLUTION NO. 141-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE PROJECT FUNDING AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR THE CLEMATIS STREETScape PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 146-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR CLEMATIS STREETScape THE CITY OF WEST PALM BEACH AND BURKHARDT CONSTRUCTION TO ESTABLISH A GUARANTEED MAXIMUM PRICE FOR PHASE I OF THE CLEMATIS STREETScape PROJECT (300 BLOCK); PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21925](#)

Staff Recommended Motion:

Approve Resolution Nos . 141-18 and 146-18

Background:

By Resolution No. 71-18, the City Commission of the City of West Palm Beach approved that Project Funding Agreement for the 300 Block Clematis streetscape with the West Palm Beach Community Redevelopment Agency. The project estimated and funding commitment from the CRA under the Project Funding Agreement was originally established at \$2 million.

The City and Construction Manager, Burkhardt Construction, Inc., executed that Construction Manager at Risk Contract for Clematis Streetscape, dated March 27, 2018 (the Contract”) which authorized work for Phase I – the 300 Block of Clematis Street. The Construction Manager has submitted a Guaranteed Maximum Price for Phase I (300 Block) in the amount of \$2,431,892.60, which exceeds the original cost estimate.

The CRA agrees to provide an additional \$500,000 in funding for the Project to fully fund the Project GMP and some additional design services. The City and CRA desire to amend the Project Funding Agreement to provide for the additional funding. CRA Resolution No. 18-25, to be considered at the May 21st CRA Board meeting, will commit an additional \$500,000.00 to the Clematis Streetscape project and per Resolution No. 18-26(F), the additional funds will be appropriated by the CRA.

Resolution No. 141-18 approves the First Amendment to the Project Funding Agreement with the CRA for the additional funds for the GMP for the Clematis Streetscape Project (Block 300).

Pursuant to Sections 2.4.6, 2.6 and 7.4 of the Contract, the Guaranteed Maximum Price (“GMP”) for Phase I shall be established by a formal written amendment to the Contract.

Resolution No. 146-18 approves the Guaranteed Maximum Price (“GMP”) for Phase I (300 Block) and authorizes execution of the First Amendment to the construction contract establishing the GMP for the 300 Block of the Clematis Streetscape Project.

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

Fiscal Note:

Upon approval of interlocal Funding Agreement 141-18 and CRA Board approval of Resolutions No. 18-25 and No. 18-26(F), the CRA will appropriate an additional \$500,000 for the project, for a total of \$2.5M.

- 19. Resolution No. 138-18 authorizing execution of the Fourth Amendment to Interlocal Agreement between the City, CRA, and CityPlace CDD amending the agreement primarily to extend the bond maturity date and provide increment and coverage revenue for the 2018 bonds**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FOURTH AMENDMENT TO THE INTERLOCAL

AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH; THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY; AND THE CITYPLACE COMMUNITY REDEVELOPMENT AGENCY AMENDING THE INTERLOCAL AGREEMENT EXTENDING THE REVENUE BOND MATURITY DATE AND PROVIDING INCREMENT AND COVERAGE REVENUE FOR 2018 BONDS TO FUND CAPITAL IMPROVEMENTS TO BE MADE TO THE PUBLIC INFRASTRUCTURE WITHIN THE CITYPLACE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21926](#)

Staff Recommended Motion:

Approve Resolution No. 138-18.

Background:

