



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**March 25, 2019
5:00 P.M.**

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

**MAYOR
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.

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

PRESENTATION AND AWARDS OF MERIT (1-3):

1. Proclaiming April 2019 as The Lord's Place SleepOut/SleepIN Month. Proclamation to be accepted by Diana Stanley, The Lord's Place CEO. **PRESENTED**
[Agenda Cover Memorandum No.: 22368](#)
2. Proclaiming April 3, 2019 as Vision Zero Road Safety Day 2019. Proclamation to be accepted by Tara Applebaum, Vision Zero Coordinator for the City of West Palm Beach. **PRESENTED**
[Agenda Cover Memorandum No.: 22377](#)
3. Presentation of award of Excellence for Worker Safety and award of Excellence for Vehicle Safety from the Safety Council of Palm Beach County. Awards to be accepted by Tim Scott, City's Safety Officer. **PRESENTED**
[Agenda Cover Memorandum No.: 22378](#)

CONSENT CALENDAR (4-14): ALL CONSENT ITEMS (4-14) APPROVED

4. **Minutes of the Regular City Commission Meeting of February 25, 2019.**
[Agenda Cover Memorandum No.: 22366](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on February 25, 2019.

5. **Minutes of the Special City Commission Meeting of February 25, 2019.**
[Agenda Cover Memorandum No.: 22365](#)

Staff Recommended Motion:

Approve the Minutes of the Special City Commission Meeting held on February 25, 2019.

6. Resolution No. 69-19: Approving an Addendum to the Memorandum of Understanding between the School Board of Palm Beach County and the City of West Palm Beach to provide funding for temporary tutorial support at Northmore Elementary.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING REGARDING A FIVE-YEAR COLLABORATIVE INITIATIVE AT NORTHMORE ELEMENTARY BETWEEN THE CITY OF WEST PALM BEACH AND THE SCHOOL BOARD OF PALM BEACH COUNTY FOR FUNDING FOR TEMPORARY TUTORIAL SUPPORT TO STUDENTS ATTENDING NORTHMORE ELEMENTARY SCHOOL IN THE AMOUNT OF \$25,000; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22363](#)

Staff Recommended Motion:

Approve Resolution No. 69-19.

Background:

The City of West Palm Beach previously approved a Memorandum of Understanding between the School Board of Palm Beach County and the City related to Northmore Elementary (the "MOU") in 2015. The MOU established a collaborative initiative for Northmore Elementary for the purpose of increasing the reading achievement level of the students at Northmore Elementary. The five-year collaborative effort is intended to support Northmore's vision and mission through a framework built around a school improvement plan. The 3 goals of the school improvement plan include:

Goal 1: Literacy - To increase students reading proficiency across all content areas through differentiated instruction.

Goal 2: Parent Engagement: To enhance parent engagement to build trusting relationships with parents that result in improved student academic performance.

Goal 3: English Language Learner Student Proficiency - To increase proficiency of ELL students through language development support.

In addition, targets for implementation, funding, or partnerships to achieve these goals include:

- Teacher Capacity Building
- Early Childhood Education
- Classroom Enhancements
- Afterschool Programs
- Technology Needs for All Targeted Areas

The MOU provided that any obligations or collaborative endeavors by the City that require City funding would require an agreement and approval by the City Commission.

This year Northmore's principal performed a needs assessment and determined that 53 of 108 second grade students enrolled in the school are “English Language Learners”, meaning that English is not the student’s first language. Northmore has requested that the City provide funding for a temporary tutorial support program to provide small group literacy instructors to students. The City of West Palm Beach has budgeted \$25,000 for this program. The program aspects include:

- Targeting 2nd Grade
- 6 Tutors
- Program will run for 75 Days
- Small amount of supplies

The tutor program will be tracked by collection of unit assessments provided by the district, daily walk through conducted by the administrative team, state assessments and reading running records.

Resolution No. 69-19 approves the Addendum to the Memorandum of Understanding and provides \$25,000 in funding to the School District to provide small group literacy instructors to second graders attending Northmore.

COMMISSION DISTRICT: Northmore Elementary is located in Commission District 1 represented by Commissioner Kelly Shoaf.

Fiscal Note:

No fiscal impact.

7. **Resolution No. 106-19 authorizing the execution of the Florida Power & Light Street Lighting Agreement for the modification of existing FPL street lighting facilities to LED city wide.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF THE STREET LIGHTING AGREEMENT BETWEEN FLORIDA POWER AND LIGHT COMPANY (FPL) AND THE CITY OF WEST PALM BEACH FOR THE MODIFICATION OF EXISTING FPL STREET LIGHTING FACILITIES TO LED CITY WIDE; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22373](#)

Staff Recommended Motion:

Approve Resolution No. 106-19.

Background:

The City of West Palm Beach continues in its efforts to meet the community wide Greenhouse Gas reduction goal of Net Zero By 2050. Implementing improvements in

municipal operations not only work toward carbon neutrality, but importantly shows leadership in 'walking the talk' for our residents and businesses.

