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Mayor Keith A. James
Commission President Joseph A. Peduzzi (District 4)
Commissioner Kelly Shoaf (District 1)
Commissioner Shalonda Warren (District 2)
Commissioner Christy Fox (District 3)
Commissioner Christina Lambert (District 5)

City Administrator Faye W. Johnson
City Attorney Kimberly Rothenburg
City Clerk Hazeline Carson

**City of West Palm Beach
City Commission
DRAFT Agenda
Monday, March 21, 2022
5:00 PM**

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, FL 33401, (561) 822-1210.

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. 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.

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

6. PROCLAMATION

- 6.1. Proclaiming April 1, 2022 as The Lord's Place SleepOut Homelessness Awareness Day. Proclamation to be accepted by Diana Stanley, The Lord's Place CEO.

Originating Department:
Mayor's Office

7. CONSENT CALENDAR

All items listed under the consent calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items.

- 7.1. Minutes of the Regular City Commission Meeting of March 7, 2022

Originating Department:
Mayor's Office

- 7.2. Resolution No. 53-22 authorizing the assessment of city liens in the total amount of \$31,602.31 for unpaid water service, sewer service and storm water charges for the month of December 2021.

Originating Department:
City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 53-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE FOR THE MONTH OF DECEMBER 2021; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 53-22 are for unpaid water service, sewer service, and stormwater service charges for the month of December 2021. The list of properties to be assessed and the associated charges totaling \$31,602.31 are attached to Resolution No. 53-22 as EXHIBIT A - UTILITY LIEN LIST - DECEMBER 2021.

Fiscal Note:

No fiscal impact.

- 7.3. Resolution No. 70-22 approving an Economic Development incentive grant in the amount of \$10,000 for the South Dixie Antique Row Association.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 70-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT IN THE AMOUNT OF \$10,000 FOR SOUTH DIXIE ANTIQUE ROW ASSOCIATION, INC.; AUTHORIZING THE EXECUTION OF A RELATED GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In October 2019, the South Dixie Antique Row Association first entered into an agreement with the City to further encourage and stimulate economic growth with organized merchant groups. This grant completes the disbursement schedule from the 2019 agreement.

Fiscal Note:

Economic Development fully budgeted \$10,000 for the Grant Program.

- 7.4. Resolution No. 67-22(F) authorizing the receipt of \$50,000 from the West Palm Beach Library Foundation to continue to fund the "Mandel Mobile" minivan to bring essential services and connectivity to families at the City's local parks, community centers and non-profits.

Originating Department:

Library

Ordinance/Resolution:

RESOLUTION NO. 67-22(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 2021/2022 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 THE RECEIPT OF WEST PALM BEACH LIBRARY FOUNDATION FUNDS TO CONTINUE MANDEL MOBILE SERVICES OUTSIDE THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On January 11, 2010, the City Commission of the City of West Palm Beach adopted Resolution No. 6-10 which authorized execution of a fundraising agreement between the City and the West Palm Beach Library Foundation, Inc to solicit donations for the Mandel Public Library of West Palm Beach

and to assist in funding enhanced services at the Library. The Library strives to provide unique programming for citizens of all ages in West Palm Beach such as health and fitness classes, art classes, computer classes, workshops, homework help and so much more.

Through Resolution No. 285-20(F) on November 2, 2020, the City Commission of the City of West Palm Beach accepted funding to purchase a vehicle to provide outreach library services to support the West Palm Beach community in its COVID-19 relief and recovery efforts through a grant from the Institute of Museum and Library Services CARES Act Grant. Funding covered one full-year of service.

Since May 2021, the Library's WiFi enabled minivan "Mandel Mobile" has provided essential services to neighborhood parks on the north and south ends of the City. Such services include: homework help for children and teens, job search and resume assistance, and ESOL services. In addition, Library staff have created library cards, loaned laptops and hotspots and connected individuals with library and community resources. Funding from the West Palm Beach Library Foundation will allow the Library to continue to offer these valuable resources and provide services to individuals and families in their neighborhoods by continuing to staff the Mandel Mobile with an Associate Librarian and to also provide essential supplies, such as school supplies, gift books, and computer equipment.

Fiscal Note:

This funding continues the services starting April 1, 2022 - March 31, 2023. Benefits for an Associate Librarian will be covered using funding from the Mandel Foundation grant funds.