The West Palm Beach Community Redevelopment Agency (Agency), the City of West Palm Beach, Florida (City), and the CityPlace Community Development District (CDD) entered into an Interlocal Agreement dated October 9, 1998 for the primary purpose of providing financial assistance to the District in connection with its financing of the public infrastructure relating to a mixed-use facility located in downtown West Palm Beach known as “CityPlace. The agreement was amended and supplemented by that certain First Amendment to Interlocal Agreement dated December 2, 1998 (the “First Amendment”); by that certain Second Amendment to Interlocal Agreement dated March 8, 1999 (the “Second Amendment”); and by that Third Amendment to Interlocal Agreement dated March 1, 2012 (the “Third Amendment” and, together with the First Amendment, the Second Amendment and the Original Interlocal Agreement, the “Interlocal Agreement”). The CDD determined that it is necessary to acquire certain capital improvements made to the public infrastructure within the District and by the execution of this Fourth Amendment, the City and the Agency both agree that the 2018 Project is necessary and beneficial to the tenants and users of the mixed-use development known as “CityPlace” and economically beneficial to the City and the Agency. In order to finance such capital improvements constituting the 2018 Project, the District shall issue its Special Assessment Convertible Capital Appreciation Bonds, Series 2018 (2018 Project) (the “2018 Bonds”). The parties recognize that the terms and provisions of the Interlocal Agreement did not contemplate the issuance of the 2018 Bonds to accomplish the financing of the 2018 Project and find it necessary to amend and supplement the Interlocal Agreement to reflect the same.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTION (20 – 24):

- 20. Resolution No. 417-18 requesting Face of the City approval of the design features of a City downtown directional replacement sign at 1600 Belvedere Road.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR A REPLACEMENT DIRECTIONAL SIGN LOCATED AT 1600 BELVEDERE ROAD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21907](#)

Staff Recommended Motion:

Approve Resolution No. 417-18.

Background:

This Resolution serves to approve the design features for a replacement directional/wayfinding sign. The existing sign is located at 1600 Belvedere Road on the Palm Beach International Airport (PBIA) property, which is currently leased and being developed for an entertainment /restaurant use named Drive Shack. As part of the development approvals for Drive Shack, the company will replace the existing sign and provide an easement to the City for the sign. The replacement sign will be the same size and in a similar location as the existing sign on Belvedere Road. In addition, it will meet the City's current marketing and branding standards and compliment the new downtown signage package.

Approval of Resolution No. 417-18 provides conceptual approval of the design for the Drive Shack to obtain final construction documents and installation.

21. **Resolution No. 121-18 authorizing filing of lawsuit on behalf of individual members of the City Commission for declaratory relief regarding gun legislation and penalties included in Florida Statute 790.33 and urging other municipalities to join.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE FILING OF A LAWSUIT TO INCLUDE INDIVIDUAL MEMBERS OF THE CITY COMMISSION AS PLAINTIFFS SEEKING A DECLARATION THAT THE PROVISIONS PUNISHING ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES, FOR VIOLATING THE PREEMPTION RELATED TO THE REGULATION OF FIREARMS AND AMMUNITION ARE INVALID, AND INVITING OTHER LOCAL GOVERNMENTS TO JOIN THE LAWSUIT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21918](#)

Staff Recommended Motion:

Approve Resolution Number 121-18.

Background:

Over the past several years there have been an unprecedented number of mass shootings in American communities including, most recently, at Marjory Stoneman Douglas High

School in Parkland, Florida. National and State leaders continue to fail to act to implement sensible gun law reforms that are supported by a majority of the nation. The State of Florida has declared that it is occupying the whole field of regulation of firearms and ammunition, to the exclusion of all existing and future county or city ordinances, regulations, or rules; purports to prohibit the enactment of any future ordinances or regulations “relating to firearms;” and purports to create potential liability for damages for actions other than ordinances and regulations, including any “measure, directive, rule, enactment, order, or policy promulgated or caused to be enforced.” Fla. Stat. 790.33.

The Statute has many issues including:

1. By using the terms “relating to firearms” and “any measure, directive, rule, enactment, order or policy promulgated,” the purported preemption is extremely broad and vague, and could apply to a panoply of measures that the City would like to consider enacting, including the restricting of guns in City facilities and parks, the placing of signs relating to guns in City facilities and parks, the regulation of gun accessories (such as holsters or bump stocks) or the creating of “gun free zones” or “gun safe zones;” and
2. The potential violation of the broad and vague preemption of firearm regulation carries the risk of onerous and punitive consequences including, but not limited to, damages up to \$100,000 and fines up to \$5,000 (for which the official may be personally liable), removal from office by the Governor without due process of law, and a prohibition of the use of public funds to pay or reimburse the official for fines, damages or defense costs (collectively, the “Onerous Preemption Penalties”).

