



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**April 22, 2019
5:00 P.M.**

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

**MAYOR
KEITH A. JAMES**

CITY COMMISSION

PRESIDENT CHRISTINA LAMBERT

COMMISSIONER KELLY SHOAF

COMMISSIONER CORY NEERING

COMMISSIONER RICHARD A RYLES

COMMISSIONER JOSEPH A. PEDUZZI

ADMINISTRATION

CITY ADMINISTRATOR, JEFFREY L. GREEN

CITY ATTORNEY, KIMBERLY ROTHENBURG

CITY CLERK, HAZELINE CARSON

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.

- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED (1):

1. Receive and file the Art in Public Places Committee's semi-annual report for October 2018-March 2019. **RECEIVED AND FILED**
[Agenda Cover Memorandum No.: 22407](#)

PRESENTATION AND AWARDS OF MERIT (2):

2. Proclaiming May 2019 as: Mental Health Month. Proclamation to be accepted by Jose Luis Rodriguez, HR Director; Alisha W. Singh, HR Training & Development Specialist; DaNetra Scott, HR Benefits Analyst; Dr. Seth B. Bernstein, Senior Vice President of Community Investments-United Way of Palm Beach County. **PRESENTED**
[Agenda Cover Memorandum No.: 22429](#)

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

CONSENT CALENDAR (3-21): ALL CONSENT ITEMS (3-21) APPROVED

3. **Minutes of the Regular City Commission Meeting of March 11, 2019.**
[Agenda Cover Memorandum No.: 22402](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on March 11, 2019.

4. **Minutes of the Regular City Commission Meeting of March 25, 2019.**
[Agenda Cover Memorandum No.: 22403](#)

Staff Recommended Motion:

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

5. **Minutes of the Special City Commission Meeting of April 4, 2019.**
[Agenda Cover Memorandum No.: 22404](#)

Staff Recommended Motion:

Approve the Minutes of the Special City Commission Meeting held on April 4, 2019.

6. **Minutes of the Regular City Commission Meeting of April 8, 2019.**
[Agenda Cover Memorandum No.: 22430](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on April 8, 2019.

7. **Appointment of Lina Camacho as a member to the Palm Beach Transportation Planning Agency Technical Advisory Committee.**
[Agenda Cover Memorandum No.: 22401](#)

Staff Recommended Motion:

Approve the appointment.

Background:

By Resolution No. 220-15, the City Commission approved the Interlocal Agreement for Creation of the Metropolitan Planning Agency, currently called the Palm Beach Transportation Planning Agency ("TPA").

The TPA is responsible for transportation planning in Palm Beach County. By federal regulation, each urban area in the United States creates an agency like this to act as a liaison between local communities, and the state and federal departments of transportation (DOTs). The TPA plans, prioritizes and funds transportation projects and programs. Every five years, the TPA updates a Long-Range Transportation Plan that forecasts transportation demands and identifies cost-feasible projects for the next 25 years. The TPA then annually adopts a 5-year funding program that allocates federal and state transportation dollars to the projects in the Long-Range Transportation Plan that are most important to our communities.

The TPA has a Technical Advisory Committee (TAC) which is made up of technical staff representing the various local governments within Palm Beach County, primarily planners and engineers. The TAC is responsible for reviewing and evaluating transportation-related plans and programs before these items are presented to the TPA Board. The TAC ensures that the studies, plans, and programs submitted to the TPA are technically sufficient, accurate, and comprehensive.

The City's Traffic Engineer, Khanh Uyen Dang, is currently serving as a member of the TAC Committee. Ms. Dang desires to delegate her seat as an active member on the TPA's TAC Committee to Lina Camacho, Senior Project Engineer. Ms. Camacho will serve as an active member for the TAC Committee and Ms. Dang as an alternate member.

The appointment of Lina Camacho to the TAC requires approval by the City Commission. The City's appointment of Ms. Camacho to the TAC will be forwarded to the TPA for approval by the TPA Board.

Fiscal Note:

No fiscal impact.

8. **Resolution No. 131-19 approving an Amendment to the Master Consulting Contract with Green & Gentry CPAs, LLC, not to exceed \$228,000, providing one additional PMO Senior Project Manager, and to amend the total fee to be paid to Green & Gentry for services provided to the City during initial one-year contract term.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE MASTER CONSULTING CONTRACT WITH GREEN & GENTRY CPA'S, LLC; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22408](#)

Staff Recommended Motion:

Approve Resolution No. 131-19.

Background:

In 2018, the City Commission approved Resolution No. 375-18, which waived the City's procurement requirements and authorized the City to enter into an initial one-year contract with Green and Gentry CPA's, LLC for City project consulting services in an amount not to exceed \$488,800.00 in year one, with the option to renew for two additional years based on the approved hourly rates. To date, Green & Gentry has provided the IT and Development Services Departments with Certified Project Management Professional (PMP) services for four years and is currently managing projects such as Oracle Optimization, Lotus Notes to Microsoft Outlook (O365) email migration, Citywide Security project and the Community Plus application replacement. In an effort to continue the progress made in implementing a new solution to replace the aging Community Plus product, City Staff is requesting to continue utilizing Green & Gentry project management services. Green and Gentry provides the following PMP services to the City:

1. City Development Services Projects - including Community Plus solution replacement.
 - (a) Project Management Process
 - (b) Budget/Finance/Accounting Consultancy
 - (c) Vendor Evaluation and Selection
 - (d) Contract Negotiations
 - (e) Project Implementation

2. City Cross-Functional Projects and Efforts as assigned.

Green and Gentry currently provides the City with two (2) PMPs. To recognize a significant cost savings as well as leverage its expertise, City Staff is requesting to amend the contract with Green & Gentry to provide the City with one (1) additional project management resource. The cost of the additional project management resource is based on an hourly rate of \$110.00 per hour, with an annual not to exceed cost of \$228,000. This increases the total fee under the agreement during year one to an amount not to exceed \$716,800.00. The actual costs for year two and three are unknown at this time; however, the costs will be based on the hourly rate schedule previously approved by the City

Commission and will be agreed upon by a written amendment executed by the City and Green & Gentry. The contract will be funded from the Development Services Department's Professional Services budget (Special Revenue Fund).

