



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**February 24, 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:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

CONSENT CALENDAR (1-7): ALL CONSENT ITEMS APPROVED, EXCEPT #7

1. **Resolution No. 12-20(F) amends the Art in Public Places Fund FY2019/2020 adopted budget to reallocate the job title, job code and pay grade of the current position of Art in Public Places Coordinator to Administrator of Public Art and Culture.**

Resolution No. 11-20(F) amends the General Fund FY2019/2020 adopted budget to change the job title, job code and pay grade of the current position of Director of the Office of Public Life to Neighborhood Services and Engagement Manager; and reduces one full-time equivalent (FTE) in the Housing and Community Development Department by deleting a Community Resources Liaison and Clerical Specialist positions and adding an Administrative Assistant position

RESOLUTION NO. 12-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE PERSONNEL DETAIL OF THE ART IN PUBLIC PLACES FUND BUDGET TO REALLOCATE THE JOB TITLE, JOB CODE AND PAY GRADE FOR THE CURRENT POSITION OF ART IN PUBLIC PLACES COORDINATOR TO ADMINISTRATOR OF PUBLIC ART AND CULTURE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 11-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE FULL TIME EQUIVALENT (FTE) PERSONNEL DETAIL OF THE GENERAL FUND FY 2019/2020 ADOPTED BUDGET FOR THE MAYOR'S OFFICE AND FOR THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22806

Staff Recommended Motion:

Approve Resolution No. 11-20 (F) and Resolution No. 12-20(F).

Background:

This item is a request for City Commission approval of three changes in the FY2019/20 adopted budget. One of the items has a nominal fiscal impact, one is a title change only and the last is a salary reduction. The first item is a reallocation of the Art in Public Places Coordinator position from part-time (.75 FTE) to full-time (1.0 FTE) which includes a title and salary change. The adopted Art in Public Places (AIPP) General Fund budget includes the position of Art in Public Places Coordinator: job code 101838, pay grade 54 (salary range: \$49,245-\$73,877) and position control number 3390. The Mayor's Office has requested to reallocate the position to that of Administrator of Public Art and Culture: job code 101839, pay grade 56 (salary range: \$51,738-\$77,617) and position control number 3390. The new position classification was included in the City's salary plan approved on September 23, 2019 via Resolution No. 302-19. The adopted budget incorporated the change in the position from part-time to full time under the former classification; however, it should have been for the new classification. Sufficient budget is available within the fund to cover the increased salary costs. The future budget impact for the AIPP for FY 2021 is approximately \$6,700.

The second item is a title change only for the position of Director of the Office of Public Life. The adopted General Fund budget in the Community Engagement Division of the Mayor's Office includes the position of Director of the Office of Public Life: job code 101149, pay grade 73 (salary range: \$78,725-\$118,104) and position control number 3547. The Mayor's Office has requested to change the job title in the adopted budget to Neighborhood Services and Engagement Manager: job code 101124, pay grade GM 14 (salary range: \$84,249-\$130,164) and position control number 3547. The new position classification was included in the City's salary plan approved on September 23, 2019 via Resolution No. 302-19; however, the former position classification was inadvertently left in the adopted budget.

The third item is a request to delete two positions within the Housing and Community Development Department and add a new position. The positions to be eliminated include a Community Resources Liaison: job code 101163, pay grade 44 (salary range: \$38,470-\$57,713) and position control number 2842 and a Clerical Specialist: job code 000117, pay grade 38 (salary range \$33,172-\$49,765) and position control number 3052. The position to be added is an Administrative Assistant: job code 200106, pay grade 47 (salary

range \$41,428-\$62,150) and position control number 3052. This change will strengthen the administrative support in the Department as well as result in a cost savings of approximately \$42,000.

Fiscal Note:

No FY 2020 fiscal impact. Fund 316 FY 2021 increase of approx. \$6,700.

2. Resolution No. 218-19 approving a License Agreement and a Lake Path and Maintenance Agreement with Village at Mangonia Lake, LLC.

