



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**February 12, 2018
5:00 P.M.**

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

**MAYOR
GERALDINE MUOIO**

**CITY COMMISSION
PRESIDENT CORY NEERING**

**COMMISSIONER SYLVIA MOFFETT
COMMISSIONER KEITH JAMES**

**COMMISSIONER PAULA RYAN
COMMISSIONER SHANON MATERIO**

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

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

PRESENTATION AND AWARDS OF MERIT (1 – 3):

1. Presentation by Ms. Carol Westmoreland, Florida League of Cities, to the Mayor's Youth Council for their 3rd Place win in the Florida League of Cities Municipal Youth Council Competition.
[Agenda Cover Memorandum No.: 21776](#)
2. Proclaiming February 2018 as Pink Shirt Anti-Bullying Awareness Month 2018. Proclamation to be accepted by Mary Swinford, Community Partnerships Manager of Prime Time Palm Beach County, Inc.
[Agenda Cover Memorandum No.: 21777](#)
3. Proclaiming February 2018 as 2-1-1 Awareness Month. Proclamation to be accepted by Sharon L'Herrou, 211 HelpLine's President/CEO
[Agenda Cover Memorandum No.: 21778](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

CONSENT CALENDAR (4 – 13):

4. **Minutes of the Regular City Commission Meeting of January 16, 2018.**
[Agenda Cover Memorandum No.: 21779](#)

Staff Recommended Motion:
Approve the Minutes of the Regular City Commission Meeting held on January 16, 2018.
5. **City Commission approval is requested for the Mayor's reappointment of Leesa Conley-Harding to the Library Board for a term of three (3) years to expire January 28, 2021. Ms. Harding has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms her reappointment.**
[Agenda Cover Memorandum No.: 21780](#)
6. **Resolution No. 26-18(F) recognizing a Library Services and Technology Act (LSTA) Grant to support the Square One initiative and providing additional appropriations.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO RECOGNIZE A LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) GRANT, PROVIDE APPROPRIATIONS FOR SQUARE ONE INITIATIVE PROGRAMMING NOT ADOPTED IN FY18, AND TRANSFER FY18 ADOPTED REVENUE TO CORRECT ACCOUNT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21781](#)

Staff Recommended Motion:

Approve Resolution No. 26-18(F).

Background:

By Resolution No. 175-17, the City Commission authorized the submittal of an application to the Florida Department of State, Division of Library and Information Services for a Library Services and Technology Grant for furnishing, staffing and programming for disconnected young adults.

The Mandel Public Library was awarded a second Library Services and Technology (LSTA) Grant for the Mandel Public Library's Square One Initiative program and the grant award was accepted and grant agreement approved by Resolution No. 333-17. This grant was budgeted for the 2017/2018 fiscal year (FY18) in an estimated amount of \$44,491 for personnel services.

Resolution No. 26-18(F) recognizes the final award amount of \$45,208; appropriates the additional \$717 for Overtime and Holiday Pay; and transfers the adopted FY18 estimated revenue amount to the correct account.

Fiscal Note:

Approval will provide a total of \$45,208 from an LSTA Grant for continuation of the Square One Initiative in fiscal year 2017/2018.

- 7. Resolution No. 33-18 Approving an Interlocal Agreement with the West Palm Beach Community Redevelopment Agency regarding funding of an economic development study and Resolution No. 34-18 Approving an Interlocal Agreement with the West Palm Beach Downtown Development Authority regarding funding of an economic development study.**

RESOLUTION NO. 33-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST

PALM BEACH REGARDING FUNDING OF AN ECONOMIC DEVELOPMENT STUDY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 34-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY AND THE CITY OF WEST PALM BEACH REGARDING FUNDING OF AN ECONOMIC DEVELOPMENT STUDY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21794](#)

Staff Recommended Motion:

Approve Resolution No. 33-18 and Resolution No. 34-18.

Background:

The City of West Palm Beach has completed its 3rd year of the Economic Development Strategy Plan. Since the plan was initiated in April 2014, the City has experienced the creation of the Flagler Financial District, increased the amount of useable commercial and industrial space in the City and added jobs. Investment has been steady with both approved projects and new development under construction valued at over \$2 billion.

