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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, April 4, 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 10-16, 2022 as National Public Safety Telecommunications Week. Proclamation to be accepted by Suzette Dodd,

City of West Palm Beach Police Department Telecommunications Manager.

Originating Department:
Mayor's Office

7. TRIBUTE

- 7.1. Tribute to Lesser Lesser Landy & Smith in celebration of its 95th Anniversary. Tribute to be accepted by Mr. Gary S. Lesser, the Firm's Managing Partner.

Originating Department:
Mayor's Office

8. PRESENTATIONS

- 8.1. Presentation by Jervonte Edmonds, Florida State Representative, District 88.

Originating Department:
Mayor's Office

- 8.2. Legislative update by State Representative David Silvers.

Originating Department:
Mayor's Office

9. 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.

- 9.1. Minutes of the Regular City Commission Meeting of March 21, 2022

Originating Department:
Mayor's Office

- 9.2. Resolution No. 60-22 ratifying the submittal of a grant application to the Florida Division of Cultural Affairs for a Cultural Facilities Grant requesting \$500,000 for improvements including infrastructure for programming and special events in the Currie Park;

Resolution No. 61-22 ratifying the submittal of a grant application to the Florida Department of Environmental Protection for a Flooding and Sea Level Rise Resiliency Grant requesting \$1,875,000 for improvements to the drainage system, enhancement of portions of the seawall, and natural stormwater elements to decrease the threat of flooding; and

Resolution No. 62-22 ratifying the submittal of a grant application to the Florida Department of Environmental Protection Coastal Partnership Initiative Grant requesting \$60,000 for improvements to include a kayak launch and surrounding infrastructure in Currie Park.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO.60-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE STATE OF FLORIDA, DIVISION OF CULTURAL AFFAIRS, FOR A CULTURAL FACILITIES GRANT IN THE AMOUNT OF \$500,000 TO BE USED FOR INFRASTRUCTURE IMPROVEMENTS FOR OUTDOOR PROGRAMMING AND EVENTS IN CURRIE PARK; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 61-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, FOR A FLOODING AND SEA LEVEL RISE RESILIENCY GRANT IN THE AMOUNT OF \$1,875,000 TO BE USED FOR IMPROVEMENTS TO DECREASE THE THREAT OF FLOODING IN CURRIE PARK; PROVIDING LEGISLATIVE FINDINGS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 62-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, FOR A COASTAL PARTNERSHIP INITIATIVE GRANT IN THE AMOUNT OF \$60,000 TO BE USED FOR A KAYAK LAUNCH AND SURROUND INFRASTRUCTURE; PROVIDING LEGISLATIVE FINDINGS AND INTENT; 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. Due to grant schedules and deadlines we are bringing forward three resolutions ratifying the submittal of grant applications.

The Florida Division of Cultural Affairs for a Cultural Facilities Grant requesting \$500,000 is for improvements including infrastructure for programming and special events in the Currie Park.

The Florida Department of Environmental Protection for a Flooding and Sea Level Rise Resiliency Grant requesting \$1,875,000 is for improvements to the drainage system, enhancement of portions of the seawall, and natural stormwater elements to decrease the threat of flooding.

The Florida Department of Environmental Protection Coastal Partnership Initiative Grant requesting \$60,000 is for improvements to include a kayak launch and surrounding infrastructure.

All three grants require matching dollars. The \$1,000,000 matching dollars for the Division of Cultural Affairs Grant, the \$1,875,000 matching dollars for the DEP Flooding and Sea Level Rise Resiliency Grant, and the \$388,802 matching dollars for the DEP Coastal Partnership Initiative Grant, will be funded from the Currie Park Parks Bond fund allocation.

Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

Ratifying the submittal of the Cultural Facilities Grant Program; DEP Flooding and Sea-level Rise Resiliency Grant; DEP Coastal Partnership Grant may result in an additional \$2,375,600 for Currie Park improvements. Matching funds of \$3,263,802 will come from the Currie Park Parks Bond fund allocation.