FPL has a new streetlight tariff program that allows FPL owned streetlights to be converted to LED at no up-front costs to the City. Through this program, just over 1,800 FPL streetlights within the city limits can be converted to LED, having an annual cost savings of over \$900/year. The energy savings are estimated at 862,920 kWh/year, equaling over 600 metric tons of CO2 saved annually or removing 129 cars from the road.

Through an earlier energy services contract, all applicable City of West Palm Beach owned streetlights were retrofitted to either LED or induction lighting as well as almost 1,400 streetlights owned by FPL were retrofitted to LED within the Coleman Park neighborhood. This left more than half of the existing streetlights within the City, owned and maintained by FPL, with the older, more energy intensive technologies. With approval of this new FPL streetlight tariff agreement, the majority of streetlights within our city will be LED.

Fiscal Note:

Approval will provide an estimated \$900 in savings on FPL streetlight costs.

8. **Resolution No. 101-19(F) transferring \$500,362 from the Community Development Fund to the Grant Capital Project Fund to provide appropriations for South Olive Park Recreation Improvements.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE COMMUNITY DEVELOPMENT FUND AND THE GRANT CAPITAL PROJECT FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR SOUTH OLIVE PARK RECREATION IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22362](#)

Staff Recommended Motion:

Approve Resolution No. 101-19(F).

Background:

Governmental Accounting Standard Board (GASB) statement number 54 restricts the use of Special Revenue Funds to account for revenue and expenditures for purposes other than capital projects. It is acceptable for Special Revenue Fund 110, the Community Development Fund, to provide funds for eligible capital improvement projects. However, capital purchases cannot be expensed in Fund 110 per government accounting requirements. Therefore, it is required that funds be transferred out from Fund 110 to the Grant Capital Project Fund 399, so the capital payments can be expensed and reported properly in financial statements.

Fiscal Note:

Approval will provide \$500,362 in the Grant Capital Project Fund for the South Olive Park construction project.

9. **Resolution No.107-19 amending the City's Salary Plan for fiscal year 2018-19 and Resolution No. 110-19(F) amending the full time equivalent (F.T.E.) budget for various departments to further implement the City's career progression program and amending the full time equivalent (F.T.E.) budget for the West Palm Beach Fire Rescue Department and the Mayor's Office/Office of Communication.**

RESOLUTION NO. 107-19: 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. 264-18, APPROVED ON SEPTEMBER 24, 2018, AND AMENDED TWICE THEREAFTER, TO CREATE THE JOB CLASSIFICATIONS OF FLEET SERVICE TECHNICIAN IV, FLEET EQUIPMENT SPECIALIST I, AND FLEET EQUIPMENT SPECIALIST II; TO CHANGE THE JOB TITLE, JOB CODE, AND PAY GRADE ALLOCATION OF THE FLEET EQUIPMENT SPECIALIST JOB CLASSIFICATION; TO INCREASE THE PAY GRADE FOR THE FLEET OPERATIONS SUPERVISOR JOB CLASSIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 110-19(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND FOR THE CITY ATTORNEY'S OFFICE; THE WEST PALM BEACH FIRE RESCUE DEPARTMENT; AND THE MAYOR'S OFFICE/COMMUNICATIONS; THE INFORMATION TECHNOLOGY FUND; AND THE FLEET MANAGEMENT FUND; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22374](#)

Staff Recommended Motion:

Approve Resolution No. 107-19 and Resolution No. 110-19(F).

Background:

In response to employee feedback and the City's continuing efforts to recruit and retain a skilled workforce, City Administration requested the Department of Human Resources to develop and implement a career progression program. Career progression programs provide employees with the opportunity to learn new skills, grow within their departments and pursue job opportunities across various work areas within the City. These programs are also effective in attracting and retaining top talent, increasing employee engagement and productivity and strengthening succession and knowledge transfer. In FY 2018-19, funds were approved to implement career progression programs in certain departments within the City. Resolution No. 110-19(F) amends the full-time equivalent budget by

allocating affected positions to their new job classifications. The new job classifications were previously approved as part of FY 2018-19 Salary Plan.

Resolution No. 110-19(F) also amends the full-time equivalent budget for the West Palm Beach Fire Rescue Department and the Mayor's Office/Office of Communication by adding one (1) Special Projects Coordinator and one (1) Webmaster position, respectively. The Special Projects Coordinator will be assigned to work on new initiatives and special projects at the Fire Department. The Webmaster will be assigned to the Office of Communications to assist with the update and maintenance of the City's website and other projects.

Resolution No. 107-19 amends the City's Salary Plan for FY 2018-19, by creating the job classifications of: Fleet Service Technician IV and Fleet Equipment Specialist II; by changing the pay grade allocation for the job classification of Fleet Operations Supervisor; and by changing the job code, job title and pay grade allocation of the Fleet Equipment Specialist job classification. These new job classifications are part of the career progression program for the Department of Support Services.