- 7.5. Resolution No. 79-22 authorizing use of the Mandel Public Library of West Palm Beach for a workforce experience program funded by the Florida Division of Vocational Rehabilitation and approving a related agreement.

Originating Department:

Library

Ordinance/Resolution:

RESOLUTION NO. 79-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING USE OF THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH AS WORKSITE FOR A FLORIDA DIVISION OF VOCATIONAL REHABILITATION ON-THE-JOB TRAINING OPPORTUNITY AND APPROVING AN AGREEMENT BETWEEN THE CITY, A TRAINEE AND INDEPENDENCE WORKS, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Independence Works, Inc. is a non-profit organization specializing in job seekers who experience barriers to employment. Independence Works

(Employer/Provider) in cooperation with the Florida Department of Education and the Division of Vocational Rehabilitation desires to place a person (Trainee) with a disability at the Mandel Public Library of West Palm Beach (Worksite) to gain job knowledge and experience by learning basic library assistant tasks such as shelving, organizing materials, checking in library materials and setting up programs. The work schedule will consist of 15 hours per week for 12 weeks and the trainee will be supervised by library staff. The Trainee will be paid by the Employer and insured through the State of Florida.

A vocational rehabilitation counselor will visit the library each week to review the progress of the Trainee, provide feedback and/or counseling from the Trainee and the Worksite.

The City of West Palm Beach is committed to promoting diversity and inclusion by working together with community-based organizations to help people with disabilities feel welcome and provide them opportunities to participate in work activities and reach their full potential.

Resolution No. 79-22 will allow use of the Mandel Public Library as Worksite for the Program.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No cost to the City. Funded through the Florida Division of Vocational Rehabilitation.

- 7.6. Resolution No. 42-22 approving a Sponsorship Agreement between the City of West Palm Beach and the Historical Society of Palm Beach County to produce "Evening on Antique Row" on April 9, 2022, from 6:00 p.m. to 10:00 p.m.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 42-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE HISTORICAL SOCIETY OF PALM BEACH COUNTY FOR "EVENING ON ANTIQUE ROW" TO BE HELD ON APRIL 9, 2022; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Historical Society of Palm Beach County will host Evening on Antique Row on April 9, 2022 from 6:00 p.m. to 10:00 p.m. on South Dixie Highway between Southern Boulevard and Monroe Drive. General admission ticket

price is \$75 in advance and \$100 at the door. VIP including after party admission is \$150 in advance and \$175 at the door. There will also be live entertainment, access to evening shopping, and food trucks along the street. This event is to raise awareness of and benefit educational programs of the Historical Society of Palm Beach County. Additionally, this event will provide exposure to the Antique Row shops on South Dixie Highway.

Resolution No. 42-22 approves a Sponsorship Agreement between the City and the Historical Society of Palm Beach County. The Historical Society of Palm Beach County will provide the City with a sponsorship valued at \$5,000 which includes marketing, public relations and admission benefits associated with "Evening on Antique Row". The Historical Society of Palm Beach County will provide the City with \$1 million general liability insurance policy and a \$1 million liquor liability insurance policy naming the City as additionally insured. In return, the City will waive the Special Event Permit Fee of \$1,650 and dumpster fees of \$361.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 7.7. Resolution No. 73-22 authorizing the submittal of an application to Florida Inland Navigation District for a Waterway Assistance Program Grant for \$200,000 which requires a 50/50 match for the design and permitting of various waterside park improvements; and

Resolution No. 75-22 authorizing the submittal of an application to the State of Florida for a Florida Boating Improvement Program Grant for \$350,000 which requires a 50/50 match for improvements to the Currie Park boat ramps and access.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 73-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT FOR A WATERWAY ASSISTANCE GRANT IN AN AMOUNT UP TO \$200,000 FOR DESIGN AND PERMITTING OF VARIOUS WATERSIDE IMPROVEMENTS AT CURRIE PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 75-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE STATE OF FLORIDA FOR A

FLORIDA BOATING IMPROVEMENT PROGRAM GRANT IN THE AMOUNT OF \$350,000 FOR REDEVELOPMENT OF BOAT RAMPS AND ACCESS AT CURRIE PARK; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING A SAVINGS PROVISION; PROVIDING A CONFLICT CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

As a part of the Currie Park Master Plan improvements several grants were researched and reviewed for consideration to provide full funding for the plan.