Resolution No. 131-19 approves the First Amendment to the Agreement to expand the contract scope and increase the fee paid to Green & Gentry.

9. Resolution No. 149-19 approving an Amendment to the Agreement with Communications International, Inc. to provide additional equipment and services necessary to enable the Multi Key encryption of P-25 Public Safety Radios.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH COMMUNICATIONS INTERNATIONAL, INC., FOR ADDITIONAL EQUIPMENT AND SERVICES RELATED TO THE CITY'S P-25 PUBLIC SAFETY RADIOS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22410](#)

Staff Recommended Motion:

Approve Resolution No. 149-19.

Background:

In 2017, the City entered into an Agreement with Communications International, Inc. to provide the following services related to the City's P-25 Public Safety Radio System:

1. P25 System Maintenance - Harris radio system maintenance for the Police and City-Wide radio system;
2. Software FX – Software maintenance;
3. Network Operations Center (NOC) Remote System Monitoring – Centralized monitoring of all radio systems 24/7;
4. Demand Services – Pre-negotiated price list to enable on demand maintenance and services;
5. Tower Inspections – Annual tower inspection of the 3 City radio towers; and
6. Preventative Maintenance Schedule - Schedule to perform maintenance to avoid system failures.

Recently, in an effort to provide better security for its radio system, the Palm Beach County Sheriff's Office made changes to its radio encryption protocols and changed other settings which impacted the City's shared communications. As a result of these changes the City's Public Safety radios need to have programming changes and have multi-key encryption enabled. This is required so subscriber units can utilize DES and AES encryption keys which are required for communication with Palm Beach County Sheriff's Office shared encrypted talk-groups, which are utilized in the event of an active shooter or other emergency incident. These changes are also needed to enable the City to communicate on shared encrypted talk-groups with Federal Agencies when the President visits his residence

in Palm Beach. The Amendment provides for additional equipment, and services including of enabling and implementing Multi Key encryption on all handheld and vehicle Public Safety Radios as well as dispatch consoles. The cost to purchase the additional equipment and have Communications International perform the additional services is \$596,507.60. This Amendment will be funded from the existing P-25 Radio Project budget.

10. Resolution No. 115-19 approving a Project Participation Agreement between the City of West Palm Beach and DVI Cardel West Palm Beach Hotel, LTD for the sanitary sewer replacement on Trinity Place.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PROJECT PARTICIPATION AGREEMENT BETWEEN DVI CARDEL WEST PALM BEACH HOTEL, LTD., AND THE CITY OF WEST PALM BEACH REGARDING SANITARY SEWER REPLACEMENT IN TRINITY PLACE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22416](#)

Staff Recommended Motion:

Approve Resolution No. 115-19.

Background:

DVI Cardel West Palm Beach Hotel, Ltd., (the “Developer”) is developing The Canopy Hotel, located at 704 S. Dixie Highway (southeast corner of S. Dixie Highway and Trinity Place). The hotel project includes roadway and utility (water and sewer) work in the Trinity Place road right-of-way from the Dixie Highway intersection to approximately 250 feet east on Trinity Place.

The City's existing vitrified clay sanitary sewer pipeline within the hotel project’s limits requires replacement due to its current condition, as well as upsizing to increase its capacity.

The City and Developer wish to coordinate their efforts to that Trinity Place does not need to be dug up shortly after the Developer completes the hotel project in order to perform the City utility work. The City and Developer agree that coordination of their utility work within the City’s right-of-way is more practical and a more expeditious and economical approach to all the necessary utility work. The Developer has agreed to perform the City Utility Work in conjunction with the hotel project, provided that the City pay for the City utility work. The City utility work is estimated not to exceed Fifty Thousand Dollars (\$50,000).

City staff has determined that it is in the public's best interest to allow the Developer to perform the City’s utility work as part of the hotel project, with reimbursement for such costs paid by the City.

Resolution No. 115-19 approves a Project Participation Agreement with the Developer for Developer's performance of the City's utility work to be reimbursed by the City.

COMMISSION DISTRICT: This project is located in Commission District No. 3 - Commissioner Richard Ryles.

Fiscal Note:

\$60,000 is budgeted in Fund 454 for Project 31869837, Trinity Place Sanitary Sewer Replacement.

11. **Resolution No. 109-19(F) amending the full time equivalent (F.T.E.) budget for the Systems Development Division of the Department of Information Technology by replacing a Communications Systems Analyst position with a Network Administrator position.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE INFORMATION TECHNOLOGY FUND BUDGET FOR THE PURPOSE OF AMENDING THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE SYSTEMS AND NETWORK DIVISION OF THE INFORMATION TECHNOLOGY DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22419](#)

Staff Recommended Motion:

Approve Resolution No. 109-19(F).

Background:

The Department of Information Technology is upgrading the technology infrastructure for the City of West Palm Beach. In order to better support these changes, current vacant positions will need to be changed to more appropriately match the knowledge, skills, and abilities needed for current and future technology support needs of the City.

Resolution No. 109-19(F) amends the full-time equivalent budget for the Information Technology fund by eliminating one (1) Communications Systems Analyst position and adding one (1) Network Administrator I position. The Information Technology fund budget is sufficient to cover the personnel cost increase for this change. No fiscal impact.

Fiscal Note:

No Fiscal Impact for FY 2019, FY2020 impact is approximately \$7,000.

12. **Resolution No. 137-19 approving the Conditional Settlement Agreement dated August 24, 2018, in the amount of \$130,000 in the matter of Raymond S. Moore v. City of West Palm Beach.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT DATED AUGUST 24, 2018, FOR \$130,000.00 IN THE MATTER OF RAYMOND S. MOORE v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22417](#)

Staff Recommended Motion:

Approve Resolution No. 137-19.