The City Commission desires to consider various reasonable measures related to firearms, including the restriction of guns in City facilities and parks, the placing of signs related to guns in City facilities and parks, the regulation of gun accessories (such as holsters or bump stocks), the creation of “gun free zones” or “gun safe zones,” or other measures related to guns, but have refrained from doing so because they could possibly be viewed as falling under the preemption and be subjected to the Onerous Preemption Penalties.

On April 2, 2018, the following municipalities together with individually named Mayors and Council and Commission members filed suit: City of Weston, City of Miramar, City of Pompano Beach, Village of Pinecrest, City of South Miami, City of Miami Gardens, City of Miami Beach, City of Coral Gables, Town of Cutler Bay, and the City of Lauderhill. Since filing the following municipalities have voted to joined: City of Orlando and City of Boca Raton.

22. **Resolution No. 134-18 accepting the Downtown Mobility Plan, and the supporting Citywide Bicycle Masterplan, the Downtown Parking & Transportation Demand Management Study and the Okeechobee Corridor Study.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA ACCEPTING THE DOWNTOWN MOBILITY PLAN, THE CITYWIDE BICYCLE MASTERPLAN, THE DOWNTOWN PARKING AND TRANSPORTATION DEMAND MANAGEMENT STUDY, AND THE OKEECHOBEE CORRIDOR STUDY RECOMMENDATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21919](#)

Staff Recommended Motion:

Approve Resolution No. 134-18.

Background:

To provide guidance in policy development and planning, to address some concerns of the public, and to develop a comprehensive mobility strategy, the City has recently completed its Downtown Mobility Plan, along with the Citywide Bicycle Masterplan, the Downtown Parking and Transportation Demand Management Study and the Okeechobee Corridor Study. These studies were developed concurrently, and each included stakeholder and public meetings. The input received for all these initiatives was incorporated into this effort to develop a comprehensive mobility strategy.

The Downtown West Palm Beach Mobility Plan provides the lens through which future transportation projects should be prioritized and implemented. The Downtown Mobility Plan represents a comprehensive strategy that, when implemented, will help the City grow while becoming more safe, healthy, resilient, connected, welcoming, and action-oriented. To accomplish these goals, a series of projects, policies, and programs have been identified to create a transportation system that is more predictable, reliable, and future ready, while also preserving the quality of life and human dimension of Downtown that makes it unique, accessible, and diverse.

To realize the vision, the plan outlines specific actions organized into short-, medium-, and long-term stepping stones that will guide the community towards achieving the future City of West Palm Beach. The City may or may not implement the identified projects. No project will be implemented unless funding for such project has been specifically approved by the City Commission

The development of the Downtown Mobility Plan was a collaborative effort that brought together residents, the business community, and regional and state partners to create a strategic transportation vision for Downtown West Palm Beach. The mobility plan process began in the spring of 2017 with a visioning workshop, which included a public meeting and stakeholder meetings held over three days, and the launch of the interactive online map and the project website. During the summer, the project technical steering committee met to provide technical guidance as the ideas for strategies were developed. In the fall, the complete mobility strategy was presented at a public open house. Input received at the meeting was used to refine and finalize the recommended actions to implement the plan.

The Downtown Mobility Plan builds on previous planning efforts, the supporting

concurrent plans and studies, as well as adopted policies and projects already programmed for funding and implementation. Several consistent themes were identified across all of the topics and partners:

- Create a safer city to travel to and through
- All users should be accommodated (complete streets focus)
- Expand travel choices
- Opportunities exist to coordinate street improvements with capital projects and private development

Resolution No. 134-18 accepts the:

- Downtown Mobility Plan, prepared by Alta Planning + Design, Inc.;
 - Citywide Bicycle Masterplan, prepared by McMahon Transportation Engineers & Planners, dated January 2018;
 - Downtown Parking & Transportation Demand Management Study, prepared by Sam Schwartz, Transportation Consultants, dated April 25, 2018 (and as finalized);
 - Okeechobee Corridor Study prepared by Alta Planning + Design, Inc.;
- and authorizes implementation of their recommendations upon the appropriation of funds.