The Florida Inland Navigation District (FIND) Waterway Assistance Program (WAP) grant would assist with design and permitting for the waterside improvements including boardwalks, docks, and the living shoreline. This would be a Phase 1 grant from FIND. Additional funding for construction of various waterside elements would be considered by FIND as a Phase 2 WAP grant.

The Florida Boating Improvement Program (FBIP) Grant would fund a portion of the waterside improvements including the construction of the boat ramps, docks and parking, which due to king tides and sea level rise, need to be modified for boat launching.

The \$200,000 matching dollars for the FIND WAP grant and the \$350,000 matching dollars for the FBIP grant will be funded from the Currie Park Parks Bond fund allocation.

Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

Approving the submittal of the FIND -WAP and FBIP grants may result in an additional \$550,000 for Currie Park boating improvements. Matching funds of \$550,000 will come from the Currie Park Parks Bond fund allocation.

- 7.8. Resolution No. 81-22 amending the City's Salary Plan for FY 2021-22 by creating the job classification of Commission Aide.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 81-22: 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. 248-21, APPROVED ON SEPTEMBER 20, 2021, TO CREATE THE JOB

CLASSIFICATION OF COMMISSION AIDE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

This change will not have a general fund budget impact and does not change the current number of full time equivalent (FTE) positions in the Commission Office.

Resolution No. 81-22 amends the City's Salary Plan for fiscal year 2021-2022 by creating the job classification of Commission Aide. This new job classification will be allocated to pay grade 46 with a salary range of \$40,417 - \$60,634.

Adding the job classification of Commission Aide to the Salary Plan provides greater flexibility in the administration of the Commission Office. This job classification will enable the Commission to have a position that can carry out broader functions in support of Commissioners and the public and aligns with the current staffing needs of the Commission Office.

Fiscal Note:

No budget impact.

8. RESOLUTIONS

- 8.1. Resolution No. 69-22(F) authorizing the use of General Fund discretionary unassigned fund balance in Fiscal Year 2021/2022 to provide expenditure appropriations in the amount of \$2,501,760 for the purchase of one (1) custom pumper truck and one (1) Aerial Ladder Truck for the Fire Department.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 69-22(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 2021/2022 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 APPROVE THE USE OF DISCRETIONARY UNASSIGNED FUND BALANCE TO PROVIDE EXPENDITURES APPROPRIATIONS IN THE SUM OF \$2,501,760 FOR THE PURCHASE OF ONE CUSTOM PUMPER TRUCK AND ONE AERIAL LADDER TRUCK FOR THE FIRE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution Number 69-22(F).

Background Information:

For Fiscal Year 2022, the West Palm Beach Fire Department will require the purchase of two (2) Fire Trucks as an immediate need due to age, operational use, and escalating maintenance costs. It is critical to purchase these trucks now as these units will take approximately two (2) years to get built from the date the purchase order is issued, due to the highly volatile marketplace with regards to raw materials, supply chain issues and continuing price increases.

Funding of \$2,501,760 is for the following Fire Trucks to be ordered:

- \$812,760 for 1 Custom Pumper Truck replacing FDP010 2013
- \$1,689,000 for 1 SPH100 Aerial Ladder Truck replacing FDA052 2012

Staff recommends Board approval of the subject request for \$2,501,760 to purchase two (2) Fire Trucks. Any remaining available funds after all invoices are paid will go back to the General Fund Reserves.

Estimated General Fund unassigned fund balance on September 30, 2021 was \$11,789,294. A reduction was made for Resolution No. 18-22(F) for Police Vehicles in the amount of \$925,148 and was approved on the January 10, 2022 City Commission Agenda.

Estimated remaining General Fund unassigned fund balance after this approval will be \$8,362,386.

Fiscal Note:

Approval will allow the use of General Fund Discretionary Unassigned Fund Balance in the amount of \$2,501,760 for the purchase of two (2) Fire Trucks.

- 8.2. Resolution No. 74-22 approving a new cooperation agreement between the City of West Palm Beach and HCI College for student training in paramedic and emergency medical technician programs.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 74-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND HCI COLLEGE LLC FOR STUDENTS TRAINING IN PARAMEDIC AND EMERGENCY MEDICAL TECHNICIAN PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 74-22.

Background Information:

The City of West Palm Beach, through its Fire Department, cooperates with local educational institutions, which provide education and training of students in paramedic and emergency medical technician (EMT) programs. The City participates by allowing students to ride on advanced life support transport unit, observe and perform a variety of life saving skills under the direct supervision of an assigned professional.