Fiscal Note:

Funding for Career Progression Program has been budgeted in the FY2019 Adopted budget.

10. **Resolution No. 108-19 authorizing contracts for master property insurance, water system property insurance, excess liability insurance, excess workers' compensation insurance, crime insurance, and miscellaneous insurance policies for policy year 2019-20.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING APPLICATION FOR AND EXECUTION OF ALL NECESSARY CONTRACTS FOR MASTER PROPERTY INSURANCE, WATER SYSTEM PROPERTY INSURANCE, EXCESS LIABILITY, EXCESS WORKERS' COMPENSATION, CRIME INSURANCE, ECR PROPERTY GENERAL LIABILITY AND OTHER INSURANCE, PUBLIC OFFICIALS BOND, CITY CENTER PROPERTY INSURANCE, FIDUCIARY LIABILITY, CRA PROPERTY AND LIABILITY AND OTHER MISCELLANEOUS INSURANCE, FOR THE PERIODS OF MARCH 1, 2019 – FEBRUARY 29, 2020 AND OCTOBER 1, 2019 – SEPTEMBER 30, 2020, AS RECOMMENDED BY THE CITY'S INSURANCE BROKER, ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC.; AUTHORIZING PAYMENT OF ALL INSURANCE PREMIUMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22361](#)

Staff Recommended Motion:

Approve Resolution No. 108-19.

Background:

The City, through the broker of record, Arthur J. Gallagher Risk Management Services, Inc., is in the process of obtaining master property insurance, water systems property insurance, excess liability, excess workers' compensation, crime insurance, and other miscellaneous insurance coverages for the 2019-2020 policy year.

The Procurement Code requires that contracts for insurance be approved by the City Commission. Master property insurance, utility systems insurance, excess liability insurance, excess workers' compensation insurance and crime insurance coverages will be bound effective March 1, 2019. Miscellaneous other coverages will bind as they expire or as appropriate, contingent upon Commission approval. The City is self-insured for workers' compensation, automobile liability and general liability up to various self-insured retention levels. The City purchases excess insurance policies for liability claims exceeding \$350,000 and for workers' compensation claims exceeding \$500,000.

Resolution No. 108-19 grants the Risk Manager authority to execute the application for master property insurance, water systems insurance, excess liability insurance, excess workers' compensation insurance, crime insurance and other miscellaneous insurance coverages.

11. **Resolution No. 102-19(F) authorizing the transfer of \$40,929 from the City's Housing Trust Fund to the City's State Housing Initiatives Partnership (SHIP) Program fund for the completion of eligible affordable housing projects.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE HOUSING TRUST FUND AND THE SHIP GRANT FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR THE COMPLETION OF ELIGIBLE AFFORDABLE HOUSING PROJECTS PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22364](#)

Staff Recommended Motion:

Approve Resolution No. 102-19(F).

Background:

The Department of Housing and Community Development is primarily responsible for administering programs that produce or preserve affordable housing in the City. As recipient of State Housing Initiatives Partnership (SHIP) Program funds from Florida Housing Finance Corporation, the Department allocates funding towards rehabilitation efforts of homeownership housing occupied by low income households.

In order to complete two (2) existing projects under this initiative while maintaining the overall compliance of SHIP Program requirements, a transfer of funds from the City's Housing Trust Fund in the exact amount of \$40,928.37 is necessary.

Fiscal Note:

Approval will provide \$40,929 from the Housing Trust Fund to the SHIP Fund for affordable housing projects.

- 12. Resolution No.118-19 supporting re-evaluation of Lake Okeechobee operations pursuant to the National Environmental Policy Act for potential revision to the Lake Okeechobee System Operating Manual.**

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, SUPPORTING RE-EVALUATION OF LAKE OKEECHOBEE OPERATIONS BY THE U.S. ARMY CORPS OF ENGINEERS PURSUANT TO THE NATIONAL ENVIRONMENTAL POLICY ACT ASSESSMENT FOR THE LAKE OKEECHOBEE SYSTEM OPERATING MANUAL; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22379](#)

Staff Recommended Motion:

Approve Resolution No. 118-19.

Background:

Lake Okeechobee is the 1) liquid heart of an integrated regional water management system and is essential and interconnected to communities, businesses, public water supply utilities and ecosystems throughout Palm Beach County; 2) the principle source of drinking water during the dry season and periods of drought for the City of West Palm Beach 3) an integral component of the Comprehensive Everglades Restoration Plan (CERP) 4) critical to meeting the environmental restoration and water supply needs of South Florida; 5) essential to protecting the region's water supply infrastructure from saltwater intrusion by providing a source of freshwater to prevent the migration of saltwater into coastal wellfields. Lake Okeechobee's authorized project purposes include flood control, water supply, recreation, navigation, environmental effects to fish and wildlife, and cultural and recreational resources.