However, new trends and challenges have developed that require the City to take a fresh look at its current economic position. An economic study of the City's industries, jobs, housing and other factors will provide the guidance on how best to address City economic policy for the next three (3) to five (5) years. Through a partnership with the Community Redevelopment Agency, Downtown Development Authority, Chamber of Commerce of the Palm Beaches and the overall business community the City will achieve a thorough analysis conducted by Avalanche Consulting. The economic development study will follow a scope of work that was developed with input from members of the business community. The scope of the study includes:

- Assessment of Conditions and Trends
- Demographics and Consumer Market Analysis
- Asset Inventory and Business Climate Actions
- Land value analysis for the City
- Sector Analysis

The sectors that will be analyzed in the study will include Antique Row, Northwood Village, Flagler Financial District / Industry / Corporate Headquarters, Marine Industry, Medical Industry, Night time economy, Tourism / Visitor / Conference, and Innovation (Warehouse) District. The total cost of the study is \$110,800 including travel and data collection. The breakdown of the funding includes the following:

City of West Palm Beach - \$65,800
Community Redevelopment Agency - \$25,000
Downtown Development Authority - \$10,000
Chamber of Commerce of the Palm Beaches - \$10,000

This study will be conducted City wide and is relevant to all City Commission Districts.

Resolution No. 33-18 approves an Interlocal Agreement with the CRA to fund a portion of the economic development study, and Resolution No. 34-18 approves an Interlocal Agreement with the DDA to fund a portion of the economic development study.

8. **Resolution No. 39-18 approving the selection of Great-West Life & Annuity Insurance Company to provide plan administration services for the City's Defined Contribution (401a) and Deferred Compensation (457b) Retirement Plan(s) and authorizing the execution of all documents.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SELECTION OF GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY TO PROVIDE PLAN ADMINISTRATION SERVICES FOR THE CITY'S 401(a) DEFINED CONTRIBUTION PLAN AND 457(b) DEFERRED COMPENSATION PLAN; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21788](#)

Staff Recommended Motion:

Approve Resolution No. 39-18.

Background:

The City issued ITN #16-17 503 for Administration Services for Defined Contribution (401a) & Deferred Compensation (457) plan on July 21, 2017. The City received eight (8) responses: Great-West/Empower (current record keeper since 2011), ICMA, Lincoln, Mass Mutual, Prudential, TIAA, Valic and Voya.

The evaluation committee met on October 4, 2017, and was made up of the current representatives from the Defined Contribution (401a) Administrative & Deferred Compensation (457) Advisor Committees (attachment - Minutes October 4, 2017). The plan(s) Investment Advisor - &Co provided an executive summary of all the companies that responded (attachment - 2017-10-03 West Palm Beach ITN Executive Summary). &Co Consulting representatives Jacob Peacock/John Thinnes reviewed the executive summary with the committee representatives, representatives from responding companies were present except for Lincoln and answered questions from the committee members.

The committees voted to retain Great-West Life & Annuity Insurance Company (Empower) as the record keeper for the Defined Contribution (401a) & Deferred Compensation (457) Plans (attachment - Minutes October 4, 2017).

The proposed term of the agreement is five (5) years with the right to renew for two (2) additional one (1) year terms.

Resolution No. 39-18 approves the selection of Great-West and authorizes the Mayor to execute all documents necessary to enter into an Agreement with Great-West for these services.

Fiscal Note:

No fiscal impact.

9. **Resolution No. 271-17 approving an Agreement for Conveyance of Real Property with Habitat for Humanity of Palm Beach County, Inc. for the conveyance of City owned property located at 1112 17th Street for the development of affordable housing.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE CONVEYANCE OF CITY OWNED PROPERTY LOCATED AT 1112 17th STREET TO HABITAT FOR HUMANITY OF PALM BEACH COUNTY, INC.; APPROVING AN AGREEMENT FOR CONVEYANCE OF THE PROPERTY TO HABITAT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21782](#)

Staff Recommended Motion:

Approve Resolution No. 271-17.

Background:

The Department of Housing and Community Development manages City owned vacant lots that have been set aside for affordable and/or workforce housing programs. The Department desires to convey property located at 1112 17th Street, at no cost, to Habitat for Humanity of Palm Beach County, Inc. for the development of single-family houses for the purposes of creating safe, decent and affordable housing units. The City may also provide additional development incentives outlined the Housing Assistance Incentives Program.