Background:

On September 18, 2013, Mr. Raymond S. Moore was involved in a Motor Vehicle Accident with a City vehicle. On June 17, 2016, Mr. Moore filed a complaint against the City alleging damages as a result of the injuries sustained in accident. An agreement has been reached with Mr. Moore to resolve all claims against the City of West Palm Beach, including all attorney's fees and costs, for \$130,000.00. In exchange for compensation, Mr. Moore will sign a General Release releasing the City from all claims arising from this motor vehicle accident.

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

- 13. Resolution No. 135-19 approving a Consulting Agreement in a not to exceed amount of \$130,000 with Gustavo Baez Tech Corp. to provide Lotus Notes consulting services to the IT department and other City departments as needed.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONSULTING AGREEMENT WITH GUSTAVO BAEZ TECH CORP.; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22409](#)

Staff Recommended Motion:

Approve Resolution No. 135-19.

Background:

Gustavo Baez Tech Corp. has provided the IT Department with Lotus Notes administration and services for four years and has been an integral part of the effort to migrate email from Lotus Notes to Office 365. The need for a Lotus Notes administrator will continue to be essential as the City migrates critical business applications and workflows to newer technology. Gustavo Baez Tech Corp. will provide the following services to the City:

1. Maintain the current Lotus Notes Domino server, email and application environment.

2. Support services to deliver stable operations of archived e-mail, applications, workflows and corresponding hardware and software.

To recognize a significant cost savings as well as leverage its expertise and intimate knowledge of the City's Lotus Notes Environment City Staff is requesting approval to enter into a new services contract with Gustavo Baez Tech Corp. The contract is budgeted and will be funded from the IT Department's Professional Services budget. Section 66-94 of the Procurement Code requires Commission approval for contracts with consultants in excess of \$50,000 that have not been competitively selected.

14. Resolution No. 133-19 granting an Easement to Florida Power & Light on City owned property located at 5015 Roebuck Road for providing redundant electrical service to the East Coast Regional Waste Water Treatment Facility.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A UTILITY EASEMENT TO FLORIDA POWER & LIGHT ON CITY PROPERTY AT 5015 ROEBUCK ROAD FOR SERVICE TO THE EAST CENTRAL WASTEWATER TREATMENT FACILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22414](#)

Staff Recommended Motion:

Approve Resolution No. 133-19.

Background:

As part of their continuing facility hardening program, Florida Power & Light (FPL) is requesting a 15-foot easement across City-owned property at 5015 Roebuck Road in order to provide a direct express feeder line to the East Central Regional Waste Water Treatment Facility ("ECR"). The power supply will be an underground service and provide redundant service to the ECR during power failures.

The City property lies directly west of the Paradise Place (Publix) shopping center at Roebuck Road and Haverhill Road. The proposed easement will not interfere with any City plans for this property.

Approval of Resolution No. 133-19 will grant FPL an easement to service the facilities at the ECR.

COMMISSION DISTRICT: This project is located in Commission District No. 4 - Commissioner Joseph A. Peduzzi.

Fiscal Note:

No fiscal impact.

15. Resolution No. 155-19 correcting a scrivener's error in the use of Resolution No. 49-19 for two separate agenda items.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CORRECTING A SCRIVENER'S ERROR AND CLEARING THE RECORD OF DUPLICATE RESOLUTION NO. 49-19; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22418](#)

Staff Recommended Motion:

Approve Resolution No. 155-19.

Background:

Resolution No. 49-19 was assigned to an item on the February 25, 2019, Commission agenda relating to a sponsorship agreement between the City and Historical Society of Palm Beach County for an "Evening on Antique Row." Resolution No. 49-19 was also inadvertently used for another item relating to procurement of a contract amendment between the City and Save my Limited, Inc. for services related to Vision Zero on the January 28, 2019 Commission agenda rather than using the assigned Resolution No. 41-19. The City of West Palm Beach desires to correct the scrivener's error by changing the Vision Zero Resolution No. 49-19 to Resolution No. 41-19.

- 16. Resolution No. 129-19 approving the Conditional Settlement Agreement dated July 26, 2018, in the amount of \$148,000 in the matter of Iliana Perez, a minor child represented by her legal and natural guardian, Federico Perez v. City of West Palm Beach.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT DATED JULY 26, 2018, FOR \$148,000.00 IN THE MATTER OF ILIANA PEREZ, A MINOR CHILD REPRESENTED BY HER LEGAL AND NATURAL GUARDIAN, FEDERICO PEREZ v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22406](#)

Staff Recommended Motion:

Approve Resolution No. 129-19.

Background:

On April 12, 2013, Ms. Iliana Perez, age 4, was crossing the street at the intersection of Calvin Avenue and 36th Street in West Palm Beach, Florida, when she was struck by a non-City vehicle driven by a third party. In 2015, Ms. Perez, through her natural guardian, filed a complaint against the City alleging damages as a result of the injuries sustained in accident. It was alleged that the City of West Palm Beach failed to inspect and maintain the area around the intersection which prevented the driver from seeing Ms. Perez. An agreement has been reached with Ms. Perez, through her natural guardian, to resolve all claims against the City of West Palm Beach, including all attorney's fees and costs, for \$148,000.00. In exchange for compensation, Ms. Perez, through her natural guardian, has

signed a general release releasing the City from all claims arising from this motor vehicle accident.

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

- 17. Resolution No. 140-19(F) transferring \$588,666 from the Community Development Fund to the Grant Capital Project Fund to provide appropriations for the development of community resource center located at 1600 N. Australian Ave.**

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 THE DEVELOPMENT OF A COMMUNITY RESOURCE CENTER LOCATED AT 1600 N. AUSTRALIAN AVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22411](#)

Staff Recommended Motion:

Approve Resolution No. 140-19(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 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 \$588,666 in the Grant Capital Project Fund for the development of a community resource center located at 1600 N. Australian Ave.