In January 2019, the City received notice from the U.S. Army Corps of Engineers (Corps) that, the Corps is beginning preparation of a National Environmental Policy Act assessment for the Lake Okeechobee System Operations Manual (LOSOM), which is to re-evaluate and define operations for the Lake Okeechobee regulation schedule that takes into account nearly complete additional infrastructure which will soon be operational components of the water management system. The Lake Okeechobee Regulation Schedule of 2008 was implemented as an interim measure to protect the public from the risk of catastrophic failure of the Herbert Hoover Dike. The Secretary of the Army has been instructed to expedite completion of the Lake Okeechobee regulation schedule to coincide with

completion of the Herbert Hoover Dike project and may include all relevant aspects of the CERP. Rehabilitation activities on Lake Okeechobee's Herbert Hoover Dike by the Corps began in 2001 and are expected to be complete by 2022.

Resolution No. 118-19 establishes the City Commissions support for a science-based evaluation of Lake Okeechobee that balances all congressionally-authorized purposes of Lake Okeechobee operations; implements performance measures that appropriately and accurately characterize impacts to all communities; incorporates data and methods to ensure proposed operations improve lake conditions and protect water supply; assists in achieving restoration flows; avoids and /or minimizes discharges to Lake Worth Lagoon and reduces water use restrictions and cutbacks on public water utilities. The Resolution also opposes reevaluation of operations that drastically lowers lake levels (10.5 feet) not supported by science that would induce drought conditions, result in restrictions on recreational and commercial fishing and increase the risk of saltwater intrusion into coastal wellfields.

- 13. Resolution No. 119-19(F) authorizing the appropriation of \$125,000 to cover the cost of the run-off election on March 26, 2019 for City Commission District 3.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO PROVIDE APPROPRIATIONS FOR COSTS RELATED TO THE MARCH 2019 RUNOFF ELECTION; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22380](#)

Staff Recommended Motion:

Approve Resolution No. 119-19(F).

Background:

The City of West Palm Beach Municipal Election was held on March 12, 2019 for Commission District 3 seat where a candidate did not receive a majority vote. Consistent with City Charter Sec. 5.05, a candidate must receive a majority vote to be declared elected, if no candidate receives this majority in the first election, a second election limited to the two candidates receiving the highest and next highest number must be held. The run-off election will be held on March 26, 2019.

The City's elections are conducted by the Palm Beach County Supervisor of Elections through an agreement. Funds are budgeted in the City Clerk's Office; however, the 2018/2019 budget did not provide for the cost of a run-off election. The estimated cost for the March 26th run-off election is \$125,000.

Fiscal Note:

Approval will provide \$125,000 for the estimated cost of the March 2019 runoff election. Approximately \$849,480 will remain in General Fund Contingency.

14. **Resolution No. 120-19 approving a Local Agency Program Agreement with the Florida Department of Transportation for the construction of West Palm Beach - Citywide ADA Various Locations Project; and Resolution No. 121-19 (F) providing the funding.**

RESOLUTION NO. 120-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WEST PALM BEACH PROVIDING \$699,000.00 IN FUNDING FOR THE CONSTRUCTION OF ADA IMPROVEMENTS AT VARIOUS LOCATIONS CITYWIDE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 121-19 (F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE LOCAL GAS TAX FUND AND THE SPECIAL REVENUE GRANT PROGRAM FUND BUDGETS TO PROVIDE FOR THE RECEIPT OF A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LOCAL AGENCY PROGRAM (LAP), FOR MATCHING FUNDS, AND TO PROVIDE APPROPRIATIONS FOR THE ADA TRANSITION PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22381](#)

Staff Recommended Motion:

Approve Resolution No. 120-19 and Resolution No. 121-19(F).

Background:

The Project encompasses approximately sixty-eight (68) intersections that surround a total of eight schools. These schools are the Northboro Elementary School, Palmview Elementary School, Alexander W. Dreyfoos School of The Arts, Belvedere Elementary School, Conniston Middle School, Palmetto Elementary School, Forest Hill High School and South Olive Elementary School. It will provide necessary improvements that will enhance the pedestrian comfort and safety. The project proposes the construction of ADA compliant ramps and sidewalks. The project area is currently characterized with crosswalks, either without ramps or with non-compliant ramps. In addition, the existing sidewalks are not connected to the crosswalks and are separated from these crosswalks by swale areas. These improvements will provide accessibility and maneuverability, not only for those with disabilities but also for all residents and visitors.

This Project will include the construction or the enhancement pedestrian crossings (colored and textured asphalt) with appropriate striping along many of the intersections. Presently pedestrians are crossing roadways at many undesignated locations, resulting in many unsafe situations. These enhanced pedestrian crossings will help funnel pedestrians towards these demarcated crossings and will also make the pedestrians crossing these intersections more visible to the cars traversing the corridor and will therefore increase pedestrian safety.