RESOLUTION NO. 218-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REVOCABLE LICENSE AGREEMENT AND A LAKE PATH AND LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND VILLAGE AT MANGONIA LAKE, LLC, FOR THE USE OF CITY OWNED PROPERTY LOCATED ADJACENT TO AND RUNNING PARALLEL TO THE EAST SIDE OF LAKE MANGONIA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22807

Staff Recommended Motion:

Approve Resolution No. 218-19.

Background:

The Village at Mangonia Lake project, which is located just east of Lake Mangonia, was approved by the City Commission on March 27, 2017. The Project is a 240-unit apartment complex, comprised of three 6 story buildings and two 3 story buildings with a clubhouse and other amenities. As part of that approval, a condition was included that required the Developer to construct a portion of the lake path adjacent to the subject site to the City standards at the owner/developer's expense, prior to the issuance of the Certificate of Occupancy. The condition of approval also required the Developer or property owner's association to be responsible for the maintenance of said portion of the lake path. The Developer constructed the lake path and Resolution No. 218-19 approves a License Agreement authorizing the Developer to construct the lake path on City property and a Maintenance Agreement for the Developer to maintain lake path and associated landscaping.

COMMISSION DISTRICT: The subject property is located within Commission District No. 1- Commissioner Kelly Shoaf.

3. Resolution No. 32-20 approving an agreement Between the City of West Palm Beach and Seacoast Utility Authority for a Potable Water Emergency Interconnection.

RESOLUTION NO. 32-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING A POTABLE WATER EMERGENCY INTERCONNECTION FOR SEACOAST UTILITY; APPROVING AN AGREEMENT FOR THIS EMERGENCY INTERCONNECTION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22808

Staff Recommended Motion:

Approve Resolution No. 32-20.

Background:

Seacoast Utility Authority (Authority) is a public utility that provides potable water service to its customers in Northern Palm Beach County and the Authority may require an additional supply of water from time to time on a temporary emergency basis to serve its customers.

The Authority's desire is to connect their water systems ("Interconnection") in order to allow the Authority to purchase potable water from the City to meet temporary emergency demands under the terms and conditions of the Agreement.

Resolution No. 32-20 approves the Interconnection and authorizes the Agreement with Seacoast Utility Authority.

Fiscal Note:

No fiscal impact.

4. Resolution No. 47-20 amending Resolution No. 108-14 to amend the form of the City's Traffic Enforcement Agreement.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RELATING TO TRAFFIC CONTROL AND ENFORCEMENT OVER PRIVATE ROADS; AMENDING RESOLUTION NO. 108-14 TO AMEND THE FORM OF THE CITY'S TRAFFIC ENFORCEMENT AGREEMENT TO PROVIDE FOR AN INDEFINITE TERM WITH CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22809

Staff Recommended Motion:

Approve Resolution No. 47-20.

Background:

Florida Statutes, Sections 316.006(2) (b) and 316.640(3) (a) authorizes municipalities to provide traffic control and enforcement over private roads pursuant to a written agreement with the party or parties owning or controlling such roads. On April 28, 2014, the Commission approved Resolution No. 108-14 which authorize the exercise of traffic control and enforcement over eligible private roads within the corporate limits of the City and approved the form of agreement to be executed between the City and the eligible property Owners.

The current agreement provides for a term of five years which may be renewed for one additional period of five years provided the private entity submits a formal request, in writing, prior to the expiration of the agreement. Police and City Attorney staff are requesting that this provision be amended to provide for an indefinite term, terminable by either party after proper notice. The City will be able to terminate the agreement at any time, in its sole discretion, with or without cause, or for its convenience, by Mayoral decision, or, upon recommendation of the Chief of Police or City Administrator and approval by the Mayor, pursuant to a written Notice of Termination. The Private entity will be able to terminate the agreement upon not less than 30 days advance written notice to the City in the form of a Resolution duly adopted by the governing board or body and delivery of an original written copy to the Chief of Police.