Fiscal Note:

No fiscal impact.

23. **Resolution No.108-08 amending the Downtown/City Center Community Redevelopment Plan to extend the time for completion of development financed by increment revenue until September 30, 2046, remove reference to CRA's eminent domain power and incorporate Amendment No. 12 to the Strategic Finance Plan for the Downtown/City Center CRA District.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH AMENDING THE AMENDED AND RESTATED CITY CENTER COMMUNITY REDEVELOPMENT PLAN FOR THE EXPANDED CITY CENTER AREA PLAN BY INCORPORATING ALL PAST AND CURRENT AMENDMENTS TO THE PLAN INCLUDING THE STRATEGIC FINANCE PLAN FOR THE DOWNTOWN/CITY CENTER CRA DISTRICT, AMENDMENT 12; REMOVING REFERENCE TO CRA'S EMINENT DOMAIN POWER; EXTENDING THE DATE FOR COMPLETION OF PROJECTS; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21917](#)

Staff Recommended Motion:

Approve Resolution No. 108-18.

Background:

On December 23, 1985, the City Commission of the City of West Palm Beach adopted the Downtown Community Redevelopment Plan (the "Plan") by adoption of Resolution

No. 184-85. In October 1995, the City Commission adopted an Amended the Restated Community Redevelopment Plan expanding the district. The Plan was last amended on November 7, 2005 by adoption of Resolution 492-05, at which time the CRA also adopted its Five Year Strategic Finance Plan, which is updated annually. The last update to the Strategic Finance Plan for the Downtown/City Center CRA District, Amendment 12, was approved by Resolution 17-40.

CRA approved Resolution No. 17-60 authorizing execution of the Transit Village, LLC Incentive Agreement (Incentive Agreement), with an effective date of February 2, 2017. Transit Village, LLC, a Florida limited liability company and the West Palm Beach Community Redevelopment Agency entered into an incentive agreement relating to development of property known as the Wedge. The redevelopment project is planned to include a parking garage, plaza and coordinated transit podium (Public Podium Plaza) as well as public realm improvements, site, utility and easement work (Public Realm Street Improvements). The CRA agreed to refund to the Developer, on an annual basis 95 percent of tax increment revenue received by the CRA that is directly attributable to the construction of the "Project" by developer, calculated in accordance with the formula set forth in Section 163.387(2), Florida Statutes. The total cumulative of all incentive payments shall not exceed the total cost of the public podium plaza and the public realm Street Improvements or \$25,000,000 whichever is less. The CRA agreed that it would seek to extend the CRA so that the incentive payments could be paid through September 30, 2046.

The City, CRA and CityPlace Community Development District (CDD) executed and delivered an Interlocal Agreement dated October 9, 1998 as amended on December 2, 1998; March 8, 1999 and April 11, 2012. The Board of Supervisors of the CDD has determined that it is necessary to acquire certain capital improvements made to the public infrastructure within the District and have determined that in order to finance the capital improvements the District would issue Special Assessment Convertible Capital Appreciation Bonds, Series 2018 (2018 Bonds). The CDD has requested that the City use some of the Tax Increment from the project area to serve as security for the 2018 Bonds and would require extension of the CRA through September 30, 2046. The public infrastructure is more fully described in the Engineers Report attached to the proposed amendment to the Plan as Attachment 1.

The CRA is also exploring issuance of additional bonds to complete projects including but not limited to the Banyan Hub; Waterfront, infrastructure, and Flagler Drive improvements; Clematis streetscape; Downtown Alley Initiative; Banyan streetscape; affordable housing initiatives; Rosemary Avenue streetscape; 7th Street streetscape; Styx Alley; Jazz Park Development; Tamarind Avenue streetscape; Okeechobee Boulevard streetscape and Evernia/Datura redesign and streetscape. This bond issuance would require extension of the CRA through September 30, 2046.