Pedestrian safety concerns in this area are further compounded by the level of compliance of motorists with regard to regulatory signage particularly stop signs and speed limit signs. The enhanced signage will increase the driver's awareness of these traffic control devices and further increase the safety of all road users. This signage will provide a traffic calming element for the residents, particularly during school pick-up and drop-off times.

Pursuant to the LAP Agreement, the project will be completed on or before June 2021 and the City will maintain all improvements funded with the grant funds.

Fiscal Note:

Approval will provide \$699,000 from FDOT LAP and \$689,633 from the Local Gas Tax Fund as the City Match.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (15-16):

15. **Resolution No. 111-19 **APPROVED** approving an agreement with Northwood Shores Neighborhood Association providing for a matching grant of not to exceed \$5,000 for installation of a monument entrance sign for the neighborhood at N. Flagler Drive and 27th Street; and Resolution No. 112-19 **APPROVED** granting "Face of the City" approval of the design features for the proposed monument sign.**

Resolution No. 111-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A LICENSE AND APPROVING A NEIGHBORHOOD IMPROVEMENT LICENSE AGREEMENT REGARDING NORTHWOOD SHORES ENTRANCE MONUMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Resolution No. 112-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE PROPOSED ABOVE GROUND IMPROVEMENTS ON N. FLAGLER DR. AT 27TH STREET FOR A MONUMENT ENTRANCE SIGN TO NORTHWOOD SHORES NEIGHBORHOOD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22372](#)

Staff Recommended Motion:

Approve Resolution Nos. 111-19 and 112-19.

Background:

The Northwood Shores Neighborhood Association is a non-profit association which is open to the public and organized for the purpose of providing benefits to the citizens within the Northwood Shores neighborhood.

The Association is desirous of having a monument sign designating the general gateway to the Northwood Shores neighborhood at the intersection of N. Flagler Drive and 27th Street. The City agrees to pay 50% of the cost of the monument sign, not to exceed \$5,000. The Association agrees to pay all remaining costs of the construction and installation of the monument sign; and agrees to maintain, repair or replace the sign, as needed, at the Association's expense. The City will install a raised curb median island which the Monument sign will be placed in and provide the electrical service for lighting the monument sign.

The City has determined that installation of the entrance monument is in the interest of both the City and Association by providing location information, along with aesthetic benefits and enhancement of the neighborhood streets.

Resolution No. 111-19 approves a Neighborhood Improvement License Agreement with the Northwood Shores Neighborhood Association regarding the monument sign.

Resolution No. 112-19 approves the design features and location of the monument sign.

COMMISSION DISTRICT - Commission District No. 1 - Commissioner Kelly Shoaf.

Fiscal Note:

City costs not to exceed \$5,000. To be paid from the Roadway Improvements funding.

16. **Resolution No. 26-19 APPROVED AS AMENDED Approving the Merchant / Industry Association Creation Program to provide incentive grants to eligible associations.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE MERCHANT / INDUSTRY ASSOCIATION CREATION PROGRAM TO PROVIDE INCENTIVE GRANTS TO ELIGIBLE ASSOCIATIONS; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO IMPLEMENT THE PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22375](#)

Staff Recommended Motion:

Approve Resolution No. 26-19.

Background:

In order to encourage and stimulate economic growth in the City of West Palm Beach, the City encourages businesses throughout the City to form formal organized groups or associations based on common industries or geographical areas within the City. Organized groups can help provide clear communications between the City and local businesses, brand locations and promote industry growth. The City's Economic Development Department has been working with merchants in the central and southern areas of the City that have started the process of forming formal associations. As an incentive to continue the creation and long-term operations of these associations, the Economic Development Division recommends the establishment of a Merchant / Industry Association Creation Incentive Program (the "Program").

The Program is designed to assist business associations with initial formation and ongoing operation of merchant and industry-based associations. In order to be eligible for incentives under this Program, Associations must demonstrate compliance with the City's economic development goals. The City's economic development goals for the Program are:

1. Organization and recruitment of members in a business, industry or area;
2. Promotion of the industry, district or area;
3. Promotion of growth or investment in an industry, area, or district;
4. Event production that promotes the association's industry, area, or district;
5. Technical assistance to improve the industry, area, or district; and
6. Services and partnerships aimed at increasing the customer base for the association's industry, area, or district.

The Program would offer incentives the following incentives: An Initial Grant to be provided on a reimbursement basis in an amount not to exceed \$5,000 and additional Matching Grant Funds in an amount not to exceed \$25,000 for eligible associations.

Program Requirements:

Requirements to Qualify for Initial Grant Funds

1. Register the Association as a non-profit corporation with the State of Florida Division of Corporations.
2. Establish a Board of Directors.
3. Adopt and file Articles of Incorporation.
4. Adopt and file Bylaws.
5. Provide proof that the Association is located within the City of West Palm Beach.
6. Provide a schedule reflecting one year of scheduled meetings, which includes a general membership meeting.
7. Prepare and file tax documentation necessary to create the Association.