The property is located at 1112 17th Street. The property is vacant, has an assessed Value of \$26,122 and shall be owner occupied by a Habitat qualified homeowner under its affordable housing program. The terms and conditions of the conveyance will be provided in a conveyance agreement which shall require that ownership of the property revert to the City if Habitat fails to commence construction within 365 days of closing. A copy of the agreement is attached to Resolution No. 271-17 as Exhibit A.

The procedures for disposition of City owned property is set forth in Section 2-31(27) of the City Code. That section provides that conveyance of City owned property for the construction or rehabilitation of housing pursuant to an approved City housing program is exempt from the surplusing and appraisal requirements of the code and may be disposed of by resolution. This property is to be used pursuant to the City's Affordable Housing Incentives Program.

The properties are located in District 1 - Commissioner Sylvia Moffett.

10. Resolution No. 37-18 authorizing the Mayor to sign a Release of Utility Easement and Pedestrian Access Easement at the Palm Beach Day Academy (PBDA).

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A RELEASE OF A UTILITY EASEMENT AND PEDESTRIAN ACCESS EASEMENT FOR THE PALM BEACH DAY ACADEMY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21783](#)

Staff Recommended Motion:

Approve Resolution No. 37-18.

Background:

As part of the rezoning approval in Ordinance No. 4303-10, the Palm Beach Day Academy was required to grant the City new easements for utilities and pedestrian access. The Ordinance also required termination of the existing easements which would be in conflict with their site plan. The PBDA subsequently recorded a plat granting to the City the required easements. Resolution No. 37-18 will satisfy the requirement to terminate the existing utility and pedestrian access easements.

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

11. Resolution No. 35-18(F) providing appropriations from the General Fund and the Local Gas Tax Fund for Traffic calming equipment and a Citywide crosswalk painting project to promote pedestrian and bicycle safety.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET AND THE LOCAL GAS TAX FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE PURCHASE OF TRAFFIC CALMING

EQUIPMENT TO PROMOTE PEDESTRIAN SAFETY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21789](#)

Staff Recommended Motion:

Approve Resolution No. 35-18(F).

Background:

The City continues to enhance modes of transportation including pedestrian and bike paths and wishes to provide safety measures to include crosswalk design and traffic calming to make neighborhoods safer, more pleasant, and more livable. Traffic calming programs are implemented with the vision of progressive municipalities, with the knowledge of traffic engineers and the attention to concerns of the residents.

The City of West Palm Beach Police Department statistics on pedestrian and bicycle related crashes and injuries that were reported between 2015 and 2017 are as follows:

Pedestrian reports 247

Bicycle reports 147

The Institute of Transportation Engineers (ITE), identifies traffic calming as the installation of measures designed “to reduce traffic speeds in the interest of street safety, livability, and other public purposes”. Traffic Monitoring Equipment and street design are the most effective way to reduce speeding on residential streets, avoid traffic accidents and prevent fatalities.

Traffic calming often results in a safer feeling for pedestrians and cyclists, thereby reducing vehicle traffic in areas like downtown. The signage will compliment and support roadway improvements and through City promotions and Media attention the City hopes to create a sense of safety and community awareness.

Sec. 206.605, Florida Statutes, provides that the municipal fuel tax funds shall be used only for road and street rights-of-way; construction, reconstruction, and maintenance of roads, streets, bicycle paths, and pedestrian pathways; adjustment of city-owned utilities as required by road and street construction; and construction, reconstruction, transportation-related public safety activities, maintenance, and operation of transportation facilities.

The City desires to use Local Gas Tax Funds for:

- SMART with variable message signs Trailer \$15,100

Speed Monitoring Awareness Radar Trailer’s (SMART) with variable message signs have proven to reduce traffic speeds. This equipment will help to reduce accidents, noise, vibration, pollution, and crime with the benefit of the reduced speed lasting for several miles after viewing the message board. This type of messaging for drivers exerts positive change in driver behavior over an extended period of time. In the event that a

crash does occur, lower speeds significantly lower the probability of a fatality or serious injury. Each 1 mph reduction in traffic speed reduces vehicle collisions by 5%. Cars traveling at higher speeds are more likely to hit a pedestrian or cyclist and high speed impact could mean the difference between life or death.

