



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**December 17, 2018
5:00 P.M.**

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

**MAYOR
GERALDINE MUOIO**

CITY COMMISSION

PRESIDENT PAULA RYAN

**COMMISSIONER KELLY SHOAF
COMMISSIONER KEITH JAMES**

**COMMISSIONER CORY NEERING
COMMISSIONER CHRISTINA LAMBERT**

ADMINISTRATION

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

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

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

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

CONSENT CALENDAR (1-16):

1. Minutes of the Regular City Commission Meeting of November 19, 2018.
[Agenda Cover Memorandum No.: 22223](#)
2. Minutes of the Regular City Commission Meeting of December 3, 2018.
[Agenda Cover Memorandum No.: 22228](#)
3. Cancellation of the Regular City Commission Meeting of December 31, 2018.
[Agenda Cover Memorandum No.: 22218](#)

Staff Recommended Motion:

Approve the Cancellation of the Regular City Commission Meeting scheduled for December 31, 2018.

Background:

Cancellation of a City Commission meeting is authorized pursuant to Chapter 2, Article II, Section 2.31(1) of the City Code, as follows: "By majority vote of a quorum of the City Commission taken at a regular meeting, a subsequent regular meeting may be canceled, or the date or time thereof changed".

Fiscal Note:

No fiscal impact.

4. **Resolution No. 372-18 approving the Interlocal Agreement between Palm Beach County and the City of West Palm Beach for Joint Project Participation and Project Funding for reimbursement of the costs of design services required to accommodate the site preparation work on Roebuck Road for the City's temporary Fire Station No. 9 site.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR JOINT PARTICIPATION AND PROJECT FUNDING FOR DESIGN MODIFICATIONS TO THE ROEBUCK RD. PROJECT FROM JOG ROAD TO HAVERHILL ROAD TO ACCOMMODATE FIRE STATION NO. 9; PROVIDING

FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22220](#)

Staff Recommended Motion:

Approve Resolution No. 372-18.

Background:

On August 13, 2018, the City Commission approved Resolution No. 247-18 which authorized the execution of a Letter of Understanding (LOU) between Palm Beach County and the City of West Palm Beach for the design work that the County is performing for their Roebuck Rd. project. Palm Beach County is currently making roadway improvements to Roebuck Rd. adjacent to the City's new temporary Fire Station No. 9 site, and they will not permit future construction on the new road for a period of ten years after they are completed. The City's Fire Station No. 9 site requires the design of a new driveway, median opening and waterline extension on Roebuck Rd. In order to most efficiently design and construct the necessary improvements on Roebuck Rd. to accommodate the Fire Station, the County was willing to make those improvements on behalf of the City under the current design and construction contracts the County has in place for the work. In accordance with the executed LOU, the County engaged their design consultant, Mock-Roos, to perform the design efforts. The City's portion of the design costs is \$18,777.90. The Interlocal Agreement provides for reimbursement by City for the design work performed by the County's consultant on the City's behalf.

The future construction costs associated with the driveway, median and waterline work, once determined, will be incorporated into an amendment to the Joint Project Participation and Funding Agreement which will be brought to the City Commission for approval. The costs for the design and the anticipated construction are budgeted.

COMMISSION DISTRICT: The Fire Station No 9 site is located in Commission District 4 which is represented by Commissioner Keith James.

Fiscal Note:

This work will be performed within the currently budgeted City funds for this project.

5. **Resolution No. 357-18 approving an agreement between the City of West Palm Beach and the Urban League of Palm Beach County for continuance of the Urban Youth Employment Works Program in the amount of \$159,000.00.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A GRANT AGREEMENT WITH URBAN LEAGUE OF PALM BEACH COUNTY TO PROVIDE A GRANT FOR CONTINUATION OF THE URBAN YOUTH EMPLOYMENT WORKS PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22225](#)

Staff Recommended Motion:

Approve Resolution No. 357-18.

Background:

The Urban League of Palm Beach County (ULPBC) has established community improvement and social development as one of its goals. ULPBC is an organization that helps African Americans and other minorities attain social and economic equality with a fundamental objective of enabling those who are striving toward the mainstream to achieve economic self-reliance. ULPBC has a record of successfully implementing workforce development programs targeting at-risk youth.

ULPBC received funding from the City over the last two years to implement an urban youth employment program within the City of West Palm Beach. The program has been successful. The City desires to have ULPBC continue to provide such program for the benefit of the City's target youth.

Fiscal Note:

Approval will provide a grant to ULPBC for continuation of the UYEP WORKS Program.

6. **Resolution No. 355-18 approving an agreement between the City of West Palm Beach and the Urban League of Palm Beach County for continuance of the Clean Team Program in the amount of \$97,188.00.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A GRANT TO THE URBAN LEAGUE OF PALM BEACH COUNTY FOR CONTINUED FUNDING OF THE CLEAN TEAM PROGRAM; AUTHORIZING EXECUTION OF A GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22226](#)

Staff Recommended Motion:

Approve Resolution No. 355-18.

Background:

The Urban League of Palm Beach County (ULPBC) has established community improvement and social development as one of its goals. ULPBC is an organization that helps African Americans and other minorities attain social and economic equality with a fundamental objective of enabling those who are striving toward the mainstream to achieve economic self-reliance. ULPBC has a record of successfully implementing workforce development programs targeting at-risk youth.

ULPBC received funding from the City over the last two years to implement the Clean Team program within the City of West Palm Beach. The program has been successful. The City desires to have ULPBC continue such program for the benefit of the City's target youth.

Fiscal Note:

Approval will provide a grant to ULPBC for continuation of the Clean Team program.

7. **Resolution No. 374-18 approving terms for a lease by the City of space in the Maradadi Apartments located at 4685 Haverhill Road, to serve as a temporary location for Fire Station #9.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PROPOSED TERMS FOR LEASE OF A UNIT AT THE MARIDADI APARTMENTS LOCATED AT 4685 HAVERHILL ROAD TO SERVE AS A TEMPORARY LOCATION FOR FIRE STATION #9; AUTHORIZING EXECUTION OF A LEASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22227](#)

Staff Recommended Motion:

Approve Resolution No. 374-18.

Background:

The City of West Palm Beach desires to construct its Fire Station #9 at an easily accessible area in the Haverhill Road/Jog Road area, to best serve the community in that area. By locating in the geographical area south of 45th Street between Haverhill Rd. and Jog Road, a reduction in emergency response times to this area of the City is achieved. The City has determined to operate Fire Station #9 from temporary space in the area, until a permanent Fire Station #9 is constructed.

Pursuant to a lease, a unit in the Paradise Place shopping center located at 4075 Haverhill Road has served as the temporary location of Fire Station #9; however, that lease will expire at year-end and will not be renewed.

