



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**February 10, 2020
5:00 P.M.**

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

**MAYOR
KEITH A. JAMES**

**CITY COMMISSION
PRESIDENT CHRISTINA LAMBERT**

**COMMISSIONER KELLY SHOAF
COMMISSIONER RICHARD A. RYLES**

**COMMISSIONER CORY NEERING
COMMISSIONER JOSEPH A. PEDUZZI**

**ADMINISTRATION
CITY ADMINISTRATOR, FAYE W. JOHNSON
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:

PROCLAMATIONS (1-2):

1. **Proclaiming February 11-17, 2020 as: 2-1-1 Awareness Week. Proclamation to be accepted by Sharon L’Herrou, 2-1-1 President/CEO.**
Agenda Cover Memorandum No.: 22787
2. **Proclaiming the week of February 10, 2020 as: FOTOFusion Week. Proclamation to be accepted by Fatima Nejame, President and CEO of Palm Beach Photographic Centre, and board members of Palm Beach Photographic Centre.**
Agenda Cover Memorandum No.: 22788

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

CONSENT CALENDAR (3-9):

3. **Minutes of the Special City Commission Meeting of January 16, 2020.**
Agenda Cover Memorandum No.: 22789

Staff Recommended Motion:

Approve the Minutes of the Special City Commission Meeting of January 16, 2020.

4. **Minutes of the Regular City Commission Meeting of January 27, 2020.**
Agenda Cover Memorandum No.: 22790

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of January 27, 2020.

5. **Resolution No. 21-20(F) amending the Fiscal Year 2019/2020 Miscellaneous Trust Fund Budget to authorize appropriations of \$40,000.00 from the State Law Enforcement Forfeiture Receipts for use as investigative funds to further complex criminal investigations.**

RESOLUTION NO. 21-20(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 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS IN THE AMOUNT OF \$40,000.00 FOR USE AS INVESTIGATIVE FUNDS TO FURTHER COMPLEX CRIMINAL INVESTIGATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22791

Staff Recommended Motion:

Approve Resolution No. 21-20(F).

Background:

Pursuant to the Florida Contraband Forfeiture Act, any local law enforcement agency that acquires at least \$15,000 within a fiscal year must expend or donate no less than 25 percent of such proceeds. These funds may be expended upon request by the Chief of Police to the City Commission, and upon appropriation to the police departments' miscellaneous trust fund. Such funds may be used only for school resource officer, crime prevention, safe neighborhood, drug abuse education, or drug prevention programs or such other law enforcement purposes as the governing body of the municipality deems appropriate.

Asset forfeiture is a powerful tool that provides valuable resources to state and local law enforcement that may not have otherwise been available. Staff also looks at the permissible uses of similarly obtained federal funds in order to provide guidance for the Chief and Commission on such decisions. Equitably shared funds must be used in accordance with the statutes and guidelines that govern the federal equitable sharing program as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing (Justice Guide).

The State Forfeiture funds requested complies with the permissible use reporting category identified as law enforcement operations and investigations, which include payments to informants, purchase of evidence, "buy" money, reward money, payment for crime tip organizations or payment for a specific reward for information in a specific case.

The State Law Enforcement Trust Fund expenditure of \$40,000 which the Chief of Police certifies is in compliance with section 932.7055(5)(a), Florida Statutes, will be used for investigative funds to further complex criminal investigations.

Fiscal Note:

No impact to general fund.

6. **Resolution No. 17-20 approving a streetscape improvement reimbursement agreement between the City of West Palm Beach and 301 Datura Street, LLC, related to the property located at 301 Datura Street.**

RESOLUTION NO. 17-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PROJECT REIMBURSEMENT AGREEMENT WITH 301 DATURA STREET, LLC FOR STREETScape ELEMENTS TO BE INSTALLED IN THE RIGHT OF WAY ADJACENT TO 301 DATURA STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22792

Staff Recommended Motion:

Approve Resolution No. 17-20.

Background:

The Transportation Planning Organization relocated its offices to the 301 Datura Street building in December of 2019. The office relocation involved a substantial renovation of the existing building, requiring the project to upgrade the streetscape adjacent to the building along Datura Street. The Downtown Master Plan requires new projects or renovations to provide streetscape elements such as trees and lighting along the street frontage. Considering the City intends to re-construct Datura Street in the near future, and after discussions with City staff, the parties agreed that the required streetscape would be installed at the time the City completes the Datura Street redesign. 301 Datura, LLC (owner of the property) obtained a quote for the cost to purchase and install the required streetscape elements, and the estimated cost is \$30,224. 301 Datura, LLC has agreed to enter into an agreement with the City to provide that 301 Datura, LLC remit payment for the streetscape improvements to the City, and the City will purchase and install the streetscape elements at a later date.

Resolution No. 17-20 approves an agreement between the City and the 301 Datura, LLC for the reimbursement of streetscape improvements associated with the 301 Datura Street project.

Fiscal Note:

Fully funded by CRA bond fund 356.

7. **Resolution No. 15-20 accepting a Cooperative Funding grant from the South Florida Water Management District in the amount of \$62,500 to be used to fund a Community Water Conservation Program related to water efficient fixtures and Resolution No. 13-20(F) provides budget appropriations in the Water and Sewage Systems Revenue Fund.**

RESOLUTION NO. 15-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A COOPERATIVE FUNDING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ACCEPTING SIXTY-TWO THOUSAND FIVE HUNDRED DOLLARS TO BE USED TO FUND A COMMUNITY WATER CONSERVATION PROGRAM RELATED TO WATER EFFICIENT FIXTURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 13-20(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 2019/2020 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 SEWAGE SYSTEMS REVENUE FUND BUDGET TO RECOGNIZE A GRANT FROM SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND TO PROVIDE APPROPRIATIONS FOR A COMMUNITY WATER CONSERVATION PROGRAM RELATED TO WATER EFFICIENT FIXTURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22793

Staff Recommended Motion:

Approve Resolution No. 15-20 and Resolution 13-20(F).