The City and HCI College desire to enter into the Cooperation Agreement, which provides for the respective parties' responsibilities and obligations.

Resolution No.74-22 approves the City's continued participation in the programs and authorizes the Mayor to execute a new cooperation agreement between the City and HCI College for students training in paramedic and EMT programs.

Fiscal Note:

No fiscal impact.

- 8.3. Resolution No. 76-22 approving the Temporary Detour Plans submitted by the Florida Department of Transportation (FDOT) and reviewed by the City Engineering Services Department for the FDOT SR80 (Southern Boulevard Bridge Rehabilitation Project); and

Resolution No. 77-22 designating the Director of Engineering Services or the City Traffic Engineer as the City Official Authorized to approve detour plans submitted by FDOT that utilize City streets to facilitate FDOT construction projects.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO.76-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE TEMPORARY DETOUR PLANS SUBMITTED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE UTILIZATION OF CITY OF WEST PALM BEACH STREETS AS THE DESIGNATED DETOURS FOR THE PROJECT SR80/SOUTHERN BOULEVARD BRIDGE REHABILITATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO.77-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING THE DIRECTOR OF ENGINEERING SERVICES OR THE CITY TRAFFIC ENGINEER AS THE CITY OFFICIAL AUTHORIZED TO APPROVE

DETOUR PLANS SUBMITTED BY FLORIDA DEPARTMENT OF TRANSPORTATION FOR UTILIZING CITY STREETS FOR DETOUR ROUTES TO FACILITATE FDOT CONSTRUCTION PROJECTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 76-22 and Resolution No. 77-22.

Background Information:

FDOT is planning for their upcoming bridge rehabilitation project on SR80 (Southern Blvd between Lake Ave and Dixie Highway) for construction to start in the Spring of 2023.

FDOT has been in communications with City Engineering staff coordinating the various permit requirements for the interfaces with adjacent City streets since November 2021. The logistics of the necessary coordination items have been mutually developed and will be implemented as efficiently and practically as possible based on the coordination efforts between FDOT and the City Engineering staff.

The FDOT project will be comprised of three phases. Phase 1 will involve steel bridge girder retrofit and painting improvements on the underside of the bridge where it crosses over Georgia Ave. Phase 2 will involve milling and repaving of the pavement surface on the top side of the bridge and replacing all of the bridge expansion joints at each of the 37 spans of the bridge. Phase 3 will involve repairing the barrier wall concrete repairs on the north side of the bridge, installing fencing at the FEC railroad crossing area and completing the street lighting retrofits. Much of this work can be done utilizing lane closures on the Southern Blvd traveled bridge surface.

However, two operations will require full closures and necessitate temporary detours due to the nature of those construction operations.

FDOT District 4 practice requires a resolution of the City Commission approving the use of city streets for detour routes. FDOT's justification for this requirement is that this ensures that elected officials and local partners are aware of the decisions being made that could affect the municipality and their constituents, directly or indirectly. It opens up the lines of communication and affords everyone the opportunity to voice concerns and asks questions now rather than during construction when it may be too late. In doing so, it memorializes the decisions made by the current commission should any staff changes and/or elections take place. This practice is fairly new, hence why previous projects may not have required it in the past.

Resolution No. 76-22 approves the following the detours requested by FDOT for the SR80/Southern Blvd. bridge retrofit.

Georgia Avenue:

Proposed roadway closure for approximately 2 weeks

The operation to retrofit the steel girders underneath the bridge over Georgia Ave will be done using a full closure of Georgia Ave right where it crosses underneath the Southern Blvd bridge for approximately two weeks necessitating for a detour to be in place to allow traffic to traverse north and south in lieu of using Georgia Ave. This will be the first operation to take place as Phase 1 of the project.

The intent of the diverting the traffic away from Georgia Avenue is to accommodate the SR 80 bridge rehabilitation work to be performed which includes the Steel Girder retrofit and Painting improvements. Based on the alignment of Georgia Avenue under span 14 of the SR 80 bridge, and the extent of the work to be performed, the safe completion of the work while maintaining active traffic adjacent to the work zone would not be possible even with the use of a debris shield for structural repair. Furthermore, the opportunity to open both lanes to traffic at the end of the work period will be limited with the scaffolding that may be required for performing the work. With the duration of the rehabilitation work being limited to two (2) weeks, subject to change, the full closure of Georgia Avenue and a detour of traffic is the safest approach to MOT at this location.