Pentaurus, LLC, has agreed to lease a unit within the Maridadi Apartments, at 4685 Haverhill Road, to serve as the temporary Fire Station #9 where Fire/Rescue paramedic staff will be housed; and to designate a parking area for the Fire Rescue vehicle. The proposed lease terms include:

- Lease of a one 2 bedroom/ 2 bath unit
- Initial Term: 1 year; with right of renewal
- Gross Rent: \$1,900.00 per month/\$22,800.00 per year for first year
- Deposit: \$1,900
- Staffing of the temporary station includes one (1) Rescue emergency vehicle staffed with three (3) paramedics on a continuous twenty-four (24) hour schedule; and
- City to be responsible for all utilities.
- Parking: Landlord shall designate and “cone off” a designated parking area for one Emergency Medical Fire Rescue Vehicle. In addition, the personal vehicles of three (3) Fire Rescue City employees may park in the parking lot.

Staff desires to finalize the lease with the goal of commencing the lease January 2019.

Resolution No. 374-18 approve the proposed terms and authorize execution of a lease agreement that complies with the approved terms.

Fiscal Note:

Current lease expires mid-December of 2018. New lease is approximately 2/3 less than current lease amount.

8. **Resolution No. 363-18 approving Amendment No. 9 to the Utility Work Agreement with FDOT for a time extension to the City's utility construction deadline in connection with the FDOT Northwood Rail Connection Project.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AMENDMENT NO. 9 TO THE UTILITY WORK AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO THE CITY'S UTILITY RELOCATION IN CONNECTION WITH THE FDOT NORTHWOOD RAIL CONNECTION PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22236](#)

Staff Recommended Motion:

Approve Resolution No. 363-18.

Background:

The Florida Department of Transportation (FDOT) received a federal grant to accomplish the Northwood Rail Connection project. The project will better link South Florida's two (2) major freight rail corridors to improve freight and passenger connectivity. The FDOT work involves rehabilitation of the existing tracks (Phase 1A) and construction of new tracks (Phase 2). The construction for the track work in Phase 1A by FDOT is currently underway. Phase 2 track work is currently under construction and is anticipated to be completed by March 2019.

The FDOT project area is generally bounded to the north and south between 23rd Street and 28th Street, and to the east and west by the CSX and FEC Railways.

Within the track corridor of Phase 1A, the City's existing utilities (water, sanitary sewer, and stormwater) is in conflict with the proposed track work by FDOT. The City is required to complete the relocation of its utilities by September 2018, the target deadline for FDOT track project. Costs associated with its relocation (design and construction) are reimbursable by FDOT, pursuant to Florida Statutes, Section 337.403. The relocation of City's utilities within Phase 1A was fully completed in January 2016.

A Utility Work Agreement (FDOT Participating in Expense) between the City and FDOT ("UWA") and subsequent Amendments provided that FDOT shall reimburse the City the

design and construction costs associated with the relocation of City's utilities. The reimbursement commitment by FDOT in connection with the City's utility relocation within Phase 1A and Phase 2 to date (Amendment Nos. 1 through 8) is summarized below:

--Pursuant to Resolution No. 263-14, UWA was authorized on October 27, 2014 for cost relating to the design phase services in the amount of \$175,305.00 with the City's construction deadline of July 31, 2015.

--Pursuant to Resolution No. 83-15, Amendment No. 1 was authorized on March 16, 2015 for cost relating to the contractor's pre-construction phase services in the amount of \$43,000.00.

--Pursuant to Resolution No. 90-15, Amendment No. 2 was authorized on April 13, 2015 for cost relating to the construction phase services (construction administration and inspection services) which included a 30-day extension to the City's utility construction deadline to August 31, 2015 in the amount of \$120,040.00.

--Pursuant to Resolution No. 116-15, Amendment No. 3 was authorized on May 11, 2015 for the construction cost in the amount of \$2,800,000.00 including an execution of a Subordination of City Utility Interests by the City for the future track crossings in Phase 2.

--Pursuant to Resolution No. 218-15, Amendment No. 4 was authorized on July 20, 2015 to correct a math error and to correctly reflect the maximum total estimated project cost reimbursable to the City by FDOT to date in the amount of \$3,138,345.00 (including Amendment Nos. 1, 2, 3 and 4).

--Pursuant to Resolution No. 231-15, Amendment No. 5 was authorized on August 17, 2015 for a 30-day extension to the City's utility construction deadline from August 31, 2015 to September 30, 2015.

--Pursuant to Resolution No. 373-16, Amendment No. 6 was authorized on December 5, 2016 for an extension to the deadline for the City's utility construction to December 31, 2018 to allow for the completion of the utility relocation within Phase 2 of the FDOT project track corridor.

--Pursuant to Resolution No. 227-17, Amendment No. 7 was authorized on July 31, 2017 to increase the total estimated project cost reimbursable to the City to \$6,053,461.50 for the estimated City's utility relocation cost within Phase 2 of the FDOT project tract corridor.

--Pursuant to Resolution No. 424-17 and Resolution No. 14-18(F), Amendment No. 8 was authorized on January 29, 2018 to increase the amount to be reimbursed the City's cost for utility relocation in Phase 2 as the construction bid price exceeded the construction estimate. The adjusted total estimated project cost reimbursable to the City by FDOT to date (including Amendment Nos. 1 through 8) is \$6,649,967 (including construction administration and inspection services and construction contingency).

Amendment No. 9 to the UWA will formally authorize an extension to the City's utility construction deadline to June 30, 2019 to fully complete the relocation of City's utilities within Phase 2 of the FDOT project track corridor.

Resolution No. 363-18 approves Amendment No. 9.

COMMISSION DISTRICT - This Project is located in Commission District No. 1 - Commissioner Kelly Shoaf.

Fiscal Note:

No fiscal impact. Time extension only.

9. **Resolution No. 332-18(F) authorizing the appropriation of funds for improvements and maintenance for parks and rights-of-way; Currie Park Boat ramp; additional police vehicles; and Vision Zero Action plan implementation.**

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 IMPROVEMENTS TO PARKS, THE VISION ZERO ACTION PLAN AND PURCHASES RELATED TO NEW POLICE VEHICLES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22217](#)

Staff Recommended Motion:

Approve Resolution No. 332-18(F).

Background:

Department of Parks and Recreation is requesting a total of \$595,000 for the following projects: \$190,000 for Bill Moss Multipurpose Fields resodding; \$80,000 for Median ROW Maintenance; \$225,000 for Gaines Park Athletic Fields resodding and irrigation. In addition, during the construction phase of the Currie Park Boat Ramp improvements, it was discovered the ramps and south basin seawall had existing conditions that were undetectable until the demolition and dredging began. To complete the reconstruction of the ramps and seawall, addressing the subgrade issues discovered, an additional \$100,000 is being requested.