Background:

This is the seventh grant that the City of West Palm Beach Office of Sustainability has partnered with South Florida Water Management District (SFWMD) to provide water conservation opportunities to City of West Palm Beach Water Utility customers. The HET program has been very successful and positive as it not only provides for demand side management of water conservation for the Public Utilities Department, but also saves participants money now and in the long term with the water use reductions. The Community Water Conservation Measures Project - Phase VII HETs (High Efficiency Toilet Voucher) agreement provides \$62,500.00 in matching funds from SFWMD for the distribution of a minimum of 800 residential and 200 commercial high efficiency toilets. The funding covers project implementation costs incurred and expended during the period of December 12, 2019 to December 31, 2022. Application for the grant was authorized by Resolution No. 280-19 . Resolution No. 15-20 accepts the grant and authorizes execution of the grant agreement. Resolution 13-20(F) amends the Water and Sewage Systems Revenue Fund Budget to recognize a grant from South Florida Water Management District and provides appropriations for the Community Water Conservation Program. The Fiscal Year 2020 Water and Sewage Systems Revenue Fund Sustainability budget includes the \$62,500.00 City match.

Fiscal Note:

The FY20 Water and Sewage Systems Revenue Fund 450 adopted budget includes \$62,500 for the City's required match. Post approval the Water Conservation Project 92474008 will have additional funding of \$62,500 for a total project amount of \$125,000.

8. **Resolution No. 28-20(F) provides appropriations for various Water, Sewer and Stormwater capital projects.**

RESOLUTION NO. 28-20(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 2019/2020 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, THE WATER AND SEWER CONSTRUCTION FUND AND THE STORMWATER RENEWAL AND REPLACEMENT FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR VARIOUS PUBLIC UTILITIES PROJECTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22797

Staff Recommended Motion:

Approve Resolution 28-20(F).

Background:

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

#	Project Description	Dollar Increase	Funding Source
1	Stormwater Outfall Tidal Valve Installation	\$400,000	Stormwater Renewal and Replacement Fund 485
2	Dreher Park South Mound Relocation (ARV#242)	\$50,000	Water and Sewer Renewal and Replacement Fund 454
3	Booker Avenue & 10th Street San Sewer Improvements	\$310,000	Water and Sewer Renewal and Replacement Fund 454
4	Windsor Avenue Improvements (10th Street to 11th Street)	\$225,000	Water and Sewer Renewal and Replacement Fund 45
		\$25,000	Water and Sewer Construction Fund 456
5	8th Street Improvements (Carver Ave to Windsor Ave)	\$320,000	Water and Sewer Renewal and Replacement Fund 454
		\$30,000	Water and Sewer Construction Fund 456
6	Division Avenue Improvements	\$400,000	Water and Sewer Renewal and Replacement Fund 454
Total:		\$1,760,000	

1. Stormwater Outfall Tidal Valve Installation project will address the "sunny day" flooding that occurs on some City streets (Exhibit A) near the Lake Worth Lagoon when the saline water of the intracoastal waterway (Lake Worth Lagoon) backs up through the stormwater outfall pipes and drainage structures during king tide events. One-way valves (e.g. inline valves) will be installed in the outfall pipe to keep the saltwater from backing up into the pipe. Condition assessment will be conducted on the drainage outfall pipes to determine the extent of barnacle growth in the pipe and if pipe repairs or lining will be needed prior to the installation of the valve. In some cases, larger drainage structures may need to be installed in order to insert the valve. Due to the number of outfalls subject to the sunny day flooding, this will be an ongoing project. The condition assessment phase is planned for April 2020, final design is planned for June 2020 and bid phase is planned for July/August 2020. The initial focus will be the outfalls on S. Flagler Drive between Southern Blvd and Greenwood Drive (Exhibit 'A') within Commission District No. 3: Commissioner Richard Ryles. Additional valves will be installed in the future in Commission District No. 1: Commissioner Kelly Shoaf.
2. Dreher Park South Mound Relocation (ARV#242) (Exhibit B). Dreher Park had previously been used to dispose of debris by the City of West Palm Beach prior to the year 2000. In 2010, debris was excavated for the installation of a stormwater management system and placed in mounds throughout the park. This project was properly permitted and approved by Palm Beach County Health Department, the City of West Palm Beach and South Florida Water Management District. A recent excavation of an existing mound to expose a sanitary force main air relief valve was completed and the mound was found to be positioned over a sanitary sewer force main. The funding is being requested for the relocation of the disturbed material and recapping of the mound to meet Palm Beach County Health Department requirements so the sanitary sewer force main can be accessed in the future. A contractor has been selected from a City of West Palm Beach Continuing Contract and it has been determined that an additional \$50,000 is needed to complete the project. Upon funding approval, construction is anticipated to start in March 2020. The project falls within Commission District No. 5: Commissioner Christina Lambert.
3. Booker Avenue & 10th Street San Sewer Improvements project is located adjacent to the upcoming Carver Neighborhood Improvements - Phase 1 project limits (Exhibit C). The sanitary sewer replacement on Booker Avenue extends from 7th Street to Abraham Avenue for approximately 260 linear feet. The sanitary sewer rehabilitation on 10th Street extends from Abraham Avenue to Carver Avenue for approximately 220 linear feet. Based on engineering cost estimate, the estimated budget amount required to accomplish the project is \$310,000. The sewer main improvements will be accomplished in conjunction with the neighborhood improvements project. Currently, the sewer main replacement is in final design and construction phase is anticipated to start in March/April 2020. The project falls within Commission District No. 3: Commissioner Richard Ryles.