Requirements to Qualify for Matching Grant Funds:

In order to receive the Matching Grant Funds, the Association must raise funds in the amount of the grant it seeks from the City and provide bank statements evidencing that it has raised funding in the amount equal to or greater than the Matching Grant funds it seeks from the City. The Matching Grant Funds may be used for the purposes consistent with the Program.

Initial Grant Funds may be used for:

- Reimbursement of filed tax documentation and State of Florida corporation registration fees
- Website creation
- Branding and logo creation
- Initial outreach to recruit members as stated in the bylaws
- Development of a strategic plan
- Initial organization event or first general membership meeting
- Other costs and needs determined by the City to be necessary to the creation of an association

Matching Grant Funds may be used for additional operational expenses the association incurs, or in furtherance of activities that support the association's purpose as set forth in its Charter or Bylaws.

Grant Funds may not be used for:

- Lobbying or legislative activities
- Political contributions or other political purposes including but not limited to campaign funds to support or oppose any candidate for public office; investigations or recalls of public officials; or bond or levy campaigns
- Any activity or communication that is defamatory, libelous or obscene
- To promote any illegal product or service
- To promote or fund any activity that supports or results in illegal discrimination based on a protected class or results in discrimination based on race, color, religion, sex, gender identity or expression, genetic information, national origin, age, disability, familial status, marital status, or sexual orientation
- To support or oppose any labor union or its activities

Associations granted funds will be required to execute a Grant Agreement with the City, provide annual reporting documenting expenditures and continue to operate for a period of five (5) years from the date of distribution of the Grant Funds.

This Program is part of the draft economic development plan which is currently under development. The creation of associations in the City will help deploy economic development dollars in an efficient way that partners with industry and local businesses.

The Program would use existing budgeted dollars and requires no additional funding. The Program is a City-wide program and is available in all commission districts.

Fiscal Note:

No fiscal impact.

PUBLIC HEARING (17-21):

17. **Public Hearing and Second Reading of Ordinance No. 4834-19 APPROVED amending Ordinance No. 3805-04 to change the number of members of the Traffic Calming Advisory Committee.**

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 86 (TRAFFIC), ARTICLE V (TRAFFIC CALMING), TO AMEND DIVISION 2 (TRAFFIC CALMING ADVISORY COMMITTEE) SECTION 86-371 (MEMBERS; APPOINTMENT; TERM) AND SECTION 86-372 (ORGANIZATION); PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22371](#)

Staff Recommended Motion:

Approve Ordinance No. 4834-19.

Background:

The traffic calming ordinance was approved by the City Commission on December 6, 2004 under Ordinance No. 3805-04. This ordinance was established as tool to help the citizens that experienced issues with drivers traveling at high speed in their neighborhoods. The ordinance allowed for the creation of a Traffic Calming Advisory Committee. The applications submitted by the citizens are reviewed by this committee and then determined if they are viable for the installation of traffic calming measures. The traffic calming measures are features that can be installed in a roadway to make drivers lower their speed. Some of these measures are speed bumps, street narrowing, humps, medians, speed cushions, traffic circles, raised intersection, or raised crosswalks/speed tables.

The traffic calming advisory committee, as it is described in the Ordinance No. 3805-05, Article II, Division 1, requires the committee to be composed of 7 members from the city staff, 1 member from Palm Tran and 3 citizens who reside within the city. At the current time, there are certain positions named in the ordinance that are not available within the city staff, making the traffic calming committee incomplete as described in the ordinance and therefore unable to properly execute the ordinance. It is for this reason that the members of the Traffic Calming Advisory Committee are requesting that Section 2, Article II, Division 1, Sec 86-371 and Sec. 86-371 be amended to reduce the membership from eleven (11) to seven (7) members.

18. **Resolution No. 97-19 CONTINUED** declaring multiple City owned lots as surplus and providing the method of disposition and First Reading of Ordinance No. 4839-19 **CONTINUED** authorizing conveyance of such properties to the West Palm Beach Community Redevelopment Agency for redevelopment purposes.

RESOLUTION NO. 97-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT MULTIPLE CITY OWNED PROPERTIES ARE NOT NEEDED FOR CITY PURPOSES AND ARE DECLARED TO BE SURPLUS; SELECTING THE METHOD OF DISPOSITION TO BE CONVEYANCE TO THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY; CHOOSING NOT TO RESERVE AN INTEREST IN MINERAL RIGHTS IN THE CONVEYANCE OF THE PROPERTIES AS AUTHORIZED BY SECTION 270.11, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4839-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA (“CITY”) APPROVING THE CONVEYANCE OF MULTIPLE CITY OWNED PROPERTIES TO THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE CONVEYANCE OF THESE PROPERTIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22376](#)

Staff Recommended Motion:

Approve Resolution No. 97-19 and approve Ordinance No. 4839-19 on First Reading and schedule a Public Hearing and Second Reading for May 6, 2019.