On August 13, 2018, the City Commission passed Resolution No. 244-18 establishing the goal of zero traffic fatalities on West Palm Beach streets and adopted Vision Zero as the City policy for road and traffic safety in the City of West Palm Beach and directed near and long-term traffic planning to be based on Vision Zero principles. The City Commission also directed the Mayor to develop a Vision Zero Action Plan for achieving the goals of the elimination of traffic fatality and reduction of serious injuries due to traffic accidents through adopting a safe system approach for vehicles, bicycles and pedestrians, equitable engineering, enforcement, education, data-driven decision making, and social equity considerations in road safety planning and implementation. The City is developing the action plan and implementation of Vision Zero including near and long-term planning based on Vision Zero principles. Funding in the amount of \$200,000 is requested for the planning education and enforcement efforts needed to execute the plan.

The Police Department submitted a list of 26 vehicles they wished to replace in FY 2019 for a total of \$992,637.00. Their total available budget of reserve funds for future vehicle replacements is \$796,537, which covers the cost of 21 of the vehicles requested. The Police department requests an additional \$196,100 to purchase 5 additional marked vehicles and for additional unfitting funds for retained vehicles. This will allow the department to be closer to its goal in providing Take Home cars for eligible personnel. Due to the special order and unfitting of the Police vehicles, it can take up to nine months to receive them after placing an order, therefore, this funding is needed now to place the order and ensure we have sufficient vehicles at all times.

Fiscal Note:

Upon approval funds will be available for various projects.

10. **Resolution No. 351-18(F) appropriating funds in the amount of \$159,498 from the income generated by the West Palm Beach Library Foundation Mandel Endowment to support the library's programs and operations.**

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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR A CONTRIBUTION FROM THE WEST PALM BEACH LIBRARY FOUNDATION ENDOWMENT TO SUPPORT THE LIBRARY'S PROGRAMS AND OPERATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22219](#)

Staff Recommended Motion:

Approve Resolution No. 351-18(F).

Background:

To assist in funding enhanced services at the Mandel Public Library of West Palm Beach, in Resolution No. 6-10 the Commission authorized the Mayor to execute an agreement between the City of West Palm Beach and the West Palm Beach Library Foundation Inc. ("Foundation") allowing the Foundation to solicit donations for the West Palm Beach Public Library in exchange for naming opportunities with certain conditions. In Resolution No. 45-12, the Commission ratified the acceptance of a \$5 million donation from the Mandel Foundation to the West Palm Beach Library Foundation Inc. in exchange for the naming rights to the Library and the garden east of the northern exterior entrance of the Library. The Library was renamed the "Mandel Public Library of West Palm Beach".

The Mandel Supporting Foundation executed a capital grant term sheet specifying the expenditure categories that includes a \$4 million endowment to support library programming in perpetuity. Additionally, a first amendment to the Mandel Foundation

Capital Grant Term Sheet was executed on May 10, 2018 to determine spending restrictions and revised terms for the management of the spendable income earned from the endowment. These assets will then be distributed to the Mandel Public Library of West Palm Beach as a grant or contribution to support library programs and operations.

For fiscal year 2018/2019 (FY19), the Mandel Public Library of West Palm Beach will receive funding in the amount of \$159,498. Unspent funds from FY19 will be carried forward into FY20.

Fiscal Note:

Approval will provide appropriations of \$159,498 for library programs and operations.

11. **Resolution No. 359-18 authorizing the Mayor to execute a Utility Relocation Agreement between the City of West Palm Beach and 3550 Palm Beach Holdings, LLC.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE UTILITY RELOCATION AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND 3550 PALM BEACH HOLDINGS, LLC FOR UTILITY RELOCATION OF CITY UTILITIES LOCATED IN THE RIGHT OF WAY ADJACENT TO THE PROPERTY LOCATED AT 3550 S. OCEAN BOULEVARD, SOUTH PALM BEACH, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.
[Agenda Cover Memorandum No.: 22221](#)

Staff Recommended Motion:

Approve Resolution No. 359-18.

Background:

Pursuant to a Retail Water Service and Franchise Agreement between the City and the Town of South Palm Beach, the City owns, operates and maintains the Town's Water Distribution System. 3550 Palm Beach Holdings, LLC ("Owner") owns the property located at 3550 S. Ocean Blvd., South Palm Beach, FL (the "Property"). The Owner now seeks to develop the Property and is unable to place their proposed meter box and meter pit within the Property boundaries. This required the City to place the meter pit and associated utilities within the Florida Department of Transportation's (FDOT) right-of-way. The Agreement provides that in the event FDOT requires the City to relocate its facilities, that any future relocation costs would be borne by the Owner. Resolution No. 359-18 approves the Agreement which requires the Owner to indemnify the City and provide for any future relocation costs that may occur from the re-construction of the FDOT right-of-way in the future.

12. **Resolution No. 360-18 authorizing the execution of an Interlocal Agreement between the East Central Regional Wastewater Treatment Facilities Board and the City regarding real property.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE EAST CENTRAL REGIONAL WASTEWATER TREATMENT FACILITIES BOARD AND THE CITY OF WEST PALM BEACH REGARDING REAL PROPERTY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22222](#)

Staff Recommended Motion:

Approve Resolution No. 360-18.

Background:

The purpose of this Interlocal Agreement is to maintain a buffer around the ECR Facilities and to limit any issues as to noise or odor resulting from the operation of a wastewater plant.

By this Agreement, the ECR Board and City agree to:

- 1) Reserve a portion of the property at the ECR for ECR uses only. This includes the City property to the North of the Facilities along with property to the East of the Facilities for future expansion of the ECR Facilities. ECR shall be responsible for maintenance of the real property reserved for ECR use and for insurance of any Facilities and improvements located thereon.
- 2) Restrict a portion of the property held for the beneficial use of the ECR for West Palm Beach municipal use only. This area shall be restricted to use by the City for municipal purposes. A radio communications tower restricted to governmental uses presently occupies a portion of this area. Such future uses for municipal purposes may include, but are not limited to, police/fire training facility, fire station, impound lot, storage areas, and other WPB municipal facilities. WPB shall be responsible for the maintenance of the real property and for insurance of any improvements located thereon. In the event the ECR identifies an imminent operational need requiring the use of a portion of this area, the ECR may utilize any portion not used or intended for use by the City.
- 3) The City will restrict the development of the adjacent City-owned property to WPB municipal purposes, which do not conflict with or negatively impact ECR facilities and operations, which future uses may include, but are not limited to, a radio communications tower restricted to governmental uses, police/fire training facility, fire station, impound lot, storage areas, and other WPB limited public access municipal facilities. WPB agrees that it will not sell, transfer or convey this adjacent property to any third party and such property shall not be used for residential or commercial development.