4. Windsor Avenue Improvements project falls within the upcoming Carver Neighborhood Improvement - Phase 2 project limits (Exhibit D) . The existing water main is undersized and is not a looped system. Its replacement, which extends from 10th Street to 11th Street for approximately 400 linear feet, will ensure continuous service and increase fire protection to area residents. Based on engineering cost estimate, the estimated budget amount required to accomplish the project is \$250,000. The water main improvements will be accomplished in conjunction with the neighborhood improvements project. Currently, the water main replacement is in final design and bid phase is planned for March/April 2020. The project falls within Commission District No. 3: Commissioner Richard Ryles.

5. 8th Street Improvements project falls within the upcoming Carver Neighborhood Improvement - Phase 2 project limits (Exhibit E). The existing water main is undersized and has exceeded its useful life. Its replacement, which extends from Carver Avenue to Windsor Avenue for approximately 450 linear feet, will ensure continuous service and increase fire protection to area residents. Based on engineering cost estimate, the estimated amount required to accomplish the project is \$350,000. The water main improvements will be accomplished in conjunction with the neighborhood improvements project. Currently, the water main replacement is in final design and bid phase is planned for March/April 2020. The project falls within Commission District No. 3: Commissioner Richard Ryles.

6. The Division Avenue Improvements project is budgeted in the Water and Sewer Renewal & Replacement Fund (454). The project extends from 23rd Street to 25th Street for approximately 600 linear feet. It is located in an industrial area (Exhibit F). The existing water main has exceeded its useful service life and is in poor condition. Its replacement will ensure continuous service and increase fire protection to area businesses. Based on engineering cost estimate, the estimated additional amount required to complete the construction phase of the project is \$400,000. Currently, the project is in final design and bid phase is planned for April 2020. The project falls within Commission District No. 1: Commissioner Kelly Shoaf.

Fiscal Note:

Post approval, the approximate balances in Reserve for Future Projects will be: \$4.3m Fund 454 Water & Sewer R&R; \$2.6m Fund 456 Water & Sewer Construction; and \$3.8m Fund 485 Stormwater R&R.

9. **Resolution No. 43-20 approving an Agreement for Vote Processing Equipment Use and Election Services with the Palm Beach County Supervisor of Elections.**

RESOLUTION NO. 43-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22803

Staff Recommended Motion:

Approve Resolution No. 43-20.

Background:

Resolution No. 43-20 approves an Agreement with the Supervisor of Elections for Vote Processing Equipment Use and Election Services. The Agreement is substantially similar to ones previously entered into between the City and the Supervisor of Elections to conduct its municipal election and to provide services related to such election.

Fiscal Note:

Fully budgeted.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (10-19):

10. **Resolution No. 369-19(F) appropriating funds in the amount of \$162,175 from the income generated by the West Palm Beach Library Foundation Mandel Endowment to support the Mandel Public 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 2019/2020 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 MANDEL PUBLIC LIBRARY'S PROGRAMS AND OPERATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22794

Staff Recommended Motion:

Approve Resolution No. 369-19(F).

Background:

Through Resolution No. 6-10 adopted on January 11, 2010, the City 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 raise funds for the City of West Palm Beach Public Library ("Library") to enhance library programs and services in exchange for naming opportunities with certain conditions. Through Resolution No. 45-12 adopted on February 21, 2012, the City 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. In 2012, the Library was renamed the "Mandel Public Library of West Palm Beach."

On January 26, 2012, the Jack, Joseph and Morton Mandel Foundation, Mandel Supporting Foundations and the West Palm Beach Libration Foundation executed a Capital Grant Term Sheet specifying the expenditure categories that includes a \$4 million endowment to support library programming in perpetuity. Additionally, on May 10, 2018, a First Amendment to the Mandel Foundation Capital Grant Term Sheet was executed to determine spending restrictions and revise terms relating to the management of the spendable income earned from the endowment. Pursuant to the Grant Term Sheet's First Amendment, endowments assets are distributed to the Mandel Public Library of West Palm Beach as a grant or contribution to support library programs and operations.

For fiscal year 2019/2020 (FY20), the Mandel Public Library of West Palm Beach will receive funding in the amount of \$162,175. Unspent funds from FY2020 will be carried forward into FY2021.

11. **Resolution No. 20-20(F) providing appropriations for a contribution in the amount of \$35,000 from the West Palm Beach Library Foundation to the Mandel Public Library of West Palm Beach for continued funding of the Elementary and Teen "Homework Centers" for academic year 2019/2020.**

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 2019/2020 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 TO CONTINUE OPERATION OF THE HOMEWORK CENTERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22795

Staff Recommended Motion:

Approve Resolution No. 20-20(F).

Background:

The Mandel Public Library of West Palm Beach strives to provide unique programming for citizens of all ages in West Palm Beach. Thanks to generous contributions from the West Palm Beach Library Foundation, the teen and elementary after-school Homework Centers will remain open for the 2019-2020 academic year. For the past eight (9) years, the Mandel Public Library of West Palm Beach has provided a full-service Homework Center every Monday through Thursday afternoon and evening during the school year to children in elementary school. Additionally, the library has also had a full-service after-school homework center for teens to attend for the past six (7) years. Over 3,250 visits are expected to the after-school Homework Centers! The funds will be used to provide the salary of four 10-hour per week teachers, the purchase of materials to help the students complete their homework, as well for healthy snacks to be provided daily. Students that repeatedly use the Homework Centers arrive at school better prepared than their peers. The receipt of these funds will allow the Library to keep the Homework Centers open this school year and provide a high level of support to the young students in our area through the assistance of certified teachers and access to educational materials designated for students learning needs and achievement in school.

12. **Resolution No. 23-20 approving a grant and the donation of surplus vehicles to the Police Athletic League of West Palm Beach, Inc.**

Resolution No. 6-20(F) approving increased grant funding in FY 2019/20 from \$79,561 to and amount not to exceed \$125,000.