-Solar powered Speed Display Trailers and EZ Stat Data Loggers \$41,000

The purchase of 4 Data recorders are needed to log information that provides statistical analysis enabling targeted enforcement as well as traffic data needed for road improvements and planning.

The purchase of 4 speed display trailers with data loggers is needed to provide driver's a visual speed deterrent.

-Citywide Crosswalk Painting Project \$62,500

The City of West Palm Beach has begun to shift from accommodating pedestrians and cyclists to actually prioritizing them. Evidence suggests that motorists may fail to yield to pedestrians at unmarked crossings. Marked crosswalks warn motorists to expect pedestrian crossings and indicate preferred crossing locations for pedestrians. The State of Florida ranks as the most dangerous state for pedestrians in the Country and our region is the 10th most dangerous in the Country. Therefore, any improvement in marking crosswalks can go a long way to reduce accident, injury and death while improving safe, comfortable connections for our citizens.

Several large scale road improvements are planned over the next few years. In the interim there are a couple of road improvements underway such as the ADA road transition plan and citywide roadway improvements that can be capitalized upon with improved crosswalk striping. Creating High Visibility Crosswalk Markings that calm traffic and increase access to physical activity opportunities could alleviate important barriers to active living in underserved communities with older built environments until the road is redone. This intervention would go a long way to create safer more comfortable connections for pedestrians throughout the city on some of the most challenging intersection crossings. All of these objectives are in line with the City's Strategic Plan and Sustainability goals.

Funds in the amount of \$62,500 will be transferred from the Local Gas Tax Fund, Reserves for future projects to Improvements Other Than Buildings under the Roadway Safety Programs project account for the design and painting of pedestrian crosswalks in 25 selected intersections. Intersections selected are on local roads and are in close proximity to schools. Participation from neighborhood groups, the public and the media will be coordinated to assist local artists in design templates. A budget of \$2,500 for materials and labor are to be awarded for each intersection. A call to artists will be done to select 5 local artists for 5 different designs. The artist is to procure all necessary materials to complete the crosswalks.

Fiscal Note:

Funds are available in Local Gas Tax Fund for the Crosswalk project (\$62,500) and General Fund carryforward will be used for the equipment purchases.

- 12. Resolution No. 44-18(F) appropriating \$50,000 for additional research for City's Disparity Study.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO PROVIDE APPROPRIATIONS FOR ADDITIONAL RESEARCH FOR THE CITY'S DISPARITY STUDY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21791](#)

Staff Recommended Motion:

Approve Resolution No. 44-18(F).

Background:

The City engaged the services of Mason Tillman Associates, Ltd to conduct a disparity study. Additional research is required to include: legal review, private sector disparity regression analysis, private sector market regression analysis, anecdotal analysis, NAICS code classification and procurement policy Review.

Resolution No. 44-18(F) approves the carryforward of \$50,000 from the FY17 fund balance in the General Fund to provide appropriations for this additional work.

Fiscal Note:

Upon approval, approximately \$13,383,000 will be available in Unassigned Fund Balance in the General Fund.

- 13. Resolution No. 423-17 approving a Grant Agreement with the Florida Department of Environmental Protection (FDEP) for funding assistance related to the Pineapple Park Stormwater Improvements project in the amount of \$500,000 and Resolution No. 303-17(F) appropriating the funding.**

RESOLUTION NO. 423-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FUNDING ASSISTANCE RELATED TO THE PINEAPPLE PARK STORMWATER IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 303-17(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE STORMWATER UTILITY GENERAL RESERVE FUND AND STORMWATER R&R AND IMPROVEMENT FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR THE PINEAPPLE PARK STORMWATER IMPROVEMENTS PROJECT AND THE RECOGNITION OF THE FLORIDA DEPARTMENT ENVIRONMENTAL PROTECTION GRANT TOWARDS THE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21793](#)

Staff Recommended Motion:

Approve Resolution No. 423-17 and Resolution No. 303-17(F).

Background:

The Pineapple Park Stormwater Improvements project is identified in the 2016 Stormwater Master Plan and is one of the Utility System Revenue Bonds, Series 2017A projects. According to recommendations from the City's Stormwater Master Plan, the intent of this project is to upgrade the existing infrastructure within and surrounding Pineapple Park to reduce the likelihood of flooding to residential communities and provide additional treatment before discharge to the Lake Worth Lagoon. While subject to final engineering design, the proposed stormwater improvements consist of rehabilitating/replacing vitrified clay pipes and related structures, and providing water quality retrofits through improvement of urban canopy and implementation of low impact development.