The ECR Board approved the Interlocal Agreement at its meeting of November 14, 2018.

Resolution No. 360-18 approves the Interlocal Agreement by the City.

Fiscal Note:

No direct fiscal impact.

13. **Resolution No. 364-18(F) recognizing a contribution from the Town of Palm Beach relating to the joint wastewater transmission pipeline.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER AND SEWER RENEWAL AND REPLACEMENT FUND TO PROVIDE APPROPRIATIONS TO RECOGNIZE THE RECEIPT OF A CONTRIBUTION FROM THE TOWN OF PALM BEACH TOWARDS THE COSTS OF IMPROVING THE JOINT WASTEWATER TRANSMISSION PIPELINE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22224](#)

Staff Recommended Motion:

Approve Resolution No. 364-18(F).

Background:

The City of West Palm Beach and the Town of Palm Beach entered into an Interlocal Agreement dated August 30, 2016, to address capital improvements to and the operation and maintenance of the joint wastewater transmission pipeline, along with the financial responsibility for same. Under the terms of the Interlocal Agreement, the Town of Palm Beach is responsible for 22.6% of the costs associated with capital improvements to the joint wastewater transmission pipeline as well as 22.6% of the annual operation and maintenance costs.

The current cost estimate associated with the improvements to be made to the joint wastewater transmission pipeline for the project known as Lake Mangonia 42" Force Main Aerial Crossing is four (4) million dollars.

Resolution No. 364-18(F) recognizes a \$904,000 contribution in the Water and Sewer Renewal and Replacement Fund representing the Town of Palm Beach's 22.6% share of the estimated cost.

Fiscal Note:

After this contribution, the Reserve for Future projects account in Fund 454 will have a balance of approximately \$4.8 million.

14. **Resolution No. 368-18 amending the City's Salary Plan for fiscal year 2018-19 and Resolution No. 369-18(F) amending the full time equivalent (F.T.E.) budget for various departments.**

RESOLUTION NO. 368-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 264-18, APPROVED ON SEPTEMBER 24, 2018, TO CREATE THE JOB TITLES OF SANITATION OPERATOR, PUBLIC WORKS MAINTENANCE SUPERVISOR, AND SENIOR TREE TRIMMER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 369-18(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 DEPARTMENTS OF PUBLIC WORKS, POLICE, PARKS AND RECREATION, AND DEVELOPMENT SERVICES; THE BUILDING PERMITTING FUND; THE STORMWATER SYSTEM FUND; THE INFORMATION TECHNOLOGY FUND; THE WATERFRONT DISTRICT FUND; AND THE FLEET MANAGEMENT FUND; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22227](#)

Staff Recommended Motion:

Approve Resolution No. 368-18 and Resolution No. 369-18(F).

Background:

In response to employee feedback and the City's continuing efforts to recruit and retain a skilled workforce, City Administration requested the Department of Human Resources to develop and implement a career progression program. Career progression programs provide employees with the opportunity to learn new skills, grow within their departments and pursue job opportunities across various work areas within the City. These programs are also effective in attracting and retaining top talent, increasing employee engagement and productivity and strengthening succession and knowledge transfer. The Department of Public Utilities was the first department to implement a career progression program. In FY 2018-19, funds were approved to implement career progression programs in the following departments: Parks and Recreation, Police (Dispatch Division), Public Works, Information Technology, Development Services, and Support Services. Resolution No. 369-18 (F) amends the full-time equivalent budget by allocating affected positions to their new job classification. The new job classifications were previously approved as part of FY 2018-19 Salary Plan.

Resolution No. 369-18(F) also amends the F.T.E. budget for the West Palm Beach Police Department by reallocating the Police Facilities Supervisor position to a Facilities Superintendent position. The Police Facilities Superintendent position is essential to the 24-hour emergency operation of the Police Department. The building has multiple ongoing critical issues/projects (HVAC replacement, Switchgear upgrade, Generator Repairs, Leak prevention and repair, etc.). The successful candidate for this position will also hold a critical role in planning new complex facilities. This full-time position (on-site) is essential as the 24-hour operation of this 26-year-old building has a plethora of systems and

functions that require ongoing care to ensure Public Safety operations continue uninterrupted. This position requires on call response and solid knowledge of the building's condition and maintenance needs, extensive contract and vendor oversight, excellent communication skills and the ability to attain a good working knowledge of software required for the position. The upgrade of this position from Police Facilities Supervisor more accurately reflects the technical knowledge and skill required for success in the position. The Skilled Trades Worker currently assigned is the only person with detailed knowledge of the building and currently has over 30 years of service with the City. This change will have no fiscal impact on the department's budget.

Resolution No. 368-18 amends the City's Salary Plan for FY 2018-19, by creating the job classifications of: Sanitation Operator, Public Works Maintenance Supervisor, and Senior Tree Trimmer. These new job classifications are part of the career progression program for the Public Works and Parks and Recreation Departments, respectively.

Fiscal Note:

Funding for Career Progression Program fully budgeted in FY19 Adopted Budget.

15. **Resolution No. 367-18(F) transferring funds from the Fire Assessment Fee Fund to the Capital Acquisition Fund to provide appropriations for capital projects for the Fire Department.**

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 FIRE ASSESSMENT FEE FUND AND THE CAPITAL ACQUISITION FUND BUDGETS TO TRANSFER FUNDS TO PROVIDE APPROPRIATIONS FOR CAPITAL EXPENDITURES FOR THE FIRE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22234](#)

Staff Recommended Motion:

Approve Resolution No. 367-18(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 and debt service. It is acceptable for Special Revenue Fund 131, the Fire Assessment Fee Fund, to provide monies for capital expenditures, such as building new fire stations and purchasing suppression equipment and to pay related debt service. However, it is not acceptable to expense the capital purchases and any debt service in that special revenue fund. Therefore, it is required that funds be transferred out from Fund 131 to Capital Acquisition Fund 304 or to a debt service fund, so the capital payments and related debt can be expensed and reported properly in financial statements.

To comply with GASB, all funds previously budgeted in Special Revenue Fund 131 for capital projects and automotive equipment are being transferred to Fund 304. Expenditures and reporting will then be correct for capital expenditures related to building fire stations and a Police/ Fire Training Center and for purchasing vehicles.

This transfer process will be used in the future, as necessary, to request City Commission approval whenever funds from Fund 131 need to be re-appropriated to Fund 304 for capital acquisitions or to a debt service fund for debt service expenditures.

Fiscal Note:

Upon approval, funds will be transferred from Fund 131 to Capital Acquisition Fund 304 to comply with reporting requirements that relate to capital expenditures.