RESOLUTION NO. 23-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A GRANT AND THE DONATION OF SURPLUS VEHICLES TO THE POLICE ATHLETIC LEAGUE OF WEST PALM BEACH, INC.; APPROVING A GRANT AND DONATION AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 6-20(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 2019/20 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF APPROVING A DONATION OF TWO SURPLUS VEHICLES AND A GRANT AGREEMENT AMENDING THE GENERAL FUND BUDGET TO INCREASE CURRENT APPROPRIATIONS OF GRANT FUNDS ALLOCATED TO POLICE ATHLETIC LEAGUE OF WEST PALM BEACH, INC. TO SUPPORT ADDITIONAL ATHLETIC AND ACADEMIC PROGRAMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22780

Staff Recommended Motion:

Approve Resolution Nos. 23-20 and 6-20(F).

Background:

The Police Athletic League of West Palm Beach, Inc., formed as an independent non-profit corporation in 2015. Prior to that time, it had been operated by the West Palm Beach Police Department. To continue support of PAL and its good work, the Police Department has annually provided grant funding. The City has provided a grant to the Police Athletic League for more than eight years to fund the salary of the Executive Director. The City previously entered into an agreement for fiscal year 2019-2020 to provide grant funding of \$79,561.

In order to provide more flexibility in the administration of the Police Athletic League of West Palm Beach and increase services seen as incredibly valuable to the education and opportunities provided to the youth of West Palm Beach, the Police Athletic League requested that the grant be increased to \$125,000, and the Police Department will agree to fund such increase for this fiscal year. The funding will utilize the originally budgeted funds of \$79,561 and reallocated funds of \$45,439 to meet the \$125,000 total. The Police Athletic League has asked for a further increase in funding to \$200,000 if the City can identify available funds.

Additionally, the Police Department desires to donate two passenger vans, both 2010 Ford E350 passenger vans, which have been utilized by PAL since their purchase. The current drivers are PAL employees who are also registered as volunteers with the Police Department and regularly have their licenses verified. However, the donation of the vans is part of the continuing separation of entities that began when PAL of West Palm Beach was established as a separate organization. The vans have been declared surplus. PAL will take title to the vans "as is", insure the vehicles, and be responsible for their maintenance and repair.

Resolution No. 6-20(F) authorizes a Grant and Donation Agreement which will replace the previously executed grant agreement for Fiscal Year 2019-2020 and will increase the grant for this year to \$125,000, which may be further increased by amendment should the City identify a further funding source and obtain Commission approval. The Agreement also provides for the donation of the two vans. The Agreement is for a term of one year, covering Fiscal Year 2019-2020.

Fiscal Note:

Existing funds budgeted for previous grant agreement will be utilized and the shortfall will be transferred from vehicle maintenance allocation.

13. **Resolution No. 40-20 approving a license agreement between the City of West Palm Beach and Northbridge Property Owner, LLC for the installation of video surveillance equipment at 515 N. Flagler Drive.**

RESOLUTION NO. 40-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LICENSE AGREEMENT BETWEEN NORTHBRIDGE PROPERTY OWNER, LLC AND THE CITY OF WEST PALM BEACH REGARDING THE INSTALLATION OF ELECTRONIC VIDEO SURVEILLANCE EQUIPMENT ON NORTHBRIDGE PROPERTY OWNER, LLC PROPERTY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22796

Staff Recommended Motion:

Approve Resolution No. 40-20.

Background:

The West Palm Beach Police Department, in its efforts to prevent and solve crimes has established a Real time Crime Center (RTCC). A significant part of the RTCC involves the use of cameras. Electronic surveillance by the Police Department benefits the public safety and serves a public purpose.

Northbridge Property Owner, LLC owns property located at 515 N. Flagler Drive, and the West Palm Beach Police Department has determined the area surrounding the Property could benefit from electronic video surveillance equipment.

Resolution No. 40-20 approves a License Agreement with Northbridge Property Owner, LLC for the City's installation, operation and maintenance of electronic video surveillance equipment at Northbridge's property.

CITY COMMISSION DISTRICT: The Property is located in Commission District 3 represented by Commissioner Richard Ryles.

Fiscal Note:

Electricity for remote camera equipment is already budgeted. Approval will provide payment to the Northbridge Property Owners, LLC in the amount of \$150.00 to reimburse the property for electrical costs associated with operating the surveillance equipment being installed on the property.

- 14. Resolution 38-20 approving a grant for 1909 to create a Community Gamification Program and approving Resolution 45-20(F) to reallocate funds within the General Fund, Economic Development budget for this project.**

RESOLUTION NO. 38-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING ECONOMIC INCENTIVES FOR THE “COMMUNITY GAMIFICATION PROGRAM” OPERATED BY PALM BEACH TECH FOUNDATION, INC. D/B/A THE 1909; AUTHORIZING THE EXECUTION OF A RELATED GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 45-20(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 2019/20 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 REALLOCATE BUDGET APPROPRIATIONS FROM THE MAYOR'S OFFICE ECONOMIC DEVELOPMENT COST CENTER TO THE DEVELOPMENT SERVICES DEPARTMENT COST CENTER TO PROVIDE APPROPRIATIONS FOR A COMMUNITY GAMIFICATION PROGRAM; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22798

Staff Recommended Motion:

Approve Resolution No. 38-20 and 45-20(F).

Background:

The purpose of the 1909 Community Gamification Program is to enhance community engagement, increase collaboration, and improve Accelerator Participants ability to progress in their entrepreneurial endeavors. This program will also allow 1909 and the City to implement systems to track and analyze member profiles, activities and success. 1909 will prioritize diversity and inclusion through this program to provide opportunities for all.

Gamification—the application of game mechanics into nongame activities and processes—is a proven, powerful strategy for engaging, influencing and motivating diverse groups of people. Gamified activities address and satisfy basic human desires, creating the experiences that motivate people to take specific actions.