- 18. Resolution No. 150-19 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.: 22420](#)

Staff Recommended Motion:

Approve Resolution No. 150-19.

Background:

Resolution No. 150-19 modifies Article 14, LEAVES OF ABSENCE; Article 25, UNIFORMS AND EQUIPMENT, and Article 30, SALARY PLAN, respectively 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 Agreement is attached.

Article 14 - LEAVES OF ABSENCE

1. Section 4.B - Language clarification.
2. Section 5.G - Adding language in reference to forfeiting any unused annual leave exceeding the maximum carry forward limits.

Article 25 - UNIFORMS AND EQUIPMENT

1. Section A.1 - Language related to the replacement of vehicles which had over 50,000 miles at the time their engines were replaced in Fiscal Year 2018.

Article 30 - SALARY PLAN

1. Section 8.A - Adding language allowing the City to facilitate extra duty detail programs through the use of a third-party administrative services contract.
2. Section 8.B - Increasing the extra-duty minimum rates of pay for Police Officers, Police Sergeants, and Police Lieutenants.
3. Section 8.C - Adding language related to special extra duty employment minimum rates on Easter, Independence Day, Labor Day, Memorial Day, Super Bowl Sunday, Valentines' Day, St. Patrick's Day, and Halloween. Adding payment provisions for extra-duty details not currently under contract with the City.

Fiscal Note:

No fiscal impact.

- 19. Resolution No.154-19 modifying the collective bargaining agreement between the City of West Palm Beach and the West Palm Beach Association of Firefighters Local 727, I.A.F.F. (IAFF) for the period of November 1, 2017 to 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 WEST PALM BEACH ASSOCIATION OF FIRE FIGHTERS LOCAL 727, I.A.F.F. (IAFF) FOR THE PERIOD NOVEMBER 1, 2017 THROUGH SEPTEMBER 30, 2020; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22421](#)

Staff Recommended Motion:

Approve Resolution No. 154-19.

Background:

Resolution No. 154-19 modifies Article 20, ASSIGNMENTS and Article 33, GRIEVANCE AND ARBITRATION PROCEDURE, respectively of the collective bargaining agreement between the City of West Palm Beach and the West Palm Beach Association of Firefighters Local 727, I.A.F.F. (IAFF) for the period of November 1, 2017 to September 30, 2020.

Highlights of the changes are shown below; exact language of the Memorandum of Agreement is attached.

Article 20 – Assignments

Section 1.D - Updating language related to special assignment payment for eligible employees.

Article 33 - Grievance and Arbitration Procedure

Section 1.B - Providing for the opportunity to discuss the matter of concern within five business days of the occurrence of the matter giving rise to the process. Changing the time frame for this discussion from six (6) calendar days to five (5) business days and language clarification related to the grievance process.

Section 7.A - Providing for the definition of a "business day."

- 20. Resolution No. 161-19 amending the City's Salary Plan creating the job classification of Employee Engagement Coordinator and Resolution No. 162-19(F) amending the full time equivalent (F.T.E.) personnel budget for the Mayor's Office and Resolution No. 163-19(F) providing budget appropriations for the position.**

RESOLUTION NO. 161-19: 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 THEREAFTER, TO CREATE THE JOB CLASSIFICATION EMPLOYEE ENGAGEMENT COORDINATOR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 162-19(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 COMMUNICATIONS DIVISION OF THE MAYOR'S OFFICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 163-19(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 2018/19 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 FOR THE MAYOR'S OFFICE OF COMMUNICATIONS TO PROVIDE APPROPRIATIONS FOR THE ADDITION OF ONE FULL TIME POSITION OF EMPLOYEE ENGAGEMENT COORDINATOR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22434](#)

Staff Recommended Motion:

Approve Resolution No. 161-19; Resolution No. 162-19(F) and Resolution No. 163-19(F).

Background:

The Employee Engagement Coordinator position will work to promote the City's mission and values, diversity and inclusion, and operational excellence through strong internal communications and employee engagement.

Internal communications are important to the City of West Palm Beach's success. Reporting to the Director of Communications, the Employee Engagement Coordinator would promote effective internal communications to ensure that all members of the organization work collaboratively towards a common goal; promote a cohesive culture; and empower employees to make decisions in line with the organization's goals. To improve citizens' encounters with the City and to improve workplace culture, the Employee Engagement Coordinator would work to engage City employees to ensure City goals are clearly communicated and that employees are informed. The Employee Engagement Coordinator would measure and report value of his/her work. This individual would also provide general public relations/marketing/communications support to the Mayor's Office of Communications.

Resolution No. 161-19 amends the City's Salary Plan by creating the job classification of Employee Engagement Coordinator. This job classification will be allocated to pay grade 59 with a salary range of \$53,962 - \$83,585.

Resolution No. 162-19(F) amends the Full Time Equivalent personnel detail of the general fund.

Resolution No. 163-19(F) amends the Budget to provide line item appropriations in the general fund.

Fiscal Note:

Budget impact for FY 2019 is approximately \$43,000 and \$90,000 for FY 2020.

21. **Resolution No. 122-19 authorizing the Mayor to sign a template Seawall Modification and Hold Harmless Agreement for existing and future dock owners when requesting permits for any modification or attachment to the City's seawall.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A TEMPLATE SEAWALL MODIFICATION AND HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND ADJACENT DOCK OWNERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22405](#)

Staff Recommended Motion:

Approve Resolution No. 122-19.

Background:

In May of 2018, the City commissioned Coastal Systems International, Inc. to prepare a Citywide Seawall Assessment. The report included the seawall conditions from Osprey Park to the south end of Flagler Drive and rated these areas in Poor, Fair or Good Condition. As a result of the assessment, the City is researching available funding sources for repairs or replacement in the Poor Condition areas which were primarily along Flagler Drive from the Bristol to Monceaux Park and Greenwood Drive to Forest Hill Boulevard.