This change in the term of the agreement will avoid administrative problems resulting from the fact that the police department does not have the authority to request renewal of enforcement agreements and the department must monitor the expiration dates of many different agreements so as not to exercise jurisdiction in areas where agreements have expired. Considering that the law does not limit the term of the agreement to one renewal and that requests for renewal after the ten-year period are generally approved, absent some extenuating circumstance, staff recommends approval of Resolution No. 47-20.

5. **Resolution No. 30-20 amending the City's Salary Plan for FY2019/2020 by creating the job classification of Executive Director, Community Redevelopment Agency, Resolution No. 41-20(F) adding one Full Time Equivalent (1 FTE) position to the Mayor's Office, and Resolution 42-20(F) providing required budget reallocations.**

RESOLUTION NO. 30-20: 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. 302-19, APPROVED ON SEPTEMBER 23, 2019, AND AMENDED ONCE THEREAFTER, TO CREATE THE JOB CLASSIFICATION OF EXECUTIVE DIRECTOR, COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 41-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (FTE) PERSONNEL DETAIL OF THE GENERAL FUND AND THE MAYOR'S OFFICE BUDGET TO ADD AN EXECUTIVE DIRECTOR, COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 42-20(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 FOR THE MAYOR'S OFFICE, CRA DEPARTMENT, TO PROVIDE APPROPRIATIONS FOR THE ADDITION OF ONE FULL-TIME POSITION OF EXECUTIVE DIRECTOR, COMMUNITY DEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22810

Staff Recommended Motion:

Approve Resolution No. 30-20, Resolution No. 41-20(F), and Resolution No. 42-20(F).

Background:

Resolution No. 30-20 amends the City's Salary Plan for FY2019/2020 by creating the job classification of Executive Director, Community Redevelopment Agency, consistent with Resolution 29-20 and the Amended Interlocal Agreement between the CRA and the City of West Palm Beach. This job classification is allocated to pay grade GM17 with a salary range of \$121,330 - \$181,995. The position reports to the CRA board and will work closely with CRA board members and City staff, in connection with new or contemplated capital improvements and long-range plans. It is responsible for facilitating, monitoring and ensuring that all projects are implemented in accordance with the goals of the CRA and City. The duties also include negotiating contracts, developing incentives, recruiting compatible development activity and supervising consultants. The incumbent serves as the City's liaison to any CRA Consulting Firm as well as various partner agencies, community leaders, business and property owners.

Resolution No. 41-20(F) amends the full-time equivalent budget (FTE) for the Mayor's Office/CRA by adding one Community Redevelopment Agency Executive Director position.

Resolution No. 42-20(F) authorizes the reallocation of budget appropriations within the City's General Fund, CRA cost center to move expenditure appropriations from professional services to salaries and benefits to provide for the costs associated with adding the Community Redevelopment Agency Executive Director.

Fiscal Note:

Approval will move current expenditure category from Professional Services to Personnel Services within the General Fund.

6. Resolution No. 359-19 approving a right of way maintenance agreement for the Rosarian Academy Community Service Planned Development.

RESOLUTION NO. 359-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A RIGHT OF WAY MAINTENANCE AGREEMENT WITH ROSARIAN ACADEMY, INC., FOR MAINTENANCE OF THE LANDSCAPE AND HARDSCAPE WITHIN A PORTION OF THE RIGHT OF WAY ALONG 8TH STREET ADJACENT TO THE ROSARIAN ACADEMY COMMUNITY SERVICE PLANNED DEVELOPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22814

Staff Recommended Motion:

Approve Resolution No. 359-19.

Background:

Located within the Downtown Master Plan area, the Rosarian Academy has operated under its own zoning regulations as a Planned Development. Prior to 1997, the Academy was a Public Semi Public Planned Development (PSPPD). It was rezoned from PSPPD to Community Service Planned Development (CSPD) in 1997 through Ordinance 3033-97, as amended.