Program Breakdown:

- 1909 will provide an Accelerator Program to at least ten (10) founders in West Palm Beach looking to turn build and grow their early stage companies.
- 1909 will provide access to this program to participants with ranging demographics, industry focuses, and professional expertise.

- 1909 will prioritize a diverse cohort of accelerator participants in which 50% are women and/or minorities.
- 1909 will create a Member Gamification Program for participants in the Accelerator Program in order to improve the likelihood of success for these entrepreneurs and small business owners in West Palm Beach. As part of this program, 1909 will develop a tool that will incentivize improved working habits and productivity of the Accelerator Participants. The tool will allow participants to set goals and milestones, track their progress, engage in skill sharing, and see their points /rewards. This will encourage the actions and relationship building needed to maximize the productivity of each participant.
- 1909 will provide access to this program to the Accelerator Program with Gamification for at least ten (10) for a 4-month period, and the intent is to expand the program to the wider community of entrepreneurs after the program is complete. The program and tool developed to support this Accelerator cohort will be used to support entrepreneurs in West Palm Beach for years to come.
- 1909 will use the Accelerator gamification program to record data and analyze the entrepreneurial journey to better understand the drivers that impact successful innovation.
- 1909 program participants will also have access to local mentors to help them achieve goals and milestones and support their personal and professional growth. Mentors cover commonly needed areas of expertise like Business Planning, Team Building, Marketing, and Raising Capital; and specific areas as needed such as software development, customer acquisition, retail.
- 1909 will create a tokenized rewards and exchange program allows community members to more easily trade skills and services such as web development, graphic design, accounting support, etc.
- 1909 will document and publicize the success of participants through social media and the production of video content, highlighting those who achieve significant growth through the program.
- 1909 will survey participants at the beginning of the program and again at the end to quantify the progress made over the course of the program.
- 1909 will provide the City of West Palm Beach with a meta data set upon finalization of program to illustrate the progress made by the participants.

The Data will provide at least:

- Demographic Information on Program Participants
 - Gender, age, ethnicity, income, education level
- Industry and Size of business
 - Tech, Retail, Services, Food, Healthcare
- Availability of skills and resources needed for entrepreneur's success
- Company progress metrics - what they accomplish throughout the program
- Trends (if any) around task completion and accomplishing goal
- Overall rating of the program for participants
- Participant Company Metrics
 - Total amount of clients
 - Total revenue generated
 - Total amount of money raised
- Ongoing peer assessments of each participant's skills and competencies that will demonstrate learning and progress over the course of the program.

Cost Breakdown:

- Total Grant Amount - \$25,000
- \$20,000 Programming | Covers cost to develop tool, facilitate program and provide tracking
- \$5,000 Communications & Operations | Covers the cost of the marketing and operation of the 1909 program.

The program is consistent with the City's continued effort to grow small businesses and start-ups in the City.

Resolution No. 38-20 approves incentives in the amount of 25,000.

Resolution No. 45-20(F) authorized the reallocation of budget within the General Fund moving expenditure appropriations to provide funding in the Economic Development cost center with a project number for the Gamification Project in the total amount of \$25,000.

COMMISSION DISTRICT: District No. 3, Commissioner Richard Ryles.

Fiscal Note:

A transfer of budget allocations within the General Fund will provide project funding.

15. Resolution No. 4-20 approving proposed artwork to satisfy the Art in Public Places Assessment in Private Development for MCM 205 Datura, LLC located at 205 Datura.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MAKING FINDINGS AND APPROVING INSTALLATION OF PUBLIC ART FOR MCM 205 DATURA, LLC LOCATED AT 205 DATURA STREET IN COMPLIANCE WITH THE ART IN PUBLIC PLACES ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.
Agenda Cover Memorandum No.: 22799

Staff Recommended Motion:

Approve Resolution No. 4-20.

Background:

The Art in Public Places Committee at its regularly scheduled meeting on December 11, 2019 voted unanimously to recommend approval of the Living Wall Art Installation designed by artist Danielle Kimzey and engineered by G-Sky for MCM 205 Datura, LLC., for the 205 Datura development. Escrowed funds for the 1% of total construction costs are \$55,730.00.

According to the developers, the new development entails the completion of a gut/renovation of 205 Datura St., a 72,000 square foot four-story building, which has long been a single-tenant banking corporate office. A ten-story garage, which was part of the acquisition, will be opened to the public for the first time since it was built in 1980. The office building will be converted to a Class A, boutique multi-tenant office building providing extreme downtown walkability for tenants and visitors, combined with a first-class office experience. Additionally, the developers have described the two-story lobby as that of a five-star hotel and further indicate there will be a beautiful courtyard filled with seating for tenant impromptu meetings and relaxation.

The developers commissioned artist Danielle Kimzey to design the living wall and work with G-Sky producers of living walls. Ms. Kimzey's design is comprised of five coquina shells placed on top of one another in a pattern that according to the artist "recalls the repetition of Seminole patterns and the playfulness of a child at the beach." Furthermore, she adds, "the rounded curves reference the undulations of the containment wall that lines the ocean and overlapping quality pays homage to other patterns found around the City in the native plants and design elements that define the West Palm Beach style. They build upon each other to symbolize peace and steadiness, a preternatural striving to grow while maintaining a solid foundation."

The installation will be placed on the North facing wall structural attached to the garage. Tropical non-native plants Yellow Alternanthera (common name Joseph's coat), Schefflera (common dwarf umbrella tree), Trachelospermum Asiaticum Jasmine (Jasmine) and Ficus Elastica (India Rubber Tree). The living wall measurements are 28' tall x 14' wide. 155 gallons of water a week will be used. The system does not recycle the water. G-Sky states that it would not be practical, and that irrigation is timed to minimize waste. When watering

is complete the water shuts off, the plants will use the existing water, until they dry out slightly before watering begins again. Rockwool growth is the growing media utilized to retain moisture. G-Sky has tried native plants in past projects but without success.