By adoption of Resolution No. 18-18, the West Palm Beach Community Redevelopment Agency has recommended that the City amend the Amended and Restated City Center Community Redevelopment Plan for the Expanded City Center Area. The amendment is

attached to this agenda item as Exhibit A. A summary of the proposed plan amendments are as follows:

1. Extend the time certain for completing all development financed by increment revenues to September 30, 2046;
 2. Remove reference to CRA's authority to acquire property through eminent domain; and
 3. Incorporate reference to the Strategic Finance Plan for the Downtown/City Center CRA District Amendment No. 12.
24. **Resolution No. 148-18 approving a Project Funding Agreement with the CRA for funding development of a concept design for N. Rosemary Avenue; and Resolution No. 147-18 approving a consulting agreement with Gehl Studio for the development of the concept design for N. Rosemary Avenue.**

RESOLUTION NO. 148-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FUNDING AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR THE DEVELOPMENT OF A CONCEPT DESIGN FOR N. ROSEMARY AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 147-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND GEHL STUDIO TO DEVELOP A CONCEPT PLAN FOR NORTH ROSEMARY AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21927](#)

Staff Recommended Motion:

Approve Resolution Nos. 147-18 and 148-18.

Background:

The West Palm Beach Community Redevelopment Agency's ("CRA") Strategic Finance Plans for the City Center/Downtown CRA District, Amendment No. 12, identifies the streetscape design of North Rosemary Avenue as a priority project and identified funding for the design. Additionally, the Public Realm Action Plan developed by Gehl Studio identified a pilot project for streetscape improvements along N. Rosemary Avenue. Accordingly, the CRA and the City determine that the CRA's funding of the Project identified in this Agreement is needed to further the mutual goals of the City and the CRA and to promote the specific goals and obligations of the CRA's redevelopment plan and strategic finance plan. The planned re-design of Banyan Boulevard, along with the

incoming proposed hotel development, creates the right timing for coordinated

improvements.

The City desires to engage Gehl Studio to create a concept design package for N. Rosemary Avenue, in accordance with the terms and subject to the conditions set forth in this Agreement.

The CRA wishes to fund the design of the N. Rosemary Avenue Concept Design by Gehl Studio in an amount not to exceed \$167,960. The CRA and the City desire to enter into an agreement establishing the source of funding for the concept design services for N. Rosemary Avenue.

Resolution No. 148-18 approves the Project Funding Agreement with the CRA for funding of the N. Rosemary Avenue Concept Design by Gehl Studio in an amount not to exceed \$167,960.

Resolution No. 147-18 approves the Consulting Agreement with Gehl Studio for the N. Rosemary Avenue Concept Design in the amount not to exceed \$167,960.

PUBLIC HEARING (25-28):

- 25. Public Hearing and Second Reading of Ordinance No. 4775-18 extending the zoning in process for wireless communications service facilities within the public right-of-way for an additional 90 days to allow the City to complete development of regulations consistent with state law.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 4763-18 AND EXTENDING THE ZONING IN PROGRESS AND MORATORIUM ORIGINALLY DECLARED IN ORDINANCE 4727-17 FOR NINETY DAYS TO ALLOW THE CITY TO COMPLETE DEVELOPMENT OF REGULATIONS CONSISTENT WITH CHAPTER 2017-136, LAWS OF FLORIDA; PROVIDING THAT ALL OTHER FINDINGS, TERMS, PROVISIONS AND CONDITIONS OF ORDINANCE NOS. 4727-17 AND 4763-18 SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21908](#)

Staff Recommended Motion:

Approve Ordinance No. 4775-18 on Second Reading.

Background:

During the 2017 Legislative Session, the state legislature passed House Bill 687 amending Florida Statutes Section 337.401, creating what is known as the "Advanced Wireless Infrastructure Deployment Act (the Act)." The Act was approved by the Governor on June 23, 2017, and became effective on July 1, 2017 under Chapter 2017-

136, Laws of Florida. The Act establishes a process by which wireless providers may place certain “small wireless facilities” on, under, within, or adjacent to certain utility poles or wireless support structures within public rights-of-way that are under the jurisdiction and control of an “authority” (i.e., a county or municipality).