- 9.3. Resolution No. 65-22 approving a Special Event License Agreement with Mr. Mack Island Grill for the "Good Morning West Palm" event at Currie Park on Sunday, April 17, 2022, and authorizing the issuance of an alcoholic beverages' license for the event.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 65-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND MR. MACK ISLAND GRILL FOR THE PURPOSE OF CONDUCTING GOOD MORNING WEST PALM AT CURRIE PARK ON APRIL 17, 2022 FROM 11:00 A.M. TO 8:00 P.M; AUTHORIZING THE ISSUANCE OF A PERMIT TO MR MACK ISLAND GRILL FOR THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE GOOD MORNING WEST PALM SPECIAL EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Pursuant to Article Section 78-152 of the City Code of Ordinances, a special event permit is required to host a special event in a City park.

Section 58-85 of the Code of Ordinances requires approval of the City Commission, subject to conditions, for the sale, possession and consumption of alcoholic beverages in a City park during a hosted special event.

Mr. Mack Island Grill has submitted an application to produce the "Good Morning West Palm" event on Sunday, April 17, 2022 from 11:00 AM to 8:00 PM at Currie Park. This will be the first time this event is being held in West Palm Beach.

During this event, Mr. Mack Island Grill will serve food, alcoholic and non-alcoholic beverages.

Mr. Mack Island Grill will pay the City of West Palm Beach a \$2,942.50 special event permit fee, a \$500.00 special event security deposit and will provide the City of West Palm Beach general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

No fiscal impact.

- 9.4. Resolution No. 80-22 relating to the ratification of a collective bargaining agreement between the City of West Palm Beach and the Florida State Lodge, Fraternal Order of Police, Inc., Certified Unit No. 2004, for the period of April 4, 2022 to September 30, 2024.

Originating Department:

Human Resources

Ordinance/Resolution:

RESOLUTION NO. 80-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, INC., CERTIFIED UNIT NO. 2004, FOR THE PERIOD APRIL 4, 2022 TO SEPTEMBER 30, 2024; AND FOR OTHER PURPOSES.

Background Information:

The Florida Fraternal Order of Police (FOP) was certified by the Public Employees Relations Commission on August 23, 2021, as the exclusive representative for Police Captains, excluding the Internal Affairs and Administrative Services Division Captains. Collective bargaining negotiations with FOP represented Captains began on November 9, 2021.

The City and the FOP have reached a tentative 2022-2024 Collective Bargaining Agreement for represented Police Captains. If ratified by the Commission, the Agreement will be effective for the period of April 4, 2022 – September 30, 2024.

Attached for the Commission's consideration is Resolution No. 80-22 ratifying the Collective Bargaining Agreement (CBA) between the City of West Palm Beach and the Florida State Lodge, Fraternal Order of Police, Inc., Certified Unit No. 2004. The FOP Captains' unit members ratified the attached Collective Bargaining Agreement on March 21, 2022 by a vote of five (5) to zero (0).

Key provisions of the Agreement's Article 30 - Salary Plan - provide the following:

- A salary Step Plan Consisting of 5 Pay Steps with a Step 1 starting annual base salary of \$135,253.33 and an ending Step 5 annual base salary of \$161,269.68.
- A 5% Step pay increase on October 1, 2022 (FY23).
- A 3% Step pay increase on October 1, 2023 (FY24).

The Step Plan for represented Police Captains places the starting Step 1 annual base salary of Police Captains in 2nd place in the Palm Beach, Broward and Martin County regional market.

FOP represented Captains who held the position of Police Captain prior to the agreement taking effect will be migrated into the new Step Plan at Step 3, at an annual base salary of \$149,116.80.

The adjustment of the current five FOP represented Police Captains to the agreement's Step 3 represents an average base salary increase of 4.75% to 8.40% for those Captains.

The estimated FY22 cost of implementing this Agreement is approximately \$40,360 which will be absorbed from current personnel vacancy savings within the City and will not have an FY22 general fund budget impact. Costs for FY23 will be budgeted in the FY23 budget.