Background:

The City of West Palm Beach and the West Palm Beach Community Redevelopment Agency (CRA) staff are involved in various redevelopment projects to ultimately revitalize certain distressed areas of the City.

In furtherance of City and CRA objectives, multiple City owned properties located in the Historic Northwest and Pleasant City have been identified as opportunities for land assemblage to further future redevelopment by the CRA in their respective CRA districts.

Properties identified are as follows:

Property Description	PCN
1933 AE Isaacs	74434316000001110
N. Tamarind	74434316010060012
1935 AE Isaacs	74434316150030152

1006 9th Street	74434316010060021
9th Street	74434316010060023
9th Street	74434316010060024
AE Isaacs	74434316150030153
1028 N. Tamarind	74434316010140071

City staff recommends the identified parcels to be transferred at no cost to the West Palm Beach CRA for the purposes of completing land assemblages in order to conduct viable redevelopment opportunities in these areas. The West Palm Beach Community Redevelopment Agency shall be responsible for any costs associated with the transfer of the property including but not limited to recording fees.

Section 270.11, Florida Statutes, provides that unless the City chooses not to reserve its interest, deeds for the sale of land shall reserve to the City interest in mineral rights that may be in the properties. The City has no indication that any such minerals exist on these properties and has no intent to enter the properties to mine for minerals and by Ordinance No. 4839-19 chooses not to reserve such interest.

The properties are located in District 3 - Commissioner Paula Ryan and District 1 - Commissioner Kelly Shoaf.

- 19. Public Hearing and First Reading of Ordinance No. 4827-19 CONTINUED authorizing the sale and conveyance of the .72-acre portion of the property located west of N. Australian Avenue with an address of 2405 N. Australian Avenue to AHS Residential, LLC, and the proposed appropriation of \$200,000 proceeds for City real estate management purposes.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE OF THE .72 ACRE PORTION OF A PARCEL OF LAND LOCATED WEST OF N. AUSTRALIAN AVENUE WITH AN ADDRESS OF 2405 N. AUSTRALIAN AVENUE TO AHS RESIDENTIAL, LLC, AND AUTHORIZING EXECUTION OF A SALE AND PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22367](#)

Staff Recommended Motion:

Approve Ordinance No. 4827-19 at First Reading and schedule a Public Hearing and Second Reading for April 8, 2019 - (Approval by 4/5 of the Commission at either First or Second Reading required per Sec. 2-31(27) of the Code).

Background:

The City Commission previously approved the construction of a 240-unit apartment complex on a 7.6-acre parcel located at 2201 North Australian Avenue ("Village at Mangonia Lake"). The Village at Mangonia Lake includes the construction of three six-story buildings fronting Lake Mangonia, two three-story buildings located along North Australian Avenue, a clubhouse and related site improvements. The City owns a 1.85-acre parcel with an address of 2405 North Australian Avenue which is located on both the east and west side of North Australian Avenue. AHS Residential, LLC wishes to acquire the .72-acre portion of the property located on the west side of Australian Avenue, which is located directly to the north of the Village at Mangonia Lake, to construct a private park to serve the residents of project. By Resolution No. 315-18, the City determined that the .72-acre portion of the property located on the west side of Australian Avenue with an address of 2405 N. Australian Avenue was no longer needed for City purposes and authorized the City to negotiate the sale of the property with AHS Development Group, LLC.

An appraisal of the subject property was conducted by Mr. Robert B. Banting and Mr. Gary Orr of Anderson & Carr, Inc. on November 20, 2018. The appraisal concluded that the .72-acre tract of vacant land, had a market value of \$200,000. AHS has agreed to pay the City the appraised value of \$200,000 for the property. The property will be conveyed to AHS by quit claim deed which will include a restrictive covenant requiring that the property will not be filled, and will remain open and unobstructed, never be built upon, and be used only for private recreational or environmental purposes. Additionally, AHS and Village at Mangonia Lake will execute a Unity of Control which will provide that the Village at Mangonia Lake property and the subject property will be treated as a single parcel and cannot be sold or transferred separately in the future.

Ordinance No. 4827-19 authorizes sale and transfer of the property to AHS Residential, LLC and approves the Sale and Purchase Agreement. The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading as required by Sec. 2-31(27) of the Code.

If approved upon second reading, a City Resolution will provide for the receipt of the proceeds and appropriation of the funds for City real estate management purposes.

AHS has agreed to pay the City the appraised value of \$200,000 for the property.

Fiscal Note:

No fiscal impact for first reading.