The following features for the Georgia Avenue Detour were identified:

- The detour will make use of Roseland Drive, Lake Avenue, and Nottingham Boulevard to divert traffic around the work zone on Georgia Avenue.
- The intersections of Nottingham Boulevard with Georgia Avenue and Lake Avenue, located within the detour route, are signalized.
- The intersection of Lake Ave with Rosalind Drive, located along the detour route, is unsignalized.

SR 80 (Southern Blvd)

Proposed nightly roadway closure for approximately six weeks.

The intent of the diverting the traffic away from SR 80 is to ensure that the replacement of the joints across the SR 80 bridge between Lake Avenue and Dixie Highway will be completed in one operation. It is anticipated that two (2) joints will be replaced per night; therefore, it is estimated that detour will be in place for approximately six (6) weeks, subject to change. The detour will be in place during nighttime (Off-Peak) hours only, which are from 8 PM to 5 AM, Sunday through Thursday.

The following features for the SR-80 Detour were identified:

- The detour will make use of Lake Avenue, Nottingham Boulevard, and South Dixie Highway to divert traffic around the work zone on SR 80.
- The intersections of Nottingham Boulevard with Lake Ave and S. Dixie Highway, located within the detour route, are signalized.

Resolution No. 77-22 delegates authority to the Director of Engineering Services or the City's Traffic Engineer to approve any future detour requests submitted by FDOT.

Detour plans to facilitate construction operations under the jurisdiction of public agencies including the City, Palm Beach County, FEC Railroad, SFRTA railroad and other agencies, are submitted to the Engineering Services Department for review and approval as a matter of course. Due to the uncertain frequency of detour requests by FDOT, it is requested that this same level of approval authority be granted to the Engineering Department for FDOT detour submittals.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

9. PUBLIC HEARING

- 9.1. Public Hearing and Second Reading of Ordinance No. 4992-22 amending Chapter 34 – Environment to create Article VII – Natural Areas to provide regulations governing the City's natural areas.

Originating Department:

Public Utilities

Ordinance/Resolution:

ORDINANCE NO. 4992-22: AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 34 – ENVIRONMENT, TO CREATE ARTICLE VII – NATURAL AREAS TO PROVIDE REGULATIONS GOVERNING CONDUCT IN THE CITY'S NATURAL AREAS, INCLUDING GRASSY WATERS PRESERVE / WATER CATCHMENT AREA; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, A CODIFICATION CLAUSE, AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No 4992-22.

Background Information:

The City of West Palm Beach owns and manages high-quality native ecosystems that are under the control of or assigned to the City for management, maintenance, and operation, including but not limited to Grassy Waters Preserve/Water Catchment Area, Apoxee area, Clear Lake, Lake Mangonia, Renaissance Settling Basin and its South Lobe. Grassy Waters Preserve/Water Catchment Area and adjacent natural areas are a pristine remnant of the once great Everglades system. Protection of these natural areas are necessary to protect the City's potable water supply. Additionally, these natural area are home to a variety of native wildlife, including, but not limited to the Everglades snail kite, wood stork, white ibis, great blue heron, white-tailed deer, otter, bobcat and alligator.

Due to increased use of the City's natural areas, and a resulting increase in behavior detrimental to the natural areas, the West Palm Beach Police Department and the Public Utilities Department desire more specific regulations for the protection of the natural areas and the City's drinking water system.

Protection of these natural areas provide City residents and visitors with an opportunity to learn about and appreciate these natural resources and wildlife.

The City desires to provide more specific regulations regarding behavior in the City's natural areas, for the protection of its water supply, the natural environment and the health, safety and welfare of its residents, businesses and visitors.

Ordinance No. 4992-22 establishes regulations to protect the City's natural areas.

Fiscal Note:

No fiscal impact.

- 9.2. Public Hearing and First Reading of Ordinance No. 4973-21 regarding Public Safety Radio Coverage. Establishing standardized in-building radio signal strength levels in compliance with nationally accepted fire codes. Reliable consistent and unobstructed radio signal transmission and reception within buildings located in the city is necessary to provide public safety services.

Originating Department:

Police

Ordinance/Resolution:

ORDINANCE NO. 4973-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 18 (BUILDING AND BUILDING

REGULATIONS) TO CREATE ARTICLE VIII (PUBLIC SAFETY RADIO COVERAGE); AMENDING CHAPTER 26, CODE ENFORCEMENT, AT SECTIONS 26-65 AND 26-66 REGARDING ENFORCEMENT PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 4973-21.