The full language of the tentative agreement is attached for more comprehensive review.

Staff recommends Board approval of Resolution No. 80-22.

Fiscal Note:

FY22 has available funds from vacancies. FY23 and FY24 will be budgeted.

- 9.5. Resolution No. 94-22 authorizing contracts for master property insurance, water system property insurance, excess liability insurance, excess workers' compensation insurance, crime insurance, and miscellaneous insurance policies for policy year 2022-23.

Originating Department:

Human Resources

Ordinance/Resolution:

RESOLUTION NO. 94-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING APPLICATION FOR AND EXECUTION OF ALL NECESSARY CONTRACTS FOR MASTER PROPERTY INSURANCE, WATER SYSTEM PROPERTY INSURANCE, EXCESS LIABILITY, EXCESS WORKERS' COMPENSATION, CRIME INSURANCE, ECR PROPERTY, GENERAL LIABILITY AND OTHER INSURANCE, PUBLIC OFFICIALS BOND, CITY CENTER PROPERTY INSURANCE, FIDUCIARY LIABILITY, CRA PROPERTY AND LIABILITY AND OTHER MISCELLANEOUS INSURANCE, FOR THE PERIODS OF MARCH 1, 2022 – FEBRUARY 28, 2023 AND OCTOBER 1, 2022 – SEPTEMBER 30, 2023, AS RECOMMENDED BY THE CITY'S INSURANCE BROKER, ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC; AUTHORIZING PAYMENT OF ALL INSURANCE PREMIUMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City, through the broker of record, Arthur J. Gallagher Risk Management Services, Inc., obtained master property insurance, water systems property insurance, excess liability, excess workers' compensation, crime insurance, and other miscellaneous insurance coverages for the 2022-2023 policy year. Master property insurance, utility systems insurance, excess liability insurance, excess workers' compensation insurance, and crime insurance coverages will be bound effective March 1, 2022. Miscellaneous other coverages will bind as they expire. The City is self-insured for workers' compensation, automobile liability, and general liability up to various self-insured retention levels. The City purchases excess insurance policies for liability claims exceeding \$350,000 and for workers' compensation claims exceeding \$500,000.

Section 66-94 of the City Code requires that contracts for insurance be approved by the City Commission.

Resolution No. 94-22 authorizes contracts and binders for the described insurance coverages.

Fiscal Note:

Will approve a total not-to-exceed the sum of \$3,690,772 for the specified insurance coverages. Fully-budgeted.

10. RESOLUTIONS

- 10.1. Resolution No. 82-22 accepting a donation from Huizenga Holdings, Inc. in the amount of \$240,395 to fund the purchase and operation of technology for the Police Department; and

Resolution No. 83-22(F) accepting a donation of \$115,395 from Huizenga Holdings, Inc. in Fiscal Year 2021-22 for Police Department technology upgrades.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 82-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A DONATION IN THE AMOUNT OF \$240,395 FROM HUIZENGA HOLDINGS, INC., FOR THE PURCHASE AND OPERATION OF LICENSE PLATE READER TECHNOLOGY FOR USE BY THE WEST PALM BEACH POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 83-22(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 2021/22 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF APPROVING THE ACCEPTANCE OF A DONATION OF ONE HUNDRED FIFTEEN THOUSAND THREE HUNDRED NINETY FIVE DOLLARS FROM THE HUIZENGA HOLDINGS, INC. FOR THE PURCHASE OF POLICE TECHNOLOGY UPGRADES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 82-22 and Resolution No. 83-22(F).

Background Information:

The West Palm Beach Police Department strives to provide excellent police service and a safe community every day, and is committed to elevating the quality of life in the City's neighborhoods by embracing the core values of community partnerships to identify, reduce, eliminate, and prevent crime impacting our community. The West Palm Beach Police Department's mission is to provide a safe place to live, work and play.

Over the past three years, cameras and LPR systems monitored by the department's Strategic Intelligence center have helped solve numerous crimes and recover stolen vehicles throughout the City.