- 16. Resolution No. 362-18 requesting submittal of a grant application to the Florida Department of Health for the Helping Emergency Responders Obtain Support Program which provides free emergency opioid antagonists (naloxone).**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF HEALTH FOR THE HELPING EMERGENCY RESPONDERS OBTAIN SUPPORT (HEROS) PROGRAM REQUESTING 1,365 UNITS OF NALOXONE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22237](#)

Staff Recommended Motion:

Approve Resolution No. 362-18.

Background:

The drug overdose death rate involving opioids has increased by 200% since 2000 and has now become the leading cause of accidental deaths in the United States. In response to the nationwide opioid epidemic, funding has been made available through the Florida Department of Health (DOH) for emergency opioid antagonists. DOH has established the HEROS Program for the purpose of acquiring emergency opioid antagonists for agencies that employ emergency responders. The purpose of the HEROS Program is to reduce the number of drug/opioid overdose-related deaths and adverse events by providing emergency responders with the appropriate pharmaceutical resources to address the opioid crisis.

In 2017, Palm Beach County had the highest number of overdoses in the state. As the increased use of heroin and opioids began taxing the emergency services of the City so did the impact on the medication budget of the West Palm Beach Fire Rescue EMS Division. A noted expenditure concerning the purchase of Naloxone, used to combat the effects of ingested opioids, and other medical supplies used to treat the patient caused stress on the EMS budget where other items needed to maintain services were minimized in stock and usage and modified Medical Protocols were created to assist agencies involved in responding to and caring for those needing emergency services. The EMS Providers Group

of Palm Beach County and providers throughout the state urged the Florida Department of Health to pursue grant funding from the state and federal level to help ease the financial burden on local agencies where unplanned expenditures for medications (Naloxone) and supplies occurred.

The City of West Palm Beach, on behalf of its Fire Department, desires to request 1,365 free units of naloxone from the Florida Department of Health. The grant deadline is December 31, 2018.

Fiscal Note:

If this grant is approved for WPBFR, the medication is provided by the FL Dept of Health at no cost to the City.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (17-19):

17. **Resolution No. 331-18: approving a Right of Way Maintenance Agreement between the City and Broadstone City Center, LLC for landscape and hardscape maintenance along a portion of the right of way along Datura Street, Evernia Street, and Dixie Highway; and Approving a sidewalk access easement along Quadrille Boulevard.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LANDSCAPE AND HARDCAPE MAINTENANCE AGREEMENT WITH BROADSTONE CITY CENTER, LLC FOR MAINTENANCE OF A PORTION OF THE RIGHT OF WAY ALONG DATURA STREET, EVERNIA STREET AND DIXIE HIGHWAY; AND APPROVING A SIDEWALK ACCESS EASEMENT FOR A PORTION OF THE SIDEWALK ALONG ON THE EAST SIDE OF QUADRILLE BOULEVARD FROM DATURA STREET TO EVERNIA STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22229](#)

Staff Recommended Motion:

Approve Resolution No. 331-18.

Background:

The Broadstone City Center apartment building located between Quadrille Boulevard and Dixie Highway, Datura Street and Evernia Street has completed its construction and it is close to receive final certificate of occupancy. One of the last items related with the construction of the building is the approval of the maintenance agreement between the City and Broadstone City Center, LLC, the project developer and owner, to transfer the maintenance of all the landscape, irrigation and specialty pavers installed by the project in the adjacent public right of way to the developer. The street lighting will remain the responsibility of the City.

In addition, a sidewalk access easement is necessary to allow the general public to utilize a portion of the sidewalk along Quadrille Boulevard currently located within private property.

Resolution No. 331-18 approves the Right of Way Maintenance Agreement with Broadstone and accepts the Sidewalk Easement.

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

Fiscal Note:

No fiscal impact.

18. **Resolution No. 335-18 approving artwork to satisfy the Art in Public Places Assessment for Flagler Banyan Square located at 200 2nd Street for Navarro Lowrey Waterfront, LLC.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MAKING FINDINGS AND APPROVING INSTALLATION OF PUBLIC ART AT FLAGLER BANYAN SQUARE LOCATED AT 200 2ND STREET, IN COMPLIANCE WITH THE ART IN PUBLIC PLACES ORDINANCE: PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22230](#)

Staff Recommended Motion:

Approve Resolution No. 335-18.

Background:

The Art in Public Places Committee at their regularly scheduled meeting on November 7, 2018 voted to recommend approval of the large-scale art installation titled "Codes" by artist Joe O'Connell for Navarro Lowrey Waterfront, LLC., for the Flagler Banyan Square development at 200 2nd Street. The developer has chosen option One (art on site) of the AiPP Ordinance.

Navarro Lowrey, along with development partners Concord Hospitality and Woodfield Investments, are developing Flagler Banyan Square, a 208-room hotel, 251-unit luxury apartment building with 34,000 square feet of commercial space, a waterfront restaurant and the Square, a grand public urban space. The Square will be a quality public space active and vibrant with activities and will include a site-specific large-scale public art installation by Joe O'Connell of Creative Machines, a multidisciplinary art studio with 45 individuals creating, fabricating and installing unique pieces thought the world.

The art installation will be placed at the entry to the property's large public space adjacent to Flagler Drive. The artwork consists of 34 stainless steel pillars that will be staggered covering an area of approximately 70' X 8' in width. The pillars range in height the tallest at 10'. Embedded in the individual pillars multiple glass spheres of varying dimensions and

color. The glass objects are heavy and solid, yet they allow light to penetrate creating a colorful schematic during the day, furthermore half the sphere will have a frosted coating that will act as heat conductor. At night the works will be lit from within the bottom of the structures creating a beautiful and subtle display of color.

The Art in Public Places Committee reviewed the proposed artwork as it pertains to the criteria outlined in Section 78-125 of the code of ordinances. As stated: "The art in public places committee shall consider the following criteria in recommending approval or disapproval of a work or art, artwork, or historic or cultural element. In specific cases, the committee may recommend approval of a work of art that the committee considers exceptional but does not meet all the criteria," and found the following criteria was met:

- a) Complies. The proposed art conforms to the definition of art contained in this article and will be created by an artist or local artist, as defined in this article;
- b) Master plan. The proposed art meets the typologies and qualities described in the art in public places master plan.
- c) Cultural significance. The proposed element is culturally significant and reflects the aesthetic and cultural traditions and diversity of the city or the surrounding neighborhood.
- d) Visual accessibility. The proposed art/element will be readily visible to the public and meet the location requirements of this article.
- e) Quality. The proposed artist is professionally recognized in the medium and the proposed art/element is of quality and enduring value.
- f) Appropriateness to site. The proposed art/element is of design, scale and material appropriate scale to the site.
- g) Compatibility. The proposed art/element is compatible with the surrounding neighborhood.
- h) Public welfare. The proposed art/element is not detrimental to the public welfare and will not constitute a safety hazard. Complies with public accessibility requirements, if applicable.
- i) Maintenance. The proposed art/element will not require extraordinary maintenance and the maintenance plan addresses vandalism, weathering, and the life of the artwork.