Background Information:

The City of West Palm Beach maintains and operates an L3Harris, 800MHz multi-site simulcast P25 radio system. The P25 radio system services the public safety operations of the city and is a critical component of the public safety infrastructure. Reliable consistent and unobstructed radio signal transmission and reception within buildings located in the city is necessary to provide public safety services. An ordinance referred to as the "Public Safety Radio Coverage Ordinance" establishing guidelines and standards for achieving proper radio signal strength is necessary to ensure reliable emergency services communications within certain buildings and structures located within the city.

Modern building design and construction techniques, especially those required to satisfy requirements for hurricane rated building code compliance make it difficult or impossible for the city to provide reliable two-way radio coverage for first responders operating inside of buildings. Two-way radio communications enhancement systems help ensure the safety of building occupants and first responders by extending the coverage of a public safety communications system to the interior areas of the building using special bi-directional amplifiers (BDAs) and a network of indoor antennas strategically located to provide reliable public safety radio system coverage throughout the interior of a building. The BDA and network of antennas is known collectively as a Distributed Antenna System (DAS). An In-Building Public Safety Communications System ensures that radio signals can penetrate all areas of the buildings, including areas that are difficult for radio frequencies to penetrate such as stairwells, elevators, basements, and thick-walled or shielded areas.

The need for in-building wireless communications has given rise to efforts to develop and standardized national model codes by various professional associations and institutions including the National Fire Protection Association (NFPA). Codes established by these groups include the National Fire Code, National Electrical Code, International Fire Code, and the International Building Code. The NFPA continues to develop national level model codes focused on In-Building Public Safety Communication Systems.

Throughout the nation jurisdictions have enacted local ordinances and codes which require a requisite level of public safety communications reliability in building as a condition for occupancy.

The purpose of Ordinance No. 4973-21 is to ensure a reasonable degree of reliable two-way communication between city emergency dispatch and public safety personnel within certain buildings and structures within the city.

Ordinance No. 4973-21 will apply to most high-rise commercial and apartment buildings, industrial and other large structures within the City. Single-family residential buildings constructed of wood or metal frame, Multi-family buildings constructed of wood frame, and buildings with a gross area of less than 5,000 sq. feet are among the structures exempted from the requirements of the Ordinance.

Ordinance No. 4973-21 establishes the following:

- No building shall be constructed or modified which inhibits or interferes with adequate radio coverage for the public safety radio system.
- The technical requirements for adequate radio coverage.
- Requires a building owner to retain qualified firms to design, install and test the signal coverage in the building.
- Requires installation of a radio coverage enhancement system if radio coverage is not adequate.
- Requires annual testing of all active components of the radio coverage enhancement system on an annual basis.
- Requires verification of the radio coverage every five (5) years.
- Provides enforcement by the withholding or revocation of a certificate of occupancy for the building; through code enforcement processes; and other legal means.

High-rise commercial or apartment buildings will be required to apply for a building permit for a radio coverage system by January 1, 2024 and show compliance by January 1, 2025. All other buildings and structures shall be in compliance no later than October 1, 2022.

Fiscal Note:

No fiscal impact.

10. PUBLIC HEARING - QUASI-JUDICIAL

Disclosure of ex-parte communications, if any*
Swearing-in of witnesses.

- 10.1. Public Hearing of Resolution No. 66-22: Regarding a Major Amendment to The Marina Commercial Marine Planned Development to modify the Design Guidelines specifically relating to the required setbacks and maximum encroachment allowed within Permissible Building Areas (PBAs) #1 and #2, as well as amend the existing Development Order conditions pertaining to improvements on 40th Street.