The Pineapple Park Water Quality and Low Impact Development Retrofits project ("Project") is a component of the overall Pineapple Park Improvements. The Project focuses on the water quality retrofits while the overall improvements project addresses infrastructure replacements. Pursuant to the 2017-2018 General Appropriations Act, under Line Item 1606A, legislative appropriation was provided for the Project through a cost reimbursement grant from the Florida Department of Environmental Protection (FDEP Agreement No. LP50032). Grant funding assistance will be provided up to a maximum amount of \$500,000 with the Project completion targeted for December 31, 2021.

Resolution No. 423-17 authorizes the execution of the Grant Agreement.

COMMISSION DISTRICT: The Project is located in Commission District No. 5 - Commissioner Shanon Materio.

Fiscal Note:

The Storm Water Utility General Reserve Fund 484 Reserve for Future Projects balance post approval will be approximately \$7 million. The Storm Water Utility R&R and Improvement Fund 485 Reserve for Future Projects post approval will be approximately \$850,000.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

PUBLIC HEARINGS (14 – 20):

- 14. Public Hearing and Second Reading of Ordinance No. 4762-18 amending the Code of Ordinance to create Section 66-76 to establish a requirement for use of local workforce on City construction contracts.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, AT CHAPTER 66, PROCUREMENT, TO CREATE SECTION 66-76 TO PROVIDE A LOCAL WORKFORCE REQUIREMENT FOR CITY CONSTRUCTION CONTRACTS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21784](#)

Staff Recommended Motion:

Approve Ordinance No. 4762-18.

Background:

Promoting the employment of City residents will benefit both the residents and the local economy. To achieve this objective the City Commission desires to amend the Procurement Code to provide a local workforce requirement in City procurements for construction;

Application: The local workforce requirement will be applicable to city construction contracts: 1) for utility work or road and right-of-way work; 2) with a contract price in excess of \$200,000; and 3) with an on-site labor component greater than or equal to 25% of the contract value.

Local workforce requirement: Contractors shall employ a minimum of 15% of on-site labor from persons residing within the municipal boundaries of the City (except where state or federal law or grant requirements do not allow). Determination of the local workforce participation may include employees of both the contractor and its subcontractors to meet the requirement.

Job fair: For contracts with a contract price over \$1,000,000, the contractor shall be required to hold one job fair within the City for the purpose of encouraging local workforce participation.

Fiscal Note:

Costs will be included in the contract prices.

15. **Public Hearing and Second Reading of Ordinance No. 4763-18 extending the zoning in process for wireless tower locations within the public right-of-way for an additional 90 days to allow the City to complete development of regulations consistent with state law.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 4727-17, WHICH DECLARED A ZONING IN PROGRESS AND ESTABLISHED A TEMPORARY MORATORIUM WITHIN THE CITY OF WEST PALM BEACH ON THE SUBMITTAL AND PROCESSING OF APPLICATIONS AND ISSUANCE OF ANY PERMITS PERTAINING TO COLLOCATION ON EXISTING OR THE CREATION OF NEW UTILITY POLES IN THE RIGHT-OF-WAY TO SUPPORT SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES, IN ORDER TO ADDITIONALLY EXTEND THE ZONING IN PROGRESS FOR AN ADDITIONAL NINETY DAYS TO ALLOW THE CITY TO COMPLETE DEVELOPMENT OF REGULATIONS CONSISTENT WITH CHAPTER 2017-136, LAWS OF FLORIDA; PROVIDING THAT ALL OTHER FINDINGS, TERMS, PROVISIONS AND CONDITIONS OF ORDINANCE NO. 4727-17 SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21785](#)

Staff Recommended Motion:

Approve Ordinance No. 4763-18.

Background:

During the 2017 Legislative Session, the state legislature passed House Bill 687 amending Florida Statutes Section 337.401, creating what is known as the "Advanced Wireless Infrastructure Deployment Act (the Act)." The Act was approved by the Governor on June 23, 2017, and became effective on July 1, 2017 under Chapter 2017-136, Laws of Florida. The Act establishes a process by which wireless providers may place certain "small wireless facilities" on, under, within, or adjacent to certain utility poles or wireless support structures within public rights-of-way that are under the jurisdiction and control of an "authority" (i.e., a county or municipality).