The AIPP Committee recommends to City Commission approval of Resolution No. 335-18. A copy of the artist's resume, proposal, rendering of the artwork, maintenance plan, and budget are attached.

COMMISSION DISTRICT: The Flagler Banyan Square Development is in Commission District Number 3 - Paula Ryan.

Fiscal Note:

No Fiscal Impact.

- 19. Resolution No. 361-18 Approving the joint application with Palm Beach County for an Environmental Resources Permit for the Monceaux Park Living Shoreline Project in the Lake Worth Lagoon adjacent to Monceaux Park; and Authorizing access to**

City property granting "Face of the City" approval of above-ground design features in connection with the Monceaux Park Living Shoreline Project.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE JOINT APPLICATION WITH PALM BEACH COUNTY FOR AN ENVIRONMENTAL RESOURCES PERMIT FOR THE MONCEAUX PARK LIVING SHORELINE PROJECT AND GRANTING ACCESS TO THE REGULATORY AGENCIES; APPROVING THE ABOVE-GROUND DESIGN FEATURES FOR THE MONCEAUX PARK LIVING SHORELINE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22238](#)

Staff Recommended Motion:

Approve Resolution No. 361-18.

Background:

Palm Beach County Department of Environmental Resource Management has been working with several municipalities on projects designed to enhance habitat and improve water quality in Lake Worth Lagoon, while at the same time creating a beautiful, living shoreline along the waterfront.

Palm Beach County intends to install two living shoreline planters adjacent to Monceaux Park. The project will include placement of limestone rock, which will be backfilled to create planter beds vegetated with mangroves. The rock will recruit oysters that act as filters for the lagoon as well as serve as a breakwater to reduce the impacts of boat wake against a vertical seawall.

Palm Beach County has already submitted a joint application to the Florida Department of Environment Protection (FDEP) and the US Army Corps of Engineers (ACOE), on behalf of the City of West Palm Beach, for the West Palm Beach Living Shoreline Project. As the upland riparian land owner of Monceaux Park, Palm Beach County is seeking the City of West Palm Beach to be a joint applicant.

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping. Accordingly, the proposed Monceaux Park Living Shoreline Project adjacent to Monceaux Park (the "Project") requires "Face of the City" approval.

Resolution No. 361-18 approves the above ground design features for the Monceaux Park Living Shoreline Project and grants DEP and ACOE access to the City property to perform their regulatory duties; authorizes the Mayor to sign the application and grant of access, and will require certification of property title by the City.

COMMISSION DISTRICT: The Project is located in Commission District 3: Commissioner Paula Ryan.

Fiscal Note:

This project will be of no financial cost to the City of West Palm Beach.

PUBLIC HEARING (20-21):

20. **Public Hearing and Second Reading of Ordinance No. 4679-18 amending the Code of Ordinances at Chapter 66, the Procurement Code, to create the Minority/Women Business Enterprise Program as recommended by the 2016 Disparity Study.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ADOPTING THE DISPARITY STUDY; AMENDING THE CODE OF ORDINANCES, AT CHAPTER 66 - PROCUREMENT, TO CREATE ARTICLE XI - MINORITY / WOMEN BUSINESS ENTERPRISE PROGRAM; TO AMEND OR CREATE THE FOLLOWING SECTIONS TO PROVIDE FOR IMPLEMENTATION OF THE MWBE PROGRAM: SECTION 66-101, PERFORMANCE EVALUATION; SECTION 66-4, PURPOSE AND DEFINITIONS; SECTION 66-32, AUTHORITY AND DUTY OF THE PROCUREMENT OFFICIAL; SECTION 66-63, REQUESTS FOR PROPOSALS; SECTION 66-66 PROFESSIONAL SERVICES; SECTION 66-71, SELECTION OF RESPONDENT, BEST VALUE; AND SECTION 66-231 REGARDING BID EQUALIZATION FOR SMALL BUSINESSES; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22232](#)

Staff Recommended Motion:

Approve Ordinance No. 4679-18 on Second Reading.

Background:

The City of West Palm Beach contracted with Mason Tillman Associates, Ltd., to conduct a statistical analysis of the City's utilization of minority and women-owned businesses in both the award of prime contractors and in subcontractor participation.

The results of such analysis have been produced in the Disparity Study Final Report for the City of West Palm Beach, dated September 2016, which provides evidence of statistically significant underutilization of available minority and woman-owned businesses for certain types of City procurements.

The United States Supreme Court affirmed, in *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (S. Ct. 1989), that, pursuant to the Fourteenth Amendment, a state or local entity may take action, in the form of a race conscious minority business program to rectify the effects of systemic racial discrimination in awarding contracts. In enacting a race and gender conscious contracting program, the Supreme Court has held that a local government

must first demonstrate statistically significant underutilization of available minority and woman-owned businesses. The Supreme Court further held that in certain circumstances, a gender-biased program can be justified if it intentionally and directly assists the members of that sex who are disproportionately burdened. The Supreme Court established that any race and gender conscious contracting program must be narrowly tailored to address the specific discrimination found to exist.

The City Commission of the City of West Palm Beach intends to eliminate discrimination against minority and woman-owned businesses where it has been demonstrated by the 2016 Disparity Study that there exist material disparities between the availability and the use of minority and/or women business enterprises for City contracts.

Ordinance No. 4679-18 creates the Minority Women Business Enterprise Program (MWBE Program) under the Procurement Code, as a program narrowly tailored to address the specific discrimination found, both with respect to the type of contract or procurement in which discrimination has been demonstrated and the race, gender or ethnicity of those subject to discrimination.

Based on the Disparity Study, the types of contracts and procurements in which disparity was found are construction contracts valued at \$500,000 and under, professional services contracts \$350,000 and under, and goods and services contracts up to \$225,000.

Based on the Disparity Study, the disparity remedies under the MWBE Program include the following:

- Prime Construction Contract - Contract valued at \$500,000 or less will have a 5 percent (not to exceed \$25,000) bid discount for eligible MWBE firms.
- Construction Subcontractors - Maximum MWBE subcontractor goal of 15 percent of the contract value. Any bid failing to meet the goal shall be deemed non-responsive and disqualified.
- CCNA Professional Services (Architects, Engineers, Landscape Architects & Surveyors) where the estimated contract value is \$350,000 or less - Eligible MWBE shall be assigned 10 percent of the evaluation points.
- CCNA Professional Services Subcontractors - The MWBE goal will be 9.92 percent of total contract value.
- Consulting and other Services - For evaluation purposes the price submitted by an eligible MWBE firm will have be given a 5 percent price discount.
- Purchase of Goods - For purchases of \$225,000 or less, eligible firms will receive a bid discount of 5 percent; not to exceed \$11,250.