The above-referenced request is being made by Brian M. Seymour, Esq., and Joshua I. Long, AICP, of Gunster, on behalf of RD IMV Owner LLC.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 66-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE MARINA COMMERCIAL MARINE PLANNED DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF NORTH FLAGLER DRIVE, BETWEEN 38TH AND 42ND STREETS, TO MODIFY THE DESIGN GUIDELINES SPECIFICALLY WITH REGARD TO THE SETBACKS AND MAXIMUM ENCROACHMENT ALLOWED WITHIN PERMISSIBLE BUILDING AREAS #1 AND #2, AS WELL AS MODIFYING THE DEVELOPMENT CONDITIONS PERTAINING TO REQUIRED IMPROVEMENTS ON 40TH STREET; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 66-22, approving a Major Amendment to The Marina Commercial Marine Planned Development to modify the Design Guidelines specifically relating to the required setbacks and maximum encroachment allowed within Permissible Building Areas (PBAs) #1 and #2, as well as to amend the existing Development Order conditions pertaining to improvements on 40th Street. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, the findings that the request complies with the Comprehensive Plan, and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

(THE INFORMATION PROVIDED BELOW IS A GENERAL SUMMARY. A FULL ANALYSIS IS INCLUDED IN THE STAFF REPORT)

Located along the east side of North Flagler Drive between 38th and 44th Streets, The Marina Commercial Marine Planned Development (CMPD) consists of ±14.202 acres of upland property and ±4.838 acres of submerged lands (totaling ±19.04 acres).

On April 28, 2014, the City Commission of the City of West Palm Beach approved Resolution No. 20-14, consolidating two previously-approved developments into one CMPD, known as The Marina.

On July 16, 2018, the City Commission then approved Resolution Nos. 185-18 and 186-18, approving an amendment to The Marina CMPD and the Level III Site Plan Review for the first two (2) residential towers, parking garage, and private beach club. This project is now under construction and is anticipated to be completed in the upcoming year.

During the final design of the northern most tower, it was determined that the previous design did not provide a sufficient canopy over the main entrance and left much of the driveway open to the elements. As this would provide a less-than-desirable experience during inclement weather, the applicant is proposing an amendment to The Marina Design Guidelines that would allow the porte cochere to encroach approximately 25 feet into the required building setback, which is 55 feet from the north property line.

Additionally, the design of the beach club within PBA #1 evolved during the final design and has become a larger outdoor covered (but open-air) patio/bar area with only a small kitchen and restroom facilities being enclosed. To maximize the patio area and increase its ability to be used during all types of weather, the applicant is requesting that the roof of the covered patio, which is proposed to be thatched, be allowed to extend further east toward the bulkhead. The current Design Guidelines state that development within PBA #1 is to be a minimum of 20 feet from the bulkhead; the applicant is proposing to reduce this to five (5) feet (as measured to the support columns), with an additional one (1) foot over overhang encroaching into the setback.

In addition to the modifications on the site, the applicant was pursuing the work necessary to satisfy one of the development order conditions which required the developer to convert 40th Street (between South Flagler Drive and Broadway Avenue) back into a two-way street. Currently, this section of roadway is limited to one-way traffic traveling in an eastbound direction. The condition was imposed upon the developer at the time when The Marina CMPD was approved to increase the distribution of traffic from the project, allowing vehicles to exit the development at 40th Street and travel west to the main thoroughfare of US1 (Broadway Avenue).

As the design of the conversion was taking place and the developer was moving toward construction of the improvements, the School District of Palm Beach County and the staff at Northboro Elementary School raised

concerns that such conversion would create significant issues with bus circulation, parent pick-up/drop-off, etc. As a result, the roadway construction was put on hold while the City evaluated the current traffic patterns; the developer was also asked to complete an updated traffic study that specifically evaluated the 40th Street area and would offer an up-to-date analysis. Based upon the results of the analysis, and their own on-site observations, the City's Engineering Services Department is recommending that the condition be revised. Instead of converting the roadway to two-way, the City's Transportation Engineer is recommending that safety improvements be made in the vicinity of the school for pedestrian and vehicular traffic.

It is Planning Staff's professional opinion that the proposed modifications to the Design Guidelines will not result in any additional impact on surrounding properties or other public area. Additionally, based upon the conclusion of the analysis and the evaluation by the City's Engineering Services Department, Planning Staff is supportive of having the condition revised to no longer require two-way traffic, and that instead, the developer be required to make specified safety improvements in the vicinity of the school. Planning Staff believes that the request complies with the standards required by the City's Zoning and Land Development Regulations, and therefore is recommending approval of the Applicant's request, subject to the conditions contained in Resolution No. 66-22.

PLANNING BOARD: After a Public Hearing on February 15, 2022, the Planning Board recommended approval (6-0).

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. 66-22 was also advertised in the Palm Beach Post on March 11, 2022.

COMMISSION DISTRICT 1: Commissioner Kelly Shoaf.

11. COMMENTS FROM THE PUBLIC

Public comments are limited to 3 (three) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. 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 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.