The City has regulations pertaining to wireless facilities within its Code of Ordinances, specifically codified within Chapter 94, "Zoning and Land Development Regulations" which need to be evaluated in light of the Act. City staff needs additional time to evaluate the impacts and address local issues that are presented by the new law and take action accordingly. It is in the best interest of the residents of the City to protect the general public health, safety, and welfare by studying and planning for this new

technology, including how to best support this new technology and address potential impacts on the quality of life for the surrounding community.

16. **Public Hearing and Second Reading of Ordinance No. 4761-18 to Amend and Restate Section 90-32 (Water Meters) and Section 90-34 (Violations) to require clear access to water meters and establish provisions for violations; Providing a Conflicts Clause, a Codification Clause and a Severability Clause.**

Resolution No. 20-18 to establish an Administrative Access Fee for obtaining Access Public Utility Facilities.

ORDINANCE NO. 4761-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 90 (UTILITIES), ARTICLE II (WATER), DIVISION 1 (GENERALLY), TO AMEND AND RESTATE SECTION 90-32 (WATER METERS) AND SECTION 90-34 (VIOLATIONS) TO REQUIRE CLEAR ACCESS TO WATER METERS AND ESTABLISH PROVISIONS FOR VIOLATIONS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 20-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING AN ADMINISTRATIVE ACCESS FEE FOR OBTAINING ACCESS PUBLIC UTILITY FACILITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21790](#)

Staff Recommended Motion:

Approve Ordinance No. 4761-18 and Resolution No. 20-18.

Background:

Public Utilities Department personnel require clear and safe access to water meters for their own safety and to provide customers with accurate water bills and due to obstacles and impeded access to water meters becoming an increasing problem for City personnel.

This Ordinance and Resolution is to establish an administrative access fee to be charged for the additional costs incurred by the City for the site inspections and notices required to gain clear access to city utility meters, equipment and facilities, in the amount of \$50.00 per occurrence.

Resolution No. 20-18 will be voted on at Second Reading of the Ordinance.

17. **Public Hearing and Second Reading of Ordinance No. 4756-17: A City-initiated text amendments to Chapter 94 (Zoning and Land Development Regulation), Article**

XIV (Landscaping, Land Clearing, Tree protection, and artificial turf) to update and amend current code to clarify and strengthen sections and add new standards to align with city policies.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 94 (ZONING AND LAND DEVELOPMENT REGULATIONS), ARTICLE XIV (LANDSCAPING, LAND CLEARING, TREE PROTECTION, AND ARTIFICIAL TURF), TO MAKE VARIOUS AMENDMENTS TO SECTION 94-441 THROUGH SECTION 94-451; AMENDING ARTICLE XIX (DEFINITIONS); DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21795](#)

Staff Recommended Motion:

Approve Ordinance No. 4756-17.

Background:

The City landscape code was amended with Ordinance No. 4689-16, approved by the City Commission on April 11, 2017. At that time, City Staff began work on the second round of amendments. A schedule was established for the amendments to be presented to the commission by January 2018. The City's Landscape Planner has been working with several city departments, planning staff, local landscape architects, and participants from the community in determining what additional changes needed to be made to the landscape code. Landscape Architects and others participated in city-sponsored workshops on June 28, 2017 and July 19, 2017.

Discussions on artificial turf regulation were held on June 13, 2017 and November 7, 2017 at the Sustainability Advisory Committee meetings, and specific recommendations were made to the Mayor and Staff by the Committee.

A workshop was conducted with the Planning Board on October 17, 2017 and after discussion, recommendations were made to Staff by the board. The Planning Board recommended approval (5-0) of this request to the City Commission at a Public Hearing on November 21, 2017.

The proposed amendments to the City of West Palm Beach's landscape code are intended to:

- a) Clarify the language in the policies for ease of understanding;
- b) More accurately reflect current practices, processes or conditions; and
- c) Align with current city policies.

Specific changes of note are:

- a) Parking lot landscape standards adjusted to increase sustainable tree canopy coverage;
- b) Adjustments to incentives in the Florida friendly landscape section;
- c) Requirement for native plant minimum;
- d) Adjustments to tree standards and specifications;
- e) Allowance for exemption of irrigation requirements for specific plant communities;
- f) Clarification and updating of tree pruning requirements;
- g) Addition of a landscape design manual; and
- h) Changes to allowances and specifications for artificial turf.