On April 9, 2019, Jon Schmidt of Schmidt Nichols on behalf of Rosarian Academy Inc. submitted an application for a Major Amendment to the Rosarian Academy CSPD to permit the use of artificial turf for an athletic field, for modifications to the sports fields, and for a variance for a fence height for the athletic fields. Through the efforts of Planning and Zoning staff, various cleanup efforts are being done as part of this Major Amendment, including a cleanup to a legal description error in Ordinance 3033-97, recordation of utility easements, and the replatting of the property. The original development of the CSPD was completed prior to the recording of maintenance agreements by the City for improvements installed within the right-of-way. Rosarian Academy has been maintaining the landscape and hardscape within the rights-of-way on 8th Street; however, a formal maintenance agreement was never recorded. Staff desires to formalize the maintenance obligations of the Academy and record a maintenance agreement for the right of way surrounding the Academy at the same time as the PD Amendment. This is similar to the recent recordation of maintenance agreements for other planned developments within the Downtown including Esperante and Phillips Point.

The Maintenance Agreement transfers the maintenance of the trees, landscaping, pavers, benches, planters and landscape lighting in the public right of way along the project's boundaries on 8th Street adjacent to the Academy.

COMMISSION DISTRICT: the Property is located in Commission District 3, Commissioner Richard Ryles.

ITEM PULLED FROM THE CONSENT CALENDAR:

7. **Resolution No. 60-20 APPROVED** approving a license agreement with Yachting Promotions, Inc., for staging and storage related to the Boat Show on City-owned property located at 8111 S. Dixie Highway.

RESOLUTION NO. 60-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND YACHTING PROMOTIONS, INC. FOR STAGING AND STORAGE RELATED TO THE 2020 BOAT SHOW ON THE CITY OWNED PROPERTY LOCATED AT 8111 S. DIXIE HIGHWAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22817

Staff Recommended Motion:

Approve Resolution No. 60-20.

Background:

The City of West Palm Beach owns the property located at 8111 S. Dixie Highway.

Yachting Promotions, Inc., the managing organization producing the 2020 Palm Beach International Boat Show, has requested for the City to grant a Revocable License enabling them to enter upon the City's property. The property will be utilized for staging and storage purposes for a period of three (3) months beginning on March 1, 2020 and ending on May 31, 2020.

Yachting Promotions, Inc. will pay 85% of fair market rent in the amount of \$5,400 monthly for 3 months for a total license fee of \$16,200 for use of 3.5 acres of the site. Breakdown of the license fee is as follows:

- Market Rate Rental Per Acre: \$1,815
- Acres: 3.5
- Market rate per month: \$6,352.50
- 85% of Market Rate: \$5,400
(as per Real Property Lease Management Policy)

Broker price opinion establishing the fair market rent is attached to this agenda item. All terms of the License Agreement are consistent with the City's Real Property Lease Management Policy as approved by Ordinance No. 4868-19.

The Department of Housing and Community Development recommends approval of the License Agreement in such form and substance similar to that attached hereto and as

approved by the Office of the City Attorney.

COMMISSION DISTRICT: Property is located in Commission District 5 – Commissioner Christina Lambert.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (8-11):

8. **Resolution No. 18-20(F) APPROVED providing for the receipt and appropriation of \$75,000 from the Downtown Development Authority to the City's Homelessness Prevention Program in the Donation Fund for homeless outreach activities.**

RESOLUTION NO. 18-20(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 DONATION FUND TO PROVIDE APPROPRIATIONS FOR A CONTRIBUTION FROM THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY TO SUPPORT THE CITY'S HOMELESSNESS PREVENTION PROGRAM: PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22811

Staff Recommended Motion:

Approve Resolution No. 18-20 (F).

Background:

On December 16th, 2019, by Resolution No. 414-19 the City Commission approved the Interlocal Agreement between the West Palm Beach Community Redevelopment Agency, the City of West Palm Beach and the West Palm Beach Downtown Development Authority Regarding the DDA Work Plan and other matters.

Pursuant to the Interlocal Agreement, the DDA agreed that its Work Plan will include annual funding in the amount of \$75,000 to support the City's on-going efforts of providing outreach and engagement services to homeless individuals.

On October 30th, 2019, by Resolution No. 393-19 the City Commission approved an agreement between the City of West Palm Beach and The Lord's Place, Inc., in the amount of \$215,000 for the provision of certain services to homeless persons.