The AiPP considered the criteria set forth in Section 78-125 of the Code and commented as follows:

1. **Complies:** The proposed art installation meets the definition of art contained in the AiPP ordinance and Public Art Master Plan. The work will be designed by a professional artist and she will be working with G-Sky to produce the work.
2. **Master Plan:** Though unusual, the proposed art meets the typologies and qualities described in the Public Art Master Plan.
3. **Historic Significance:** Historic significance was not applicable as the work is contemporary and not historically based.
4. **Cultural Significance:** The proposed art installation has the potential to be a unique element or identifier to the surrounding neighborhood.
5. **Visual accessibility:** The proposed art installation meets the visual accessibility and location requirements of the AiPP ordinance.
6. **Quality:** The commissioned artist is recognized in the medium of 2-D arts. The workmanship provided by G-Sky demonstrates quality and success in past projects.
7. **Appropriateness to site:** The living wall will add a textural depth to the area and further contribute to the building's character and surrounding area.
8. **Compatibility:** The proposed art adds an unexpected element to the area and therefore meets the compatibility requirement of the AiPP Ordinance.
9. **Public Welfare:** The proposed art is not detrimental to the public welfare and will not constitute a safety hazard.
10. **Maintenance:** The proposed art installation will require monthly maintenance. The developer has established a contract maintenance plan that identifies the maintenance required for the installation and monthly payment.
11. **Valuation:** The proposed value of the art installation is \$93,502.00 of which \$55,730.00 has been escrowed as required by the AiPP ordinance.
12. **Location:** The proposed location for the art installation is on the building's exterior facade. As this is a private development project not applicable are the location requirements identified in the Public Art Master Plan.

A copy of the artist's resume, proposal, rendering of the artwork, budget, maintenance contracts, and supporting documents about G-Sky and Living Walls are attached.

As recommended by the AiPP Committee, Resolution No. 4-20 will approve the proposed artwork at 205 Datura by developer MCM 205 Datura LLC, in compliance with the Art in Public Places Ordinance.

Fiscal Note:

No fiscal impact.

16. Resolution No. 37-20 approving a building improvement grant to Resource Depot in the amount of \$10,000.

RESOLUTION NO. 37-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING ECONOMIC INCENTIVES FOR RESOURCE DEPOT, INC.; AUTHORIZING THE EXECUTION OF A RELATED GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Agenda Cover Memorandum No.: 22800

Staff Recommended Motion:

Approve Resolution 37-20.

Background:

In June 2019, several commercial properties along Florida Avenue were purchased that contained businesses. One of the businesses, a not for profit, Resource Depot was included. After negotiations with the new owners, Resource Depot approached the City regarding assistance in improving their space located at 2508 Florida Avenue.

Resource Depot is improving their 4,800 square foot location and adding 2,200 square ft. as a mezzanine. Resource Depot will also enclose the space to add air conditioning which has been limited in the past to the meeting rooms only. In addition to the improvement of the interior, Resource Depot will include a public art component displayed on the facade of their building. Total capital investment cost for the project is estimated to be \$100,000. The project is expected to be completed by the Spring of 2020.

This project achieves several goals of the City's Economic Development Plan. First, Resource Depot is a provider of materials and supplies for local teachers. This aligns with the City's goal of Talent, specifically the growth and retention of students. Second, Resource Depot primarily reuses materials and supplies that are given in the form of donations. The repurposing and reuse of materials assists with the sustainability efforts outlined in the goal of infrastructure. Lastly, at the core of the project is the improvement of the space. The City's building improvement incentive program enforces the goal for business climate and infrastructure assisting small businesses and improving commercial and industrial space throughout the City.

Resolution No. 37-20 approves a grant to Resource Depot in an amount not to exceed \$10,000 to be used towards the building improvements.

COMMISSION DISTRICT: Resource Depot's building improvement project is located in District 5, represented by Commissioner Christina Lambert.

Fiscal Note:

This project is fully funded in the economic development budget.

17. **Resolution No. 26-20 approves the Project Funding Interlocal Agreement with the West Palm Beach CRA for the Centennial Square Fountain Renovation Project.**

RESOLUTION NO. 26-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FUNDING INTERLOCAL AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR THE CENTENNIAL FOUNTAIN RENOVATION PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22801

Staff Recommended Motion:

Approve Resolution No. 26-20.

Background:

The CRA's Strategic Finance Plans for the Downtown/City Center District identifies target project areas and specific redevelopment activities and funding mechanisms for such projects. Amendment No. 14 identifies the downtown core as a target area with focus on Clematis Street. The Plan specifically states that funding will be provided to design and beautify Clematis Street. Part of the Clematis Streetscape project included the renovation of Centennial Square and Centennial Fountain between the 100 Blocks of North and South Clematis. Funding was approved for Clematis Street and the plaza as part of the Series 2019 Bond issuance.

The interlocal agreement will allocate \$1,000,000 out of the CRA's Clematis Streetscape project to fund a portion of the Centennial Fountain renovation, with the remainder of the funding allocated from the 2016B Capital Improvement Fund.

Resolution 26-20 approves the interlocal Funding Agreement between the City and CRA.

Companion Resolution 20-14 (CRA) approves a project funding interlocal agreement between the West Palm Beach Community Redevelopment Agency and the City of West Palm Beach.

Commission District 3: Richard A. Ryles.

Fiscal Note:

Upon approval of Resolution 26-20, an additional \$1,000,000 will be available for the Centennial Fountain Renovations.

18. Resolution No. 27-20 granting "Face of the City" approval of the design features for the renovation of Centennial Fountain.

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

Agenda Cover Memorandum No.: 22802

Staff Recommended Motion:

Approve Resolution No. 27-20.

Background:

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 improvements to Centennial Fountain require "Face of the City" approval.