To address the issue raised at first reading concerning Mango Promenade, staff revised the language in Sec. 94-451. - Artificial Turf, as follows:

- (d) With the exception of those circumstances in which artificial turf is installed pursuant to subsection (a)(1) above, artificial turf shall not be:
 - (1) A part of any landscape buffers required by this article;
 - (2) Visible from a road or street; (Note: reference to "the public thoroughfare" was deleted).

The amendment will apply City-wide. Ordinance No. 4756-17 will be advertised on February 2, 2018 in the Palm Beach Post.

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, AT CHAPTER 78 (STREETS, SIDEWALKS AND PUBLIC PLACES), ARTICLE I (IN GENERAL), TO CREATE SECTION 78-10 – MONUMENTS; PROVIDING A SEVERABILITY AND CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21786](#)

Staff Recommended Motion:

Approve Ordinance No. 4764-18 on First Reading and schedule a Public Hearing and Second Reading for February 26, 2018.

Background:

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

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

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

Fiscal Note:

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

19. Public Hearing and Second Reading of Ordinance No. 4754-17 amending the Art in Public Places Ordinances.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, AT CHAPTER 78 (STREETS, SIDEWALKS AND PUBLIC PLACES), ARTICLE V (ART IN PUBLIC PLACES), TO AMEND VARIOUS SECTIONS TO ADD DEFINITIONS, ADD CRITERIA REGARDING LOCATIONS OF ARTWORK, INCREASE FUNDING, PROVIDE A TIME LIMIT FOR ART INSTALLATION, ALLOW BONDING OF ESCROW, INCLUDE ADDITIONAL PUBLIC PROJECTS, CLARIFY THE ARTIST'S AND CITY'S RIGHTS IN THE ARTWORK; AND TO CREATE SECTION 78-136 TO CLARIFY THE PERMITTING REQUIREMENTS FOR PUBLIC ART; AND TO CREATE SECTION 78-137 TO PROVIDE A PROCESS FOR UNSOLICITED ART PROPOSALS; PROVIDING A SEVERABILITY AND CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21772](#)

Staff Recommended Motion:

Approve Ordinance No. 4754-17.

Background:

The Art in Public Places Ordinance was first adopted on December 2, 1985 and created the AiPP Committee. On March 31, 2014, by Ordinance No. 4504-14, the AiPP Ordinance was significantly amended and reinstated. That Ordinance directed that the ordinance be reviewed after one year, and that suggested revisions be presented to City Commission. Staff has implemented the Ordinance and has noted the need for additions and clarifications.

REVISIONS: Ordinance No. 4754-17 proposes the following significant additions and/or clarifications:

Sec. 78-122

1. Definition of Affordable Housing: households at or below 80% of the Area Median Income as defined by the U.S. Department of Housing and Urban Development (HUD) income limits per household size and that meets maximum housing payments established by HUD, Florida Housing Finance or local ordinance.
2. Removal of the following: “tapestries” and “monuments erected to commemorate a person or event” from the definition of “Art, artwork or work of art”
3. Definition of Master plan means the art in public places master plan, as approved by the city commission from time to time.
4. Definition of residential planned development phase as it pertains to the ordinance.
5. Exterior place means any place, public or private, outdoor and exterior to buildings or structures and exposed to public view, including but not limited to buildings, parks, right-of-way medians and open spaces.

Sec. 78-125

6. Location: art and/ or element(s) is appropriate to accommodate the size and scale of the proposed art and/or elements(s), has or can reasonably accommodate any necessary supporting infrastructure, is in compliance with applicable city code requirements such as visibility triangle, and complies with the locations identified in the art in public places master plan.

Sec. 78-126

7. Committee Funds. The amount authorized for the AiPP Committee to commission artists increased from \$10,000 to \$15,000 per fiscal year.
8. The addition of the following: No general grants or sponsorships. The art in public places funds are not intended to provide general grant or sponsorship funding to artists, organizations, business and/or institutions, but shall be utilized in accordance with the master plan and the requirements of this article.