The City has regulations pertaining to wireless facilities within its Code of Ordinances, specifically codified within Chapter 78 of the City Code, which need to be evaluated in light of the Act. City staff recently met with representatives from the telecommunications industry to discuss proposed changes to the city code in relation to the Act. As a result of those discussions, City staff recently received written comments from the telecommunications industry and staff needs additional time to evaluate those comments and take action accordingly. It is in the best interest of the residents of the City to extend the moratorium and will protect the general public health, safety, and welfare by giving staff additional time to evaluate industry comments.

26. A three part request by the City of West Palm Beach Community Redevelopment Agency, for the following:

Public Hearing and Second Reading of Ordinance No. 4735-17: Regarding a City initiated text amendment to modify Policy 1.7.2.2 of the Future Land Use Element of the City’s Comprehensive Plan by amending specific criteria for the Northwood Mixed Use District (NMUD).

Public Hearing and Second Reading of Ordinance No. 4772-18: Regarding the approval of text amendments to various sections of the Zoning and Land Development Regulations to institute new regulations for the Northwood Mixed Use District.

Public Hearing and Second Reading of Ordinance No. 4773-18: Regarding a Zoning map amendment to rezone the properties located within the Northwood Mixed Use District from Northwood Mixed Use District Types I, II and III to Northwood Mixed Use District.

ORDINANCE NO. 4735-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING POLICY 1.7.2.2 OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN REGARDING THE NORTHWOOD MIXED USE DISTRICT; DECLARING THE PROPOSED AMENDMENT TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4772-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS, TO

INCORPORATE NEW REGULATIONS FOR THE NORTHWOOD MIXED-USE DISTRICT IN SECTION 94-4, ZONING DISTRICTS ESTABLISHED, RELATIONSHIP TO LAND USE CATEGORIES IN COMPREHENSIVE PLAN, SECTION 94-209, MIXED-USE DISTRICT, SECTION 94-210, NORTHWOOD MIXED-USE DISTRICT, SECTION 94-272, PERMITTED USE TABLE AND SECTION 94-273, EXTRA REQUIREMENTS FOR SPECIAL USES OR PERMITTED USES; REPEALING SECTION 94-211, NORTHWOOD MIXED-USE DISTRICT BUILDING TYPE I, SECTION 94-212, NORTHWOOD MIXED-USE DISTRICT BUILDING TYPE II, SECTION 94-213, NORTHWOOD MIXED-USE DISTRICT BUILDING TYPE III, AND SECTION 94-214, NORTHWOOD MIXED-USE DISTRICT RESIDENTIAL INCENTIVE PROGRAM; DELETING SPECIFIC DEFINITIONS IN SECTION 94-611, DEFINITIONS; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4773-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY REZONING APPROXIMATELY 35 ACRES, GENERALLY BOUNDED ON THE NORTH BY THE ALLEY NORTH OF 25TH STREET, DIXIE HIGHWAY TO THE EAST, 23RD STREET TO THE SOUTH, AND THE F.E.C. RAILROAD RIGHT-OF-WAY TO THE WEST, FROM NORTHWOOD MIXED-USE DISTRICT BUILDING TYPE I, NORTHWOOD MIXED-USE DISTRICT BUILDING TYPE II, AND NORTHWOOD MIXED-USE DISTRICT BUILDING TYPE III TO NORTHWOOD MIXED-USE DISTRICT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21909](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4735-17, a City initiated text amendment to Policy 1.7.2.2 of the Future Land Use Element of the City's Comprehensive Plan regarding NMUD. This motion is based upon the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with Chapter 163, Florida Statutes, and the City's Comprehensive Plan.

APPROVE Ordinance No. 4772-18, consisting of text amendments to various sections of the Zoning and Land Development Regulations to institute new regulations for the Northwood Mixed-Use District. 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.

APPROVE Ordinance No. 4773-18, a Zoning map amendment to rezone the properties located within the Northwood Mixed-Use District from Northwood Mixed-Use District Types I, II and III to Northwood Mixed Use District. 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.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Reports attached hereto as Future Land Use, ATTACHMENT 1 and Zoning Text and Map, ATTACHMENT 2).