Since the assessment, the City has received requests from property owners that own property adjacent to the City's seawall to install new docks or to modify the seawall to connect a dock or cut the existing seawall cap to access the property owner's dock. In anticipation of the seawall being replaced and possibly heightened, a template of an agreement was developed that allows the property owner to install a dock or modify the seawall; provided that the property owner holds the City harmless for any liability arising from that action, and agrees that at such time the seawall is re-built by the City that the property owner would be responsible for any modifications to the dock or adjoining sidewalk required to accommodate the new seawall.

Resolution No. 122-19 authorizes the Mayor to execute a template Seawall Modification and Hold Harmless Agreement, a copy of which is attached to this ACM as Exhibit A,

which will relieve the City of any future costs associated with any new dock or seawall modifications associated with the seawall repair or replacement.

COMMISSION DISTRICT: District 3 - Commissioner Richard A. Ryles and District 5 - Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact to the City.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (22-27):

22. Resolution No. 117-19 **APPROVED** approving economic incentives for Zen Sweat Den, LLC, in the amount of \$5,000.00 for the design and installation of new signage and electrical work and authorizing execution of a related grant agreement.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING ECONOMIC INCENTIVES FOR ZEN SWEAT DEN, LLC; AUTHORIZING THE EXECUTION OF A RELATED GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22426](#)

Staff Recommended Motion:

Approve Resolution No. 117-19.

Background:

Owners of the Zen Sweat Den, LLC, applied for economic development incentives in February. Zen Sweat Den is a small minority owned business investing in space located at 3008 S. Dixie Highway. Zen Sweat Den requested a grant from the City for the creation of unique, quality signage that was compliant with the City's sign code. Through a series of vetting, a sign was chosen by the owner. The grant would provide funding from the City in the amount of 50% the cost of the sign creation, installation and electrical work. The City's grant for the sign creation, installation and electrical work will not to exceed \$5,000.00. The estimated cost of the sign is \$5,787.97, therefore, the City's estimated contribution to the sign project is \$2,893.98. The grant is paid on a reimbursement basis upon execution of a grant agreement with the City and completion of conditions precedent. Zen Sweat Den is currently open for business and has filed a permit for the sign and installation.

The Zen Sweat Den Sign Project is located in District 3, represented by Commissioner Richard Ryles.

Fiscal Note:

The funding is available under incentive agreements.

23. **Resolution No. 138-19 APPROVED finding property located at 720 New York Street is not needed for City purposes, declaring the property surplus, and authorizing the use of the property in the City's Housing Assistance Incentives Program.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT CITY OWNED PROPERTY LOCATED AT 720 NEW YORK IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS, APPROVING DISPOSITION THE PROPERTY IN ACCORDANCE WITH THE HOUSING ASSISTANCE INCENTIVES PROGRAM; CHOOSING NOT TO RESERVE AN INTEREST IN MINERAL RIGHTS IN THE CONVEYANCE OF THE PROPERTIES AS AUTHORIZED BY SECTION 270.11, FLORIDA STATUTES; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE DISPOSITION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22431](#)

Staff Recommended Motion:

Approve Resolution No. 138-19.

Background:

The City of West Palm obtained a final judgment of foreclosure for property located at 720 New York Street. The City consulted with Real Estate Asset Disposition Corp, a contractor who currently provides real estate services to the City, in order to explore what is the highest value and best use for the property. From that effort, over a dozen parties expressed interest by providing a purchase price bid and some details on intended future residential use of the property.

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

By Resolution No. 83-16, the City Commission approved the City's Housing Assistance Incentives Program. Under the Program the Department of Housing and Community Development is authorized, with the advice and consent of the Mayor, to sell city owned properties with the proceeds of the sale going to the Housing Trust Fund. Housing Trust Fund dollars are utilized for programs that provide grants, low interest loans, or other incentives to housing developers for the development of affordable, or workforce housing projects. According to the Palm Beach County's Property Appraisers data the property has a market value of \$175,914 and a broker price opinion was developed with an estimated market value of \$130,000. As per City Code, there is no appraisal requirement for the purposes of determining market value.

In order to accomplish this transaction, Section 2-31 of the City's Code of Ordinances requires that the City Commission find that the properties are not needed for City purposes, declare the property surplus and select a method of disposition. Should the Commission authorize the use of this property in the City's Housing Assistance Incentives Program, section 2-31(27)(g)(7) of the Code provides that property used in this manner may be disposed of by resolution. Resolution No. 138-19 accomplishes this objective by declaring the property to be surplus and directing that it be used in, and disposed of, in accordance with the terms and provisions of the City's Housing Assistance Incentives Program.

COMMISSION DISTRICT: The property is located is District 5, Commissioner Christina Lambert.

24. **Resolution No. 136-19 APPROVED authorizing the submittal of a grant application for up to \$5,000,000 to the Florida Department of Transportation through the Palm Beach Transportation Planning Agency for Complete Streets along 25th Street from Australian Avenue to Broadway Avenue (US-1).**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR A LOCAL INITIATIVES GRANT FOR UP TO \$5,000,000 TO THE FLORIDA DEPARTMENT OF TRANSPORTATION THROUGH THE PALM BEACH TRANSPORTATION PLANNING AGENCY FOR CONSTRUCTION OF COMPLETE STREETS ON 25TH STREET FROM AUSTRALIAN AVENUE TO BROADWAY AVENUE (US-1); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22413](#)

Staff Recommended Motion:

Approve Resolution No. 136-19.

Background:

The National Complete Streets Coalition promotes the development and implementation of "Complete Street" policies and practices. A Complete Streets approach integrates people and place in the planning, design, construction, operation, and maintenance of our transportation networks. This helps to ensure streets are safe for people of all ages and abilities, balance the needs of different modes, and support local land uses, economies, cultures, and natural environments.