Centennial Fountain Park, located at the intersection of Clematis Street and Narcissus Avenue, was designed and built in the 1990's to revitalize the downtown district. This is a refurbishment and site improvement project for the Existing Centennial Fountain.

An evaluation of the Fountain was completed on July 17, 2019. The evaluation identified several hazardous conditions. Based on this evaluation, it was determined by the City Parks & Recreation Department and Risk Management Division to keep the fountain closed until renovations can take place. The area was closed due to above ground hazardous conditions include rusty jet grates, cracked pavers, uneven pavers creating tripping hazards and exposed trench frame edges creating tripping hazards that have been caused by a settling foundation. Underground hazards include broken piping below grade allowing water to be pumped into the ground further resulting in the undermining of the slab. While some of the pumps are still operating, there are severely corroded valves, flanges, and fittings corroded to the point of near failure and the current filtration and sanitation system does not meet new code.

The renovation proposes to replace all of the underground equipment and the existing fountain deck. The fountain deck will be given an updated look using a poured in place colored concrete with the joints scored in a triangular pattern to maintain the general esthetic of the existing fountain. The colors will adhere to the color scheme of the Clematis Streetscape renovations.

Proposed above ground enhancements include individual controlled sprays, color changing LED ring lights to allow for changing colors and patterns, and a sound system to allow for advanced animation that would be choreographed to produce musical water and light extravaganzas.

The project is currently in permitting and the demolition of the underground components is anticipated to begin in late February. Construction is anticipated for Spring 2020 and is anticipated to take approximately 4 months.

Construction of the fountain is anticipated to cost approximately \$1,800,000 with \$1,000,000 to be funded by the City of West Palm Beach CRA, and the remainder to be funded from 2016B Capital Improvement Fund.

Resolution No. 27-20 will approve the above ground design features for Centennial Fountain.

Commission District 3: Richard A. Ryles.

Fiscal Note:

No fiscal impact.

19. **Resolution No. 35-20 approving an interlocal between the City of West Palm Beach and the Downtown Development Authority for wayfinding signage; and Resolution 36-20 approving the design features and information on the proposed downtown wayfinding signs.**

RESOLUTION NO. 35-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING INSTALLATION OF THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY WAYFINDING SIGN PROGRAM IN THE CITY RIGHTS-OF-WAY; AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 36-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE DOWNTOWN DEVELOPMENT AUTHORITY WAYFINDING SIGN PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22804

Staff Recommended Motion:

Approve Resolution Nos. 35-20 and 36-20.

Background:

The Downtown Development Authority, with input and assistance from City staff, design professionals, and community partners, has created a system of signs to be placed at specific locations throughout the downtown district.

The proposed signage will function as a navigational aide to help pedestrians determine where they are and where they need to go to reach a destination. The signs are distinct, visible, and include all major destination as well as other important information, such as an indication on the map with the underlined phrase “You Are Here” to show where the pedestrian is within the map. All maps are oriented “heads up”, so that whatever direction the pedestrian is facing while looking at the map is at the top.

Pedestrian wayfinding’s benefits include:

- Helps pedestrians overcome the hurdle of distance perception
- Helps improve perceptions of safety and security
- Increases people to explore a district
- Increases tourism
- Increases commerce
- Helps encourage different transportation choices

The design of the display on the signs is consistent with the Downtown District’s brand identity. The structural design allows the signs to be placed anywhere and easily repaired in the event of damage or vandalism. Each sign panel is specific to the location at which the sign is placed and the information on each sign can be changed as needed with by replacing the vinyl map decal, lettering, or other information.

Signs of one of two types will be placed in approximately 14 locations throughout downtown. Sign types include free-standing and wall-mounted types.

COMMISSION DISTRICT: This project is located in District 3 represented by Commissioner Richard Ryles.

Fiscal Note:

No budgetary impact, funding provided by the Downtown Development Authority.

PUBLIC HEARING (20):

- 20. Public Hearing and First Reading of Ordinance 4890-20 to correct a scrivener's error in Ordinance No. 4882-19 to reflect current utility fees for private fire lines and other typographical errors.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 4882-19 TO CORRECT SCRIVENER'S ERRORS REGARDING THE CURRENT FEES FOR PRIVATE FIRE LINES AND OTHER TYPOGRAPHICAL ERRORS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22805

Staff Recommended Motion:

Approve Ordinance 4890-20.

Background:

On December 2, 2019, City Commission approved Ordinance No. 4882-19 amending the water and wastewater capacity charges for new or expanded development; and establishing a comprehensive schedule of current water and wastewater fees (no rate increase). Prior to Ordinance No. 4882-19 the current rates were established under Resolution 327-13.

Ordinance 4890-20 corrects scrivener's errors in Ordinance No. 4882-19 in Section 17 Fire Hydrant Meter Assemblies, Section 19(A) Residential and General Service and Section 19(G) Private Fire Line Protection Service.

Specifically, Section 17: Fire Hydrant Meter Assemblies, the maximum days is corrected from 90 to 180 days. Section 19(A) Residential and General Services, under Commodity Charge (per unit of water used), the range of units is corrected from 19-36 units to 17-36 units. Section 19(G) Private Fire Line Protection Service, the monthly fee for private fire line protection for various meter sizes is corrected to reflect the current rates established under Resolution 327-13.

**PUBLIC HEARING – QUASI JUDICIAL (21):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

21. **Public Hearing and First Reading of Ordinance No. 4889-19: Regarding a request by David Needle, on behalf of Village Commerce Corp, for a Major Amendment to Parcel "B" located at 5205 Village Boulevard, within the 45th Street Business and Industrial Park Commercial Planned Development, to allow the addition of a "Type V Group Home" to the uses permitted by right within Parcel "B" of the CPD.**

ORDINANCE NO. 4889-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO PARCEL B OF THE 45TH STREET BUSINESS AND INDUSTRIAL PARK COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED ON VILLAGE BOULEVARD, NORTH OF 45TH STREET, TO MODIFY THE PERMITTED USES TO ALLOW “GROUP HOME TYPE V” USES PERMITTED BY RIGHT WITHIN PARCEL B OF THE COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22786

Staff Recommended Motion:

Approve Ordinance No. 4889-19, approving the Major Amendment to the 45th Street Business and Industrial Park Commercial Planned Development to allow "Group Home Type V" as a use permitted by right within Parcel B of the CPD. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City’s Zoning and Land Development Regulations.