Huizenga Holdings, Inc., as part of their public/private partnership and community outreach desires to donate One Hundred Fifteen Thousand Three Hundred Ninety-Five Dollars (\$115,395) to the City to be used to fund technology enhancements for the Police Department. This will help purchase additional CCTV cameras and subscription based LPR equipment for the Police Department's Strategic Intelligence Center. These additional cameras will be installed from 25th street, north to the city boundary and west to Australian Avenue. The donation of \$115,395 will fund one (1) year of subscription service and the installation of cameras.

Huizenga Holdings, Inc., has also has committed to subsequent donations in FY 2023 and 2024 of Sixty-Two Thousand, Five Hundred Dollars (\$62,500) to cover two (2) additional years of the technology subscription and related service fees.

The FY 2025 Police Department General fund budget for the Real Time Crime Center (RTCC) will need to be increased by Sixty-Two Thousand Five Hundred Dollars (\$62,500) to continue the subscription service.

The donation from Huizenga Holdings, Inc. will benefit several north end neighborhoods including the Old Northwood Historic Neighborhood, Northwood Shores Neighborhood Association, Northboro Park Historic Neighborhood, Northwood Gardens Neighborhood Association, Northwood Harbor Association, Northwood Legacy Association, Pinewood Park Neighborhood Association, and the Northwood Hills Neighborhood Association.

Resolution No. 82-22 accepts the donation and Resolution No. 83-22(F) appropriates the funds.

Commission District No. 2: Commissioner Shalonda Warren.

Fiscal Note:

No fiscal impact until FY 2025 to Police Budget.

- 10.2. Resolution No. 87-22 amending the Comprehensive Fee Schedule for Sidewalk Café permits.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 87-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE

COMPREHENSIVE FEE SCHEDULE FOR SIDEWALK CAFÉ PERMITS;
PROVIDING FOR THE EXPIRATION OF EXISTING SIDEWALK CAFÉ
PERMITS AND RENEWAL UNDER THE REVISED REGULATIONS;
PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 87-22.

Background Information:

On March 22, 2021, the City Commission approved Ordinance No. 4936-21 amending the regulations regarding sidewalk café permits. At the time, Staff proposed a uniform usage fee charged per square feet of right of way utilized for sidewalk café seating. The City Commission asked Staff to revise the annual usage fees in consideration of the different market conditions between downtown businesses and Northwood Village businesses.

The proposed fees include:

- an application fee: \$200.00
- an annual renewal fee: \$50.00
- an annual fee per square feet utilized:
 - \$5.00 per square foot of permitted area for sidewalk café seating for restaurants within the DMP.
 - \$2.50 per square foot of permitted area for sidewalk café seating for restaurants within Northwood Village or other City-owned right-of-way.

The proposed fees are based on an evaluation of similar sidewalk café fees assessed by neighboring municipalities, as well as the difference in rental price per square foot of commercial space between areas along Clematis Street and Northwood Road.

The new fees will be applicable city-wide, but primarily District 1 and District 3.

Commission District 1: Commissioner Kelly Shoaf.

Commission District 3: Commissioner Christy Fox.

11. PUBLIC HEARING

- 11.1. Resolution No. 288-21 finding that five (5) City-owned properties are not needed for City purposes, declaring the properties as surplus, and providing the method of disposition; and

Public Hearing and First Reading of Ordinance No. 4980-21 authorizing the conveyance of five (5) City-owned properties to the City of West Palm Beach Community Redevelopment Agency.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 288-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT FIVE CITY OWNED PROPERTIES LOCATED IN THE TAMARIND CORRIDOR WITHIN THE COMMUNITY REDEVELOPMENT AGENCY DOWNTOWN/CITY CENTER DISTRICT, AS MORE PARTICULARLY DESCRIBED HEREINBELOW, ARE NOT NEEDED FOR CITY PURPOSES AND ARE DECLARED TO BE SURPLUS; SELECTING THE METHOD OF DISPOSITION TO BE CONVEYANCE TO THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4980-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE CONVEYANCE OF FIVE CITY OWNED PROPERTIES LOCATED IN THE TAMARIND CORRIDOR WITHIN THE COMMUNITY REDEVELOPMENT AGENCY DOWNTOWN/CITY CENTER DISTRICT, AS MORE PARTICULARLY DESCRIBED HEREINBELOW, TO THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE CONVEYANCE OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 288-21.