The 25th Street Corridor was adopted as part of the WPB Bicycle Masterplan for Complete Streets practices, to provide multimodal improvements along 25th Street from Australian Avenue to Broadway Avenue (US-1). East of Broadway is Northwood Village and has potential for redevelopment and job access. Palm Tran headquarters is off Electronics Way, West of Windsor, where most buses connect or terminate. There are two railroad tracks within this project limit, FEC and SFRTA. Along Australian Avenue are 2 schools, Roosevelt Elementary and Roosevelt Middle, and other community services such as churches and assisted living homes.

The 25th Street Complete Streets project proposes lane repurposing for Complete Streets design with bicycle facilities, enhancing existing railroad crossings and providing pedestrian connectivity along 25th Street from Australian Avenue to Broadway Avenue. The Project will include ADA upgrades, lane re-purposing, bike facilities, lighting improvements, milling and resurfacing, new sidewalk connections, pedestrian gates upgrade, and signing and pavement markings. The proposed improvements are intended to improve safety for pedestrians and cyclists in this area and are part of the City's efforts to create "Complete Streets".

The City of West Palm Beach is requesting funding assistance from the Florida Department of Transportation (FDOT) for design, permit and construction costs, due to the complexity of issues resulting from the two railroads. The engineer's estimate for this Project is approximately \$7.2 million. The City is requesting \$4.6 million from the Local Initiatives Grant program. There is an estimated match amount of approximately \$2.6 million dollars for design, permitting and construction inspection.

If the Project is granted a Local Initiatives grant, the City shall be required to appropriate such funds as necessary to design, permit, perform utility work and manage the construction, and to be reimbursed for construction costs; and to appropriate funds for the continued maintenance of the Project. The City will request the Florida Department of Transportation to administer design, permitting and construction of the 25h Streets Complete Street Project.

It is estimated that notification of grant award(s) will be in the Fall 2019. If awarded, the grant funds for the Local Initiatives program will be available no earlier than 2024/2025 for construction.

Resolution No. 136-19 authorizes submittal of a grant application to FDOT.

COMMISSION DISTRICT: District 1- Commissioner Kelly Shoaf.

Fiscal Note:

\$4.6M grant and \$2.6M City Match for FY25.

25. **Resolution No. 99-19 APPROVED Granting "Face of the City" approval of the design features for the proposed improvements the of the South Olive Tennis Center located at 345 Summa Street.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE PROPOSED ABOVE GROUND IMPROVEMENTS TO THE SOUTH OLIVE TENNIS CENTER; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22415](#)

Staff Recommended Motion:

Approve Resolution No. 99-19.

Background:

The South Olive Tennis Center located at 345 Summa Street is within South Olive Park. The South Olive Park is currently home to a large multipurpose field, outdoor basketball court, four racquetball courts, two playgrounds, wet play area, pavilions, a walking and bike trail, (9) lighted tennis courts, a Public Restroom & Locker Room Building, a Tennis Center House, and a Community Center and Gymnasium.

The existing Tennis Center is a non-historic two-story beach house that was donated and relocated to the site and has suffered damage from recent hurricanes and has structural damage. The existing Public Restroom & Locker Room Building does not meet current codes for accessibility. The existing structure has reached its useful life and needs to be replaced. The City of West Palm Beach has acquired a CDBG/HUD grant and earmarked funding for the replacement of the Tennis Facility.

Several community meetings took place with the community to develop a vision of the new facility and programs. The proposed South Olive Tennis Center is approximately 3061 square feet and will provide amenities such as a lobby area, a conference room, indoor and exterior restrooms, and offices. The construction will be LEED Silver Certified to be consistent with the City of West Palm Beach Sustainability goals.

Resolution No. 99-19 approves the above-ground design features for the proposed South Olive Tennis Center.

COMMISSION DISTRICT: District 5: Commissioner Christina Lambert.

Fiscal Note:

The project is funded by Public Works Bond and CDBG/HUD grant funds.

26. **Resolution No. 134-19 APPROVED approving certain traffic calming requests in accordance with Sections 86-350 and 86-351 of the Code of Ordinances.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A TRAFFIC CALMING REQUEST FOR PINEHURST DRIVE AND APPROVING THE REHABILITATION OF CERTAIN EXISTING TRAFFIC CALMING IMPROVEMENTS, IN ACCORDANCE WITH CHAPTER 86, ARTICLE V, OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22425](#)

Staff Recommended Motion:

Approve Resolution No. 134-19.

Background:

The Traffic Calming Advisory Committee has been established by ordinance as an advisory board to the City. The duties of the Traffic Calming Advisory Board include review of all applications for traffic calming measures, for compliance with the criteria established in the Code of Ordinances and to recommend to the City Commission approval or disapproval of such applications for traffic calming measures.

Pursuant to Section 86-350 of the Code of Ordinances, to be eligible for consideration for traffic calming measures, a residential street must meet all of the following criteria:

- (1) The street is publicly dedicated, maintained by the city and located within a residential zoning district; and
- (2) The area to be traffic calmed is at least 800 feet in length, between intersections; and
- (3) The street is not an alley or a dead-end; and
- (4) The street is not part of a bus route, a detour route, an evacuation route and/or an important access route for emergency vehicles; and
- (5) Traffic counts on the street are more than 600 but less than 3,000 vehicles per day; and
- (6) There must be written support from at least 75 percent of the residents and/or business owners whose properties front the area proposed to be traffic calmed, and such support must include 51 percent of the actual property owners.

Section 86-351 of the Code of Ordinances provides that the City Commission retain the right to approve or deny and traffic calming measure on any City street.