Background:

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

The 45th Street Business and Industrial Park Commercial Planned Development (the "CPD") is located on the west side of Village Boulevard, one-quarter mile north of 45th Street. The one-acre site has evolved through a series of amendments over the past 30 years to include not only industrial type uses, but also business and medical offices and commercial uses. The CPD is divided into Parcels A and B. Parcel B has been fully developed. Parcel A is divided into two parcels known as the “FPL Parcel” and the “Barnett Bank Parcel.” The subject of this application is 5205 Village Boulevard, which is located within Parcel B of the development.

On August 10, 1981, the City Commission approved Ordinance No. 1590-81 establishing the CPD. The CPD has been amended a few times, as outlined below:

- Ordinance No. 1926-86 – A Major PD Amendment, amending Ordinance No. 1590-81 modifying the site plan and restricting the permitted uses to only allow uses from a specified list in the Development Order (DO) for this CPD.
- Ordinance No. 2149-88 - A Major PD Amendment, amending Ordinance No. 1926-86, to limit the uses permitted in “Parcel B” of the CPD to be those uses permitted in the General Commercial (GC) Zoning District.

The applicant, David Needle, on behalf of Village Commerce Corp. is proposing a Major Amendment to amend Ordinance No. 2149-88, to add “Group Home Type V” to the uses “Permitted by Right” in Parcel B within the CPD, for a proposed medical detoxification center. Currently, the uses permitted within the CPD are governed by Article IX, Sections 94-272 and 94-273 of the City’s Zoning and Land Development Regulations and utilize the underlying zoning of General Commercial (GC) as the basis for such. The ZLDRs provide that “Group Home Type V: A home for individuals classified as former substances abusers, participants in inmate release programs, etc.” are only permitted within the GC zoning district upon the approval of a Class B Special Use Permit, issued by the Zoning Board of Appeals. Because the property is a Commercial Planned Development governed by its own Development Order (DO), the applicant is requesting that the DO be amended to include such a use, as a use “Permitted by Right”. By requesting that this use be “Permitted by Right”, the applicant is proposing that the use be allowed without gaining an approval from the Zoning Board of Appeals, when located within Parcel B of the CPD.

If reviewed as a Class B Special Use Permit, it would be subject to the additional requirements of Section 94-273(d)(28)(c) of the ZLDRs (applicable to Type V), which are outlined below:

1. Residential character/district compatibility. If a group home is located within a residential district, it shall be maintained to conform to the character of that neighborhood. This standard applies to design, density, lot size, landscaping, or other factors affecting the neighborhood's character. This will prevent disruption of a neighborhood due to the introduction of a dissimilar structure.
2. A group home facility shall be located a minimum of 1,200 feet from another such facility; provided, however, that this standard shall not apply between any group home facilities when both of such facilities are located entirely within the community service (CS) zoning district.
3. No signs denoting the name and/or purpose of a special residential use shall be allowed in any residential district.

4. Facilities located in nonresidential areas shall be maintained in the general character of the surrounding area. This standard applies to design, lot size, landscaping, and other factors affecting the character of the area.
5. The total occupancy of a structure designed for a group home use shall not exceed that allowed in section 16.1.7.1 of the Life Safety Code (or 200 square feet per occupant). For homes on a local street, occupancy shall not exceed two clients per total number of bedrooms minus one, or two clients per bathroom, whichever is less.
6. The standards in the chapter which is entitled "Lodging or Rooming Houses," in the Life Safety Code (see subsection 3109 of this Code) shall be the minimum standards for group homes.
7. Licensed nursing homes in residential districts may have 2.5 times as many beds as dwelling units permitted in that district.
8. Parking shall be provided pursuant to Article XV of this chapter.
9. Dwelling units in group homes shall have a minimum living area of 450 square feet.

By requesting that this use be "Permitted by Right", the applicant is proposing that the use be allowed without any additional requirements and that the standards provided above not apply to the use when located within Parcel B of the CPD. Please note, however, the proposed project does/will comply with all of the additional standards required by Section 94-273(d)(28)(c) with the exception of #2.

#2 - A group home facility shall be located a minimum of 1,200 feet from another such facility: The proposed location of the Type V Group Home is located within the 1,200 foot radius of an existing Type I group home, Rehabilitations Center of the Palm Beaches, located at 301 Northpoint Parkway, inside of the Northpoint CPD. The Northpoint CPD has approved group homes as a use "Permitted by Right", so the distance separation was not required for approval of this group home, inside of a CPD.

Staff would like to note that the Metrocentre, Northpoint as well as Congress Crossings are all CPDs that permit "Group Home" uses by right within the CPD.

CONCLUSION: It is Staff's professional opinion that this proposed use is compatible with the surrounding commercial, business and medical office uses, and the applicant's request to add "Group Home Type V" to the uses "Permitted by Right" for Parcel B in this CPD, should be granted. The Development Services Department – Planning Division has found that the request satisfies all of the amendment standards found within the City's Zoning and Land Development Regulations. Therefore, Staff is recommending approval of the request subject to the conditions outlined in the staff report.

PLANNING BOARD: After a Public Hearing on December 17, 2019, the Planning Board voted (6-1) to recommend approval of the request. The recommendation was made subject to the conditions proposed by Staff.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. The Ordinance will be advertised in advance of Second Reading.

COMMISSION DISTRICT: The site is located within Commission District No. 2 – Commissioner Cory Neering.

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.