Redevelopment Management Associates (RMA) on behalf of the Community Redevelopment Agency (CRA) conducted public outreach in 2014 to develop a strategy and consensus for the redevelopment of the North End Community Redevelopment Area, which includes the Northwood Mixed Use District (NMUD). The NMUD contains approximately 35 acres and is generally bounded on the north by the alley north of 25th Street; Dixie Highway to the east; 23rd Street to the south; and the F.E.C. Railroad Tracks to the west.

On February 11, 2015, the CRA held a kick off meeting in the community for the NMUD to get specific input on the purpose of the district, allowable heights, uses, parking, historic preservation and expected public benefits. As part of the review of the existing NMUD regulations, RMA determined that the existing building typology allowances were not financially feasible for development to occur. RMA used the framework established for the Currie Mixed-use District (CMUD) in 2014 as a base for the proposed NMUD regulations. Future Land Use Element Policy 1.7.2.2 of the City's Comprehensive Plan is being amended to establish the general NMUD provisions within the Mixed Use Future Land Use Category (Ordinance No. 4735-17). The proposed changes require text amendments (Ordinance No. 4772-18) and a zoning map amendment (Ordinance No. 4773-18).

Ordinance No. 4735-17 - Future Land Use Amendment.

RMA analyzed the maximum buildout potential in the NMUD based on the proposed regulations that will be presented as part of the amendment to the Zoning and Land Development Regulations. The proposed amendment to Future Land Use Element Policy 1.7.2.2 removes the building typology framework that was established when the NMUD policy was originally adopted in 2001. RMA concluded that the current total maximum development capacity for the NMUD of 850,000 square feet of retail/commercial use and 650 residential units is sufficient to accommodate the buildout permitted by the proposed NMUD zoning regulations, so this will not change as part of this amendment.

Additionally, the provision in the existing policy which outlined the additional units that could be constructed as part of the sunsetted limited duration residential incentive has been removed. Since there is no increase in the maximum square feet of retail/commercial use or number of residential units, no additional Level of Service Analysis is required as part of this Future Land Use Element amendment. Planning staff will track the future development to ensure that the total permitted retail/commercial square footage and number of residential units is not exceeded as redevelopment occurs.

Ordinance No. 4773-18 – Zoning Code Text Amendments

The changes to the NMUD regulations require amendments to multiple sections of the Zoning and Land Development Regulations (ZLDR) as listed below:

1. General revisions to ZLDR Section 94-4 to update the nomenclature for the zoning districts within the City based on the NMUD amendments.
2. Revisions to ZLDR Section 94-209, Mixed-use Districts (MU), to further clarify the development standards applicable to all mixed-use districts within the City. Currently, the changes to the MU district regulations apply to both the CMUD the NMUD. The regulations will apply to the Broadway Mixed-use District (BMUD) in the near future when the BMUD regulations are updated.
3. Revisions to ZLDR Section 94-210, Northwood Mixed-use District to completely rewrite the regulations for NMUD. In addition to the code language, the regulations establish a set of regulating plans and diagrams designed to aid in guiding the development of NMUD in accordance with the master plan for the district. Outlined below are the main elements of the text amendment:
 - a. Sub-areas – A regulating plan divides the NMUD into three (3) sub-areas: Core, Transition, and Edge. The highest intensity development within the NMUD has been allocated to the Core Sub-area on the western portion of the district adjacent to the railroad tracks. The development intensities shall then gradually decrease from the Core to the Transition Sub-area and then further decrease to the Edge Sub-area which is characterized by lower scale buildings.
 - b. Building Heights – A regulating plan depicts the maximum heights as of right within each sub-area ranging from three stories to six stories. The building heights regulating plan also provides for two stories of height bonuses for specified locations within the Core and Transition sub-areas. Specific details on height bonus requirements are detailed within the regulations and include height bonuses for constructing public open space or contributing to the Historic Preservation Fund.
 - c. Designated Public Open Space and Urban Greenways – A regulating plan that designates required open space and urban greenway systems within NMUD. Minimum specification for the urban greenways and opens spaces are detailed within the regulations and contain both text and graphical representations.