Resolution No. 18-20(F) receives the \$75,000 from the Downtown Development Authority and appropriates these funds to the City's Homelessness Prevention Program in the Donation Fund for homeless outreach activities.

Fiscal Note:

Approval provides for the receipt and appropriation of \$75,000 to the City's Homelessness Prevention Program in the Donation Fund.

9. **Resolution No. 39-20 APPROVED authorizing the Mayor to execute an Interlocal Agreement between the City of West Palm Beach and Palm Beach County for the 2020 Drowning Prevention Coalition's Learn to Swim Program that distributes vouchers to the public which may be redeemed for swimming lessons at designated aquatic facilities within Palm Beach County.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR PARTICIPATION IN THE 2020 DROWNING PREVENTION COALITION'S LEARN TO SWIM PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22812

Staff Recommended Motion:

Approve Resolution No. 39-20.

Background:

The Palm Beach County Drowning Prevention Coalition's 2020 Learn to Swim Program is a voucher-based reimbursement program for organizations that provide swimming lessons. The Drowning Prevention Coalition approached the City of West Palm Beach Department of Parks and Recreation requesting that the City be a designated aquatic facility to provide lessons using the voucher reimbursement. The Drowning Prevention Coalition distributes vouchers for free swim lessons to qualified applicants. Any family receiving State or Federal assistance such as free or reduced lunch for school age children, qualify for vouchers. The Drowning Prevention Coalition's Learn to Swim Program allows voucher recipients to take swim lessons at the Warren Hawkins Aquatic Center for a free or reduced rate. Vouchers are available for youth through the second level of the American Red Cross learn to swim program.

Upon completion of the course, the City will present the vouchers to the Drowning Prevention Coalition for payment. The voucher reimbursement will be at the same rate as the current evening group lesson fee of \$35/resident, \$44/non-City resident and the Summer Camp group rate of \$35/child. Eight (8) evening classes for non-swimmers are held Mondays and Wednesdays in the Spring and Fall seasons for four (4) weeks and Mondays-Thursdays for two (2) weeks in the summer. Weekend classes are available on Saturday mornings. Summer camp lessons are held once a week for six (6) weeks. The vouchers may be applied toward the cost of a semi-private or private swim lesson. City aquatic staff are Water Safety Instructors certified through the American Red Cross.

This is a win-win partnership which increases drowning prevention awareness as well as offers a mechanism to provide swimming lessons to those who are at risk for drowning.

Resolution No. 39-20 approves the Interlocal Agreement for Swimming Lessons between Palm Beach County and the City.

10. **Resolution No. 56-20 APPROVED approving the Interlocal Agreement between Palm Beach County and the City of West Palm Beach providing grant funding to the City to purchase Compact Stop the Bleed Kits.**

Resolution No. 59-20(F) APPROVED providing for the receipt and appropriation of Twelve Thousand Four Hundred Sixty-Six and 08/100 (\$12,466.08) in grant funding.

RESOLUTION NO. 56-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH ACCEPTING A GRANT IN AN AMOUNT NOT TO EXCEED \$12,466.08 FOR REIMBURSEMENT OF THE PURCHASE OF COMPACT STOP THE BLEED KITS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 59-20(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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO RECOGNIZE RECEIPT OF A GRANT FROM PALM BEACH COUNTY FOR REIMBURSEMENT OF COSTS TO PURCHASE COMPACT STOP THE BLEED KITS AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22816

Staff Recommended Motion:

Approve Resolution No. 56-20 and Resolution No. 59-20(F).

Background:

Palm Beach County is the recipient of grant funds from the Florida Department of Health to improve and expand pre-hospital Emergency Medical Services (EMS) systems in the County. Each grant recipient county is encouraged to disburse funds to EMS providers operating within the County. Palm Beach County offers an EMS grant program which provides funding for the purchase or replacement of EMS Equipment. West Palm Beach Fire Rescue desires to purchase Compact Stop the Bleed Kits.