Ordinance No. 4679-18 makes several other additions and revisions to various sections of Chapter 66, the procurement code, so the MWBE Program can be implemented.

Additionally, Ordinance No. 4679-18 requires the Procurement Official to prepare quarterly reports to the City Commission regarding the MWBE Program and to make an annual presentation and recommendations for any improvements to the Program.

21. **Public Hearing and First Reading of Ordinance No. 4820-18, a request by Angela Biagi of WGI on behalf of Kravis Center for the Performing Arts, Inc. for a text amendment to introduce new regulations regarding signage for cultural facility uses within the Downtown Master Plan Area.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS AT CHAPTER 94, ARTICLE IV, DOWNTOWN MASTER PLAN, SECTION 94-110, SIGNAGE REQUIREMENTS, TO INTRODUCE NEW REGULATIONS REGARDING SIGNAGE FOR CULTURAL FACILITY USES; DECLARING THIS TEXT AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22231](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4820-18 amending the Zoning and Land Development Regulations in Section 94-110, Signage Requirements, to introduce new regulations regarding signage for cultural facility uses. This motion is based on the factual testimony presented, the staff report, the recommendations of the Downtown Action Committee and the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

Recently, the Kravis Center for the Performing Arts (Kravis Center) has been granted Site Plan Approvals for improvements to their facility located on the block bounded by Okeechobee Boulevard on the south, Iris Street on the north, Tamarind Avenue on the west and Sapodilla Avenue on the east. The approval was conducted through two different processes due to the fact that the Kravis Center parcel is split within two different zoning designations. The eastern portion of the site is located within the CityPlace Commercial Planned Development (CPD) and the western portion of the site is located within the Downtown Master Plan (DMP) area. During the approval process, the applicant expressed that a critical component of the proposed improvements to their facility was the provision of new adequate signage, allowing the Kravis Center to effectively identify its location to visitors and announce its programming to the community. To fulfill their intention, the Kravis Center would like to install a new freestanding sign with electronic changeable copy at the corner of Tamarind Avenue and Okeechobee Boulevard. The proposed sign is within the portion of the Kravis Center located within the DMP, therefore any proposed sign shall follow the DMP sign regulations contained in Article IV Section 94-110.

However, as the DMP sign section does not include specific regulations for signs associated with cultural facilities, signage for these facilities are regulated by the general code, as authorized by DMP section 94-110(b). As the DMP generally does not permit freestanding or monument signs, signage for these types of uses within the DMP are limited

to wall-mounted signs. Considering this, the Kravis Center decided to submit an application for a text amendment to the DMP to allow freestanding changeable copy signs for cultural facilities.

PROPOSED AMENDMENT

The applicant is proposing new regulation that allows freestanding signs for cultural facilities. The full text of the applicant's proposed amendment is included in the attached staff report. The main points of their proposal are as follows:

1. Allow up to two changeable copy freestanding monument signs per parcel, sign may be located on a corner.
2. Setback: minimum 15 feet setback from Public Street for parallel sign; 20 feet setback from Public Street for non-parallel sign.
3. Maximum height: 10 feet.
4. Maximum area: 1.75 sf for each one linear feet of frontage along main frontage, not to exceed 650sf; and 0.75sf for each one linear foot of frontage along side streets.
5. Content: name, logo, and address of only the building and building occupants, and information related to on-site events and performances.
6. One electronic changeable copy sign allowed. Message shall be allowed to continuously scroll and change message with electronic changeable copy.

The applicant's proposal utilizes the basic requirements included in the general sign regulation Section 94-407(14) for theaters, indoor motion pictures, and live performances as a base for its proposal, but increases the maximum allowable square footage per sign according to the street frontages. The applicant's proposed language would allow the Kravis Center a sign size that would exceed 1,200 SF.

STAFF ANALYSIS

Planning Staff performed a thorough analysis into the applicant's proposal which included comparison of other cultural facility signage within the City, as well as applying the applicant's proposal to these facilities to determine the amount of signage that the proposed regulation would permit. From this analysis, staff determined that the regulation proposed by the applicant would permit signage sizes far exceeding what other cultural facilities in the City currently have been approved for.

Although Planning Staff acknowledges the importance of visibility of signage for the Kravis Center, Staff is concerned with the amount of total sign face that the proposed code amendment would permit for the Kravis Center and for other cultural arts facilities within the DMP. Considering that the desire of the DMP area is to create a pedestrian friendly environment where the pedestrian scale is predominant, it is staff's professional opinion that large signs, as the one proposed by the Kravis Center language, are not desirable for most of the locations within the DMP area. Staff is therefore proposing an alternative set of regulations addressing the need for specific sign regulations for live performance venues and cultural facilities in general but restricting the possible size to mitigate the possible impacts of large signs on the urban environment.

The main points of Staff's proposal are as follows:

1. Allow freestanding signs in limited locations, within the Urban Core district and only along streets with the designation of "Avenue," which are streets with a ROW width generally larger than 100 feet.
2. Establish a maximum square footage of 400 square feet per Avenue frontage for freestanding signs instead of using a ratio, to limit confusion with permitting. This size is comparable to the sign sizes that have been permitted for other cultural facilities within the City.
3. To establish a minimum setback for freestanding signs at 32 feet as measured from the back of the existing curb. The proposed 32 feet is double the minimum setback required for most buildings along Avenues. This will help to limit the number of freestanding signs within the DMP.
4. Allow wall-mounted changeable copy signs within the Special District and Urban Core district boundaries, at a maximum height of 7 feet and a width of 60% of the tenant storefront width to give smaller facilities an opportunity for signage to advertise their programming.

Staff's professional opinion is that this proposed language would allow for large cultural facilities to utilize freestanding signs to effectively advertise their events while limiting the amount of these large signs with the DMP area. Staff's full proposed regulation is included in the attached staff report.

The proposed amendment was presented to the Downtown Action Committee during its October 10, 2018 meeting and approved 5-0. The proposed amendment was presented to the Planning Board during its October 16, 2018 meeting and approved 7-0.