- d. Street Network Connectivity – A regulating plan which shows the location of existing and required new streets needed to create the prescribed network of streets within NMUD. The regulating plan also establishes the hierarchy of streets within the district.
 - e. Building Typology and Placement Regulating Diagrams – There are eight building typologies provided for use within NMUD. Each building typology contains a schematic representation demonstrating required lot standards and profiles of structures. Not all building types are permitted in each sub-area. A table within the regulations shows which building typologies are permitted in each sub-area.
 - f. Use Table – A separate permitted use table has been created for NMUD regulating permitted uses (P), uses permitted with extra requirements (PXR), and Class B Special Use Permits (Sb) within each sub-area. The uses currently permitted continue to be permitted with the new use table format.
4. Deletion of ZLDR Sections 94-211 through 94-214 in their entirety since the existing NMUD building typologies are being converted to the regulating plans contained in Section 94-210.
 5. Revisions to ZLDR Section 94-272, Permitted Use Table, and Section 94-273, Extra Requirements for Special Uses and Permitted Uses, are being made to remove regulations and references specific to NMUD. The new use table within NMUD will guide the uses permitted within the NMUD district based on the sub-area regulating plan which divides the district into three sub-areas – Core, Transition, and Edge. Any references within the NMUD use table to uses permitted with extra requirements (PXR) or a Class B Special Use Permit (Sb) will continue to utilize the applicable additional standards within Section 94-273.
 6. Deletion of definitions in ZLDR Section 94-611, Definitions, pertaining to the NMUD as all the NMUD definitions are now contained in Section 94-209 of the ZLDR.

Ordinance No. 4773-18 – Zoning Map Amendment

The Zoning Map amendment is to rezone certain properties from Northwood Mixed-use District Building Type I (NMUD I), Building Type II (NMUD II), and Building Type III (NMUD III) to a single NMUD designation. The NMUD is currently divided into three (3) building types that address height and use – Building Type I, Building Type II, and Building Type III. Specific language regarding these building types is being deleted from the Comprehensive Plan and the ZLDR. The proposed ZLDR language (Ordinance No. 4773-18) will incorporate regulating plans for the NMUD dividing the district into three (3) sub-districts – Core, Transition, and Edge. Height will be addressed in the new development regulations through the use of a height regulating plan and standards that will establish the appropriate intensities and transition of intensities within the district while ensuring compatibility with surrounding uses and character. Uses will be

addressed through a new use table that is divided into distinct categories for each sub-area within NMUD to ensure appropriate transitions of uses within the district and abutting properties outside the district.

STANDARDS: The Planning Division has determined that the Future Land Use amendment complies with the Comprehensive Plan and that all of the ZLDR text amendments and the Zoning map amendment are in compliance with all eight (8) of the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

PLANNING BOARD: The Planning Board recommended approval (6-0) of this request to the City Commission after a Public Hearing on August 15, 2017.

FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY: The Department of Economic Opportunity approved the Future Land Use amendment after the staff transmitted the amendment for review after First Reading.

PUBLIC NOTICE: The ordinances were advertised in the Palm Beach Post on May 16, 2018.

COMMISSION DISTRICT: The subject property is located within Commission District No. 1 – Commissioner Kelly Shoaf.

Fiscal Note:

No fiscal impact.

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

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

[Agenda Cover Memorandum No.: 21910](#)

Staff Recommended Motion:

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

Background:

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

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

The Northwest Neighborhood is listed on both the local and National Register of Historic Places. Accordingly, all exterior modifications to structures are subject to design review.

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

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

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

neighborhood.

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

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

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

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

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

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

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

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

[Agenda Cover Memorandum No.: 21911](#)

Staff Recommended Motion:

Approve Ordinance No. 4778-18.

Background:

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

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

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

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

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

Fiscal Note:

No fiscal impact.

COMMENTS BY THE CITY COMMISSIONERS:

COMMENTS BY THE MAYOR:

ADJOURNMENT:

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.