On February 15th, 2018, the Traffic Calming Advisory Committee reviewed five (5) applications in accordance with the criteria set forth in Section 86-350 of the Code of Ordinances. Speed and volume studies were performed for all applications. The Traffic Calming Advisory Committee makes the following recommendations to the City Commission:

Case 1: Gregory Road between Olive Avenue and Dixie Highway, Applicant: Stephanie DeGuglimo. The application requested two additional mini-traffic circles at the intersection in addition to existing three speed humps. The Committee recommends denial of the mini-traffic circles, and recommended rehabilitation of the existing speed humps with updated signage and striping.

Case 2: Forest Hill Boulevard and Washington Road, Applicant: Josh and Andrea Pertnoy. The application requested 4-way stop signs. The intersection did not meet the minimum traffic volume to warrant an all way stop condition. The Committee recommended denial of the all-way stop signs at the intersection of Forest Hill Boulevard and Washington Road. The Committee recommends rehabilitation of the existing speed humps with updated signage and striping.

Case 3: Roosevelt Estates Neighborhood, Applicant: Annie Nelson. The application requests seven (7) additional speed humps. However, the neighborhood does not meet the minimum criteria for traffic volume. Engineering services indicated that they were

evaluating other options as part of the larger design for the Roosevelt Estates neighborhood. The Committee recommends denial of speed humps and rehabilitation of the existing speed humps with updated signage and striping.

Case 4: Windsor Avenue between 8th Street and 11th Street, Applicant: Mary Miller. The application requested speed humps. The street does not meet the minimum criteria for traffic volume. The Committee recommends denial of speed humps and recommends that the City perform additional speed studies and develop a concept to address the overall neighborhood traffic concerns.

Case 5: Pinehurst Drive between the 1700 and 1900 block, Applicant: Jacqueline Smith. The application requests speed humps. Three schools are located in the area. The Committee recommends approval for traffic calming measures. These measures can be incorporated in the Northshore Neighborhood Improvements Project; and

A copy of the Traffic Calming Advisory Committee's report and recommendations listing all applications received and actions taken by the Committee, including descriptions and locations of the traffic calming measures recommended to the Commission for approval, is attached.

Resolution No. 134-19 approves the following traffic new calming measures:

- Pinehurst Drive between the 1700 and 1900 block. Traffic calming measures to be incorporated in the Northshore Neighborhood Improvements Project and approves rehabilitation of the following existing traffic calming measures:
 - Gregory Road between Olive Avenue and Dixie Highway: Rehabilitation of the existing speed humps with updated signage and striping.
 - Forest Hill Boulevard and Washington Road. Rehabilitation of the existing speed humps with updated signage and striping.
 - Roosevelt Estates Neighborhood. Rehabilitation of the existing speed humps with updated signage and striping.

Fiscal Note:

No Fiscal Impact.

27. **Resolution No. 164-19(F) APPROVED authorizing the purchase of city wide security cameras and replacement personal computers (PC's).**

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 CITY WIDE CCTV

**CAMERAS AND PC REPLACEMENTS; PROVIDING AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES.**

[Agenda Cover Memorandum No.: 22433](#)

Staff Recommended Motion:

Approve Resolution No. 164-19(F).

Background:

The City has completed Phase I of the Security Camera Project and part of Phase II. Additional cameras and monitoring software will further enhance the security of City residents and visitors. This resolution approves \$784,670 for the continuation of Phase II. An additional \$70,992 in grant revenue is available for contingency.

The City has a policy to prefund the future replacement of information technology equipment, which was previously interpreted as meaning capital equipment. Without an annual prefunding schedule in recent years, personal computers (PC's), which are minor equipment, have been budgeted on an as-needed basis within each department's adopted budget. However, PC's need to be replaced on a five-year schedule. An analysis has determined that \$582,000 is necessary for the appropriate replacement. \$377,275 is available in the Information Technology Replacement Fund. This resolution approves an additional \$204,725 to provide sufficient funds for the FY19 replacement of PC's. The monies will be transferred from General Fund Reserves.

COMMISSION DISTRICT: The camera project is located in District 3: Commissioner Richard Ryles.

Fiscal Note:

Approval will provide funds for CCTV's and replacement PC's. Upon approval, approximately \$4,856,842 will be available in Unassigned Fund Balance in the General Fund.

PUBLIC HEARING (28-31):

- 28. Public Hearing and Second Reading of Ordinance No. 4840-19 **APPROVED** amending the Code of Ordinances to modify the City's lien reduction process and criteria.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 26 CODE ENFORCEMENT, ARTICLE II SPECIAL MAGISTRATE PROCEDURE TO AMEND SECTIONS 26-32 THROUGH 26-39 TO CHANGE ALL REFERENCES TO SPECIAL MASTER TO SPECIAL MAGISTRATE; AMENDING SECTION 26-39 TO MODIFY THE LIEN REDUCTION PROCESS AND CRITERIA; PROVIDING A CODIFICATION CLAUSE; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY

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

[Agenda Cover Memorandum No.: 22422](#)

Staff Recommended Motion:

Approve Ordinance No. 4840-19.

Background:

The City of West Palm Beach, as a municipality, is allowed by Chapter 162, Florida Statutes to enforce its codes and ordinances and impose fines and liens on properties that violate the City's ordinances and fail to come into compliance within the time provided by the City's Code Enforcement Special Magistrate. Section 26-39 of the City's Code of Ordinances establishes the procedure by which a property owner can request that a fine or lien imposed through the code enforcement process be reduced. The revision to the ordinance is intended to clarify and the lien reduction process, set forth the standards and factors to be applied by the special magistrate in considering applications for lien reduction. In sum, revising Section 26-39 does the following:

- Expands the definition of applicant to allow a current, prior or prospective property owner to submit an application for lien reduction.
- Establishes a process by which the prior owner of a property, either by voluntary or involuntary transfer of title, can seek a lien reduction from the special magistrate even if the property is not in compliance.
- Establishes a one-year time bar for lien reduction for applicants that voluntarily transferred title to the property without settling the lien at the time of the transfer.
- Requires that all properties owned by the applicant, or by the managing member of the applicant, if the applicant is a corporate entity, be brought into compliance prior to a lien reduction application being presented to the special magistrate for consideration.
- Establishes an expiration date for lien reduction applications that were prematurely submitted prior to coming into compliance with the City code.
- Sets forth the criteria that the special magistrate will consider when evaluating a request for lien reduction.
- Precludes the following liens from being considered for lien reduction by the special magistrate:
 - o Liens for hard costs incurred by the city, including but not limited to lot clearing, board up, demolition, condemnation costs, any costs incurred by a city contractor to cure the violation, etc.
 - o Any lien resulting from a fine for a violation that was determined to be irreparable or irreversible.
 - o Any lien that is insured by a title insurance policy.
 - o Any lien that is currently the subject of a foreclosure action initiated by the city.
- Requires attendance by the applicant or its agent at the lien reduction hearing and provides for additional inspection fees if the hearing must be rescheduled.