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

PUBLIC HEARING – QUASI-JUDICIAL (22-23):

DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES

22. **Public Hearing of Resolution No. 337-18 approving the re-plat entitled "GRUBER-CARLBERG ADDITION TO WEST PALM BEACH REPLAT" associated with the construction of the new medical office building at 300 Palm Beach Lakes Boulevard.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE RE-PLAT OF LOTS 5 THROUGH 13, BLOCK 2, GRUBER-CARLBERG ADDITION TO WEST PALM BEACH, TO CREATE THE PLAT ENTITLED "GRUBER-CARLBERG ADDITION TO WEST PALM BEACH REPLAT" CONSISTING OF APPROXIMATELY 0.96 ACRES, AND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF PALM

BEACH LAKES BOULEVARD AND NORTH OLIVE AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22235](#)

Staff Recommended Motion:

Approve Resolution No. 337-18 based on the findings that the Plat is consistent with the Comprehensive Plan, complies with the requirements set forth in Section 94-44 of the Code of Ordinances and complies with all applicable provisions of Ch. 177, Florida Statutes.

Background:

On July 9, 2018, an approval for a new 54,984 SF medical office building located at 300 Palm Beach Lakes Boulevard was granted through Formal Site Plan Review No. 18-01. The subject parcel has received multiple site plan approvals in recent years. In 2013, an approval for residential units was granted but the project was halted after building permits and the structures were left vacant for approximately 15 years. To better accommodate the lot size and redevelopment potential of the site, the property was rezoned from Providencia Park Professional Office to Brelsford Park District zoning district through the adoption of Ordinance No. 4718-17 (Zoning Atlas update) and Ordinance No. 4719-17 (Comprehensive Plan update).

The proposal for the four-story medical office, submitted by Alfonso Hernandez of Alfonso Hernandez Architect, LLC, was reviewed by the Plans and Plats Review Committee on February 14, 2018 and was granted Formal Site Plan Review approval on June 29, 2018. The project was not subject to review by the Downtown Action Committee because the property is less than 50,000 SF. As part of the Site Plan approval, it was a requirement that the applicant replat the property.

The Resolution will replat the property entitled "GRUBER-CARLBERG ADDITION TO WEST PALM BEACH REPLAT", consisting of a single parcel containing a total of approximately 0.96 acres. It is Staff's professional opinion that this amendment complies with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations.

DOWNTOWN ACTION COMMITTEE: The property is less than 50,000 sf. Therefore, the subject plat was not required to be reviewed by the Downtown Action Committee.

PUBLIC NOTICE: Resolution No. 337-18 was advertised in the Palm Beach Post on December 7, 2018.

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

- 23. Public Hearing of Resolution No. 336-18: A Major Subdivision to replat ±8.54 acres to create the plat entitled "Norton Museum of Art", generally located on the southeast corner of Jefferson Road and South Dixie highway, and the northwest corner of Palm**

Street and South Dixie Highway. This request is being made by Brian M. Seymour, Esq. and Joshua I. Long, AICP, of Gunster, on behalf of Norton Gallery & School of Art, Inc.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, PURSUANT TO THE CODE OF ORDINANCES OF WEST PALM BEACH, FLORIDA AND THE FLORIDA STATUTES, APPROVING A MAJOR SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "NORTON MUSEUM OF ART", CONTAINING A TOTAL OF APPROXIMATELY 8.54 ACRES LOCATED ON THE SOUTHEAST CORNER OF JEFFERSON ROAD AND SOUTH DIXIE HIGHWAY, AND THE NORTHWEST CORNER OF PALM STREET AND SOUTH DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22233

Staff Recommended Motion:

APPROVE Resolution No. 336-18, approving a Major Subdivision of real property to create the plat entitled "Norton Museum of Art". This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan, the Subdivision Design Standards and Specifications in the Zoning and Land Development Regulations, and compliance with all applicable provisions of Ch. 177, Florida Statutes.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT 1).

Located at the southeast corner of South Dixie Highway and Jefferson Road, The Norton Gallery & School of Art (hereinafter referred to as the "Norton") consists of several parcels totaling ±8.64 acres. Opening on February 8, 1941, the original Norton Museum of Art was built on property located between South Olive Avenue and South Dixie Highway, consisting of a single-story building that stands today on the east side of the property facing South Olive Avenue and the Intracoastal Waterway. Originally consisting of only 17,162 square feet, there have been multiple expansions to the museum over the years, providing for a total of 117,720 square feet.

In addition to the museum parcel, the Norton owns several properties along the north side of Cranesnest Way. There are six (6) historically-designated residential structures that are listed as contributing structures within the Mango Promenade Historic District. One of these residences has been renovated as the Director's residence, and the remaining units are in various stages of renovation as well. The Norton also owns two (2) parcels at the northwest corner of South Dixie Highway and Palm Street, which provide a majority of the parking for the museum; there is a small service building located along Palm Street.

On September 28, 2015, the City Commission unanimously approved a Future Land Use Map Amendment and Rezoning to establish the New Norton Community Service Planned Development (CSPD). The approved CSPD provided for the construction of an approximately 54,075 square foot expansion with significant site modifications. The CSPD was ultimately amended on December 18, 2017, with the adoption of Resolution No. 359-17; however, the amendment did not alter the proposed development of the site and only made modifications to the previously-approved sign program. The approved scope of work is well underway at this time, and the museum is planning to open its expansion in early 2019.

One of the conditions imposed by Planning Staff within the Development Order was that the property “shall be re-platted in accordance with all applicable statutes, regulations, and the City’s policies and procedures” prior to the issuance of any Certificate of Occupancy. In order to satisfy this condition, the Applicant originally submitted an application for a Major Subdivision in June 2015. This application and the corresponding plat proceeded through the review process, with the Planning Board recommending approval at their August 18, 2015, public hearing. However, following the Planning Board hearing the Applicant decided that it was necessary to put the application on hold before proceeding to the City Commission in order to address issues relating to utility work and easements. As the issues have been addressed, the Applicant wishes to proceed with the review and approval of the plat.

CONCLUSION: It is Planning Staff’s professional opinion that the proposed plat complies with all of the standards required by the City’s Zoning and Land Development Regulations and is necessary in satisfying the development conditions imposed as part of the New Norton CSPD. The lot configuration maintains the historic character of Cranesnest Way, while consolidates the other properties as much as possible. Therefore, Staff is recommending approval.

PLANNING BOARD: After a Public Hearing on November 28, 2018, the Planning Board recommended approval (4-0) of the requests.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Resolution No. 336-18 was advertised in the Palm Beach Post on December 7, 2018.

COMMISSION DISTRICT: The site is located within Commission District Nos. 3 and 5 - Commissioners Paula Ryan and Christina Lambert, respectively.

Fiscal Note:

No fiscal impact.

COMMENTS BY THE CITY COMMISSIONERS:

COMMENTS BY THE MAYOR:

ADJOURNMENT:

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

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