Sec. 78-130

9. Escrow and accounting of funds for artwork: If the amount to be escrowed exceeds five hundred thousand dollars, than in lieu of a deposit of the full amount of the art assessment, a payment bond in an amount not less than the full required deposit amount, which references this city code section, from a surety acceptable to the city, may be provided. Such bond shall provide for payment of the bond amount to the city in the event that public art, or historical or cultural elements, which complies with the requirements of this article is not installed within 36 months of issuance of the building permit, unless such time is extended in writing by the Building Official.

10. Accounting of Escrow: In the event that public art, or historical or cultural elements, which complies with the requirements of this article is not installed within 36 months of issuance of the building permit for the project, all escrow funds shall be disbursed to the city, unless such time is extended in writing by the Public Art Coordinator.

Sec. 78-133

11. A sidewalk, pedestrian or bicycle path project where sufficient location, space, utilities and other elements to accommodate public art exist, as determined by engineering and planning staff and the art in public places coordinator.

Sec. 78-134

12. The addition and clarification of the VARA act as follows: 17 U.S.C. §§106A and 113(d)(Visual Artist Rights Act).

Sec. 78-136

13. Building Permits: Permits and building code updates and additions to building and electrical permits for artwork including text based artwork.

14. Electrical Components

15. Artwork media is lighting or text based art, and is not a sign the artwork is not required to meet code requirements for the sign.

16. The addition of Sec. 78-137: Unsolicited public art proposals.

Fiscal Note:

No fiscal impact.

- 20. Resolution No. 15-18 finding that City-owned property located at 464 Fern Street is not needed for City purposes, declaring the property surplus, waiving appraisals and providing the method of disposition.**

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

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

RESOLUTION NO. 15-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT CITY OWNED PROPERTY LOCATED AT 464 FERN STREET IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; SELECTING THE METHOD OF DISPOSITION TO BE CONVEYANCE TO LINTON JOG

ASSOCIATES, LTD., AND WAIVING THE APPRAISAL REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

RESOLUTION NO. 18-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE REAL ESTATE MANAGEMENT FUND BUDGET TO PROVIDE FOR THE RECEIPT OF PROCEEDS FROM THE SALE OF 464 FERN STREET AND APPROPRIATION OF THE FUNDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21787](#)

Staff Recommended Motion:

Approval of Resolution No. 15-18 declaring 464 Fern Street to be surplus, waiving appraisals and authorizing negotiations with the adjacent property owner, Linton Jog Associates, Ltd. - (Unanimous approval (5 votes) required per Sec. 2-31(27)(c) of the Code of Ordinances to waive appraisal requirements).

Approve Ordinance No. 4760-18 at First Reading - (Approval by 4/5 of the Commission at either First or Second Reading required per Sec. 2-31(27) of the Code.)

Resolution No. 18-18(F) - to be approved at Second Reading.

Background:

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

Due to the unique elements of this property, which include location, condition, age, historic designation, and the lack of residential type structures used for commercial within the downtown valuation, the City consulted with Real Estate Asset Disposition Corp, a contractor who currently provides real estate services to the City, in order to explore what is the highest value and best use for the property. From that effort, which included national and international marketing, twenty-six (26) parties expressed interest by providing a purchase price bid and some details on intended future use of the property, with ultimately six (6) parties submitting letters of intent offers that ranged from

\$810,000 to \$1,300,000. Three (3) of the offers proposed utilizing the existing buildings as office space, one (1) proposed using the current buildings until future development plans were assessed, and two (2) proposed the relocation of the current structures with plans for future development.

After reviewing the offers received, staff has determined that the highest and best value to the City would be selling the property to the highest bidder, Linton Jog Associates, Ltd., at \$1,300,000. Linton Jog Associates, Ltd. is the adjacent property owner of lot located at 401 S. Dixie Highway and is proposing to combine the two parcels for future development of a Class A Office space.

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

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

Resolution No. 15-18 declares the property surplus, waives the appraisal requirement and selects the method of disposition as sale to the adjacent property owner, Linton Jog Associates, Ltd.. Pursuant to Sec. 2-31(c) of the Code of Ordinances, unanimous approval of the City Commission is required to waive appraisal requirements.

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

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

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

Fiscal Note:

Approval will provide \$1,300,000.00 in revenue and appropriations in Real Estate Management Fund 139.

COMMENTS BY THE CITY COMMISSIONERS:

COMMENTS BY THE MAYOR:

ADJOURNMENT:

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