· Establishes a time bar for re-application in the event an application is denied by the special magistrate, or the applicant fails to pay the reduced lien in accordance with the special magistrate's order.

Additionally, the ordinance amends Sections 26-32 through 26-39 to change references in the code from special master to special magistrate.

Ordinance No. 4840-19 was approved at First Reading on April 8, 2019.

29. **Public Hearing and Second Reading of Ordinance No. 4827-19 APPROVED 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 Resolution No.157-19(F) APPROVED appropriating the proceeds in the amount of \$200,000.**

ORDINANCE NO. 4827-19: 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.

RESOLUTION NO. 157-19(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 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 FOR THE RECEIPT OF PROCEEDS FROM THE SALE OF A PORTION OF 2405 N. AUSTRALIAN AVENUE AND THE APPROPRIATION OF FUNDS FOR CITY REAL ESTATE MANAGEMENT PURPOSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22423](#)

Staff Recommended Motion:

Approve Ordinance No. 4827-19 at Second Reading and approve Resolution 157-19(F).

(Approval of Ordinance No. 4827-19 requires approval by 4/5 of the Commission at either First or Second Reading pursuant to 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.

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

Fiscal Note:

Approval will recognize \$200,000 in revenue from the sale of a portion of the property located at 2405 N. Australian Ave and place the proceeds into reserves.

30. **Public Hearing and Second Reading of Ordinance No. 4845-19 APPROVED amending the Code of Ordinances to remove the prohibition against abandoning or closing an alley that would result in the creation of a dead end.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 78 STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE VII VACATING AND CLOSING STREET AND ALLEYS TO DELETE SECTION 78-218 ENTITLED "LIMITATION" TO REMOVE THE PROHIBITION AGAINST ABANDONING OR CLOSING AN ALLEY THAT WOULD RESULT IN THE CREATION OF A DEAD END; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING FOR

AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22427](#)

Staff Recommended Motion:

Approve Ordinance No. 4845-19 on Second Reading.

Background:

Chapter 78, Article VII of the Code of Ordinances establishes the process and criteria to vacate or close any public street, road, alley or highway in the city street system or real property dedicated or acquired for transportation or public travel. Section 78-218 of the Code prohibits the City from abandoning or closing an alley which would result in the creation of a dead-end alley, unless an adequate turnaround or cul-de-sac is provided. Each alley abandonment or closure is evaluated individually, and there are circumstances in which the creation of a dead end would not result in a negative impact to the surrounding community. Ordinance No. 4845-19 removes the express prohibition against the creation of a dead-end alley.

Ordinance No. 4845-19 was passed at First Reading on April 8, 2019.

31. **Public Hearing and First Reading of Ordinance No. 4826-19 **APPROVED** for the re-designation of Northwood Harbor on the West Palm Beach Local Register of Historic Places.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RE-DESIGNATING NORTHWOOD HARBOR AS AN HISTORIC DISTRICT ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES, IDENTIFYING NEWLY CONTRIBUTING STRUCTURES AND CHANGE IN STATUS FOR SOME PROPERTIES TO NON-CONTRIBUTING; ALLOWING THE ESTABLISHMENT OF BED AND BREAKFAST BUSINESSES WITHIN THE DISTRICT BOUNDARIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22424](#)

Staff Recommended Motion:

Approve Ordinance No. 4826-19.

Background:

This residential district consists of properties within the existing Northwood Harbor Historic District. The boundaries of the historic district are as follows: Centerline of 59th Street on the north, the centerline of 45th Street on the south, the centerline of North Flagler Drive on the east, and the western edge of the residential properties abutting the commercial properties fronting Broadway Boulevard. Northwood Harbor is significant for its role in community development. It is a portion of the larger North Palm Beach development, a Boom time subdivision in West Palm Beach. Development of the Northwood Harbor area began in circa 1915. Northwood Harbor is significant for its collection of architecture representative of the period from 1925 to 1967. The area has a

significant collection of Mission Revival style houses, as well as a number of houses that reflect Post-War architecture. The area has several multi-family structures consistent with zoning changes and demand for housing in the Post-War Period. The district maintains the integrity of setting, design, materials and scale that reflect its development during the Florida Land Boom era of the 1920s, the Great Depression Era, the Post-War Period, and the Cold War Period. The unique qualities of this historic district can be preserved through the design review process that allows for compatible new construction within the City's Historic Districts.

The Northwood Harbor Historic District as proposed, consists of four hundred and ninety-one (491) structures of which approximately three hundred and seventy-two (372) are proposed as contributing structures (76%), and one hundred and nineteen (119) non-contributing structures (24%). Eighty-six structures shall change status from non-contributing to contributing and sixteen structures shall change status from contributing to non-contributing. The Historic District boundaries are to remain the same.

On January 22, 2019 the Historic Preservation Board (7-0) recommended to re-designate Northwood Harbor Historic District on the West Palm Beach Register of Historic Places.

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

Fiscal Note:

No Fiscal Impact.

MAYOR AND COMMISSION DISCUSSION: BOARD COMMITTEE ASSIGNMENTS

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.