20. **Public Hearing and First Reading of Ordinance No. 4843-19 APPROVED extending the temporary moratorium on the issuance of permits or other approvals related to mobility "micro hubs" for the sharing of bicycles, scooters and other personal transportation vehicles until regulations can be developed.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, EXTENDING THE MORATORIUM AS TO THE

SUBMITTAL AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF PERMITS OR FRANCHISES PERTAINING TO MOBILITY MICRO HUBS, INCLUDING BUT NOT LIMITED TO BICYCLE OR SCOOTER SHARING, IN ORDER TO COMPLETE DEVELOPMENT OF REGULATIONS FOR SUCH USES IN THE CITY RIGHTS OF WAY; PROVIDING A SUNSET CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22370](#)

Staff Recommended Motion:

Approve Ordinance No. 4843-19.

Background:

The recent adoption of the City's Mobility Plans has generated interest in the establishment of various transportation alternatives within the City of West Palm Beach, including the establishment of mobility "micro hubs" for the sharing of bicycles, scooters and/or other personal transportation vehicles.

City staff is aware of other cities within our nation where the safety and/or welfare of the public has been negatively impacted by the unregulated use of personal transportation vehicles, such as scooters and bicycles. The City wants to explore and encourage alternative means of transportation within the City to reduce automobile traffic and in accordance with the Mobility Plans. However, City staff desires to analyze the situations which has occurred in other cities and evaluate and make recommendations for regulations which will encourage mobility "micro hubs" for the sharing of bicycles, scooters and/or other personal transportation vehicles in the public right-of-way in a manner which will better promote the safety and general welfare of the City, its residents and visitors.

By Ordinance No. 4810-18, the City Commission declared a need to temporarily suspend the issuance of permits or approvals for mobility "micro hubs" for the sharing of bicycles, scooters and/or other personal transportation vehicles in the public right-of-way for 180 days to allow staff to develop regulations for such uses. City staff is still developing such regulations, along with a draft Request for Proposals for franchise or provision of such services. Such regulations and the draft RFP will be brought to the City Commission for its consideration.

Ordinance No. 4843-19 extends the temporary moratorium on the issuance of permits or other approvals related to mobility "micro hubs" for the sharing of bicycles, scooters and other personal transportation vehicles until regulations can be developed or until September 23, 2019.

Fiscal Note:

No fiscal impact.

21. **Public Hearing and First Reading of Ordinance No. 4835-19, APPROVED amending the Code of Ordinances at Chapter 62 - Personnel Policies, to update and clarify allowable severance payments upon separation from employment.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, AT CHAPTER 62 (PERSONNEL AND RETIREMENT), ARTICLE II (PERSONNEL POLICIES), DIVISION 3 (OTHER BENEFITS) SECTION 62-82 (SEVERANCE PAYMENTS) TO BE CONSISTENT WITH FLORIDA STATUTES AND CLARIFY ALLOWABLE END OF TERM SEVERANCE PAYMENTS; PROVIDING A SEVERABILITY AND CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22382](#)

Staff Recommended Motion:

Approve Ordinance No. 4835-19 on First Reading and schedule a Public Hearing and Second Reading for April 8, 2019.

Background:

The City of West Palm Beach Ordinances, at Section 62-82, currently authorizes the mayor, in appropriate circumstances and absent misconduct, to provide for up to 12 weeks of lump sum severance payments to certain classifications of employees upon their separation from city service. The purpose of the severance payments is to recognize the separating employees' service and provide for transition to another opportunity. Since the passage of Section 62-82 in 1979, Section 215.425, Florida Statutes, has been amended on numerous occasions, in more recent years to proscribe when and how local governments may provide up to 20 weeks of severance payments, in certain circumstances.

To attract and retain talent, and to allow the mayor at all times to exercise his or her full authority under the Charter to direct and supervise the administration of all departments, divisions and agencies of the city government, the City seeks to amend Section 62-82. The amendments would increase the permitted severance payments from the current 12 weeks to 20 weeks to be consistent with Section 215.425, Florida Statutes. In addition, the City will benefit from the proposed amendment striking language at Section 62-82(c)(4) prohibiting severance payments in the last 12 weeks of the mayor's term of office, by removing any perceived uncertainty whether severance payments may be provided when a resignation is requested at any time during the mayor's term, absent any other disqualifying reason as currently set forth in Ordinance 62-82(c)(1)-(3). This amendment is intended to recognize the mayor's authority to at all times to direct and supervise the administration of all city departments, et seq. as set forth in Charter Sec. 3.01(3).

**PUBLIC HEARING – QUASI JUDICIAL (22):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

22. **Public Hearing of Resolution No. 86-19: CONTINUED** Approving a major amendment to the development regulations for the Clare Mixed Use Commercial Planned Development to increase the number of residential units and incorporate architectural and site plan changes for phase one and granting waivers of the Zoning and Land Development Regulations.

ITEM CONTINUED TO APRIL 8, 2019.

COMMENTS BY THE CITY COMMISSIONERS:

COMMENTS BY THE MAYOR:

ADJOURNMENT:

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

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