Approve Ordinance No. 4980-21 on First Reading and schedule a Public Hearing and Second Reading for April 18, 2022.

Background Information:

The City of West Palm Beach Community Redevelopment Agency (CRA) and the City's Department of Housing and Community Development are involved in various efforts to provide economic and housing opportunities, to revitalize certain distressed areas of the City. The City currently owns five (5) vacant properties on Tamarind Avenue that are being considered for future redevelopment by the CRA. The properties are as follows:

- Parcel 1 (9th Street West of N. Tamarind Avenue)
- Parcel 2 (1006 9th Street)
- Parcel 3 (N. Tamarind Avenue Between 9th & 8th Street)
- Parcel 4 (1028 N. Tamarind Avenue)

- Parcel 5 (9th Street West of N. Tamarind Avenue)

In furtherance of City and CRA objectives, City staff recommends that these five parcels be transferred to the CRA for the purposes of completing redevelopment projects that will result in the following targeted outcomes:

- Increased Property Value.
- Increased Tax Base and TIFF.
- Reduction of Vacant Land.
- Additional construction and private development.
- Substantial visual impact on the corridor.

Section 2-31(27)(b) of the City Code of Ordinances requires that prior to the disposition of City property, the City Commission must make a legislative finding that the property is not needed for City purposes, declare the property surplus, and select the method of disposition. The method of disposition may be formal negotiation with an interested party, in this case, the City of West Palm Beach Community Redevelopment Agency.

Pursuant to Section 2-31(27)(c) of the City Code of Ordinances, appraisals are not required for conveyance to another government agency. Due to the public benefits derived, staff desires to transfer the properties at no cost to the CRA.

Resolution No. 288-21 declares that five (5) City-owned properties are not needed for City purposes, declares the properties as surplus, and selects the method of disposition of the properties to be conveyance to the City of West Palm Beach Community Redevelopment Agency.

Ordinance No. 4980-21 authorizes the conveyance of five (5) City-owned properties to the CRA for purposes of furthering the redevelopment efforts in the Tamarind Corridor.

This Ordinance will be scheduled for a Second Reading on April 18, 2022.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 11.2. Public Hearing and Second 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.

12. PUBLIC HEARING - QUASI-JUDICIAL

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

- 12.1. Resolution No. 91-22 approving a maintenance agreement with TDC DRI West Palm Beach LLC for landscape and hardscape maintenance of a portion of the city's ROW adjacent to 695 South Olive Avenue, Trinity Place and Tanglewood Court.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 91-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A RIGHT-OF-WAY MAINTENANCE AGREEMENT BETWEEN TDC DRI WEST PALM BEACH LLC, AND THE CITY OF WEST PALM BEACH FOR MAINTENANCE OF A PORTION OF THE CITY RIGHT-OF-WAY ADJACENT TO 695 SOUTH OLIVE AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 91-22.

Background Information:

The 695 South Olive Avenue residential project including 219 residential units and located on the west side of South Olive Avenue between Trinity Place and Tanglewood Court, has completed its construction and it is requesting final certificate of occupancy (CO). Before final CO can be issued, the developer (TDC DRI West Palm Beach LLC) and the City shall enter into a maintenance agreement to transfer the maintenance of all landscape, irrigation, specialty hardscape, trash cans and bike racks installed within the city's ROW as part of the project to the developer. The street lighting will remain the responsibility of the City.

Resolution No. 91-22 approves the Right of Way maintenance agreement with the project's developer.

The project is located in Commission District 3: Commissioner Christy Fox.

13. 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.

14. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

15. 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.