The Fire Department responds quickly in every emergency, but a person can bleed to death in as little as five minutes. Rapid access to emergency bleeding control products for city employees will increase survivability of victims and can save lives in incidents involving severe bleeding. This is the basis for the Department of Homeland Security's "Stop The Bleed" program, a nationwide campaign to empower individuals to act quickly and save lives. The City participates in the national "Stop the Bleed campaign". This has made the City more resilient by better preparing its employees to save lives if someone nearby is severely bleeding. The City currently has forty-eight Automated External Defibrillators cabinets throughout the City. Adding the compact Stop The Bleed Kit to the cabinets will create a Safety Station. With its high visibility color and clear "BLEEDING CONTROL" labeling, these kits are identifiable upon sight, reducing the response time of individuals who need to act rapidly to control the loss of blood.

The West Palm Beach Fire Department requested funds from Palm Beach County to purchase Stop the Bleed Kits. Palm Beach County has awarded the City a grant in an amount not to exceed \$12,466.08 for the purpose of purchasing the Kits.

Use of the grant funds will improve and support pre-hospital services. It is the City's priority to promote a safe and secure community, and the Fire Department's strives to meet and exceed these expectations.

The Grant funds will be provided to the City by the County on a reimbursement basis once the Kits have been purchased. The Fire Department will ensure proper installation and will continue to train City employees in the Stop the Bleed program.

Resolution No. 56-20 authorizes the Mayor to execute the Interlocal Agreement and Resolution No. 59-20(F) appropriates the \$12,466.08 for the purchase.

Fiscal Note:

The expended funds (\$12,466.08) will be reimbursed to the City by the County once the kits have been purchased.

11. **Resolution No. 53-20 APPROVED approving an Interlocal Agreement among the South Florida Regional Transportation Authority (SFRTA), the Town of Mangonia Park and the City regarding SFRTA's Northern Layover and Light Maintenance Facility.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT AMONG THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY, THE TOWN OF MANGONIA PARK AND THE CITY OF WEST PALM BEACH REGARDING THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY'S NORTHERN LAYOVER AND LIGHT MAINTENANCE FACILITY; PROVIDING FOR AN EFFECTIVE DATE;

AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22815

Staff Recommended Motion:

Approve Resolution No. 53-20.

Background:

The South Florida Regional Transportation Authority (SFRTA) owns and operates the Tri-Rail commuter rail service on the South Florida Rail Corridor owned by the Florida Department of Transportation. SFRTA is proposing to design, construct and operate a layover and light maintenance facility together with ancillary improvements to support its Tri-Rail commuter rail service (the "Project"). The Project will relocate SFRTA's existing light maintenance and layover activities from the existing facility in West Palm Beach to a new SFRTA facility further north that will include layover or storage tracks, inspection and service areas, a small office building, limited parking, on-site utility connections for reduced train idling, the improvement and relocation of an existing drainage canal, and roadway access through non-residential areas.

Portions of the Project property are located within the boundaries of three municipalities; West Palm Beach, City of Riviera Beach ("Riviera Beach") and Mangonia Park and accordingly, will require certain local government services, approvals and permits prior to commencement of design and construction. The Project will also benefit the surrounding local communities by including, as a part of the Project scope, sound barrier walls (i.e. noise walls), the relocation of an outdated drainage canal and construction of a new drainage canal, culverts and related infrastructure, and drainage improvements.

The City, Mangonia Park and SFRTA desire to enter into a tri-party Interlocal Agreement to allocate among each other responsibility for providing support and assistance to SFRTA in connection with the Project. Under such Interlocal Agreement, West Palm Beach will agree to:

- Provide fire and emergency medical services to the Project as may be necessary or required. The expected cost of providing fire and EMS to the Project is not expected to have a material impact on West Palm Beach's annual budget for fire/EMS services and West Palm Beach will not charge SFRTA for these services.
- Make all reasonable and good faith efforts to amend West Palm Beach's utility services boundary so that the corner within the Project boundaries is included within the utility service area for the Town of Mangonia Park for providing water/sewer services to the Project.
- Provide planning assistance for the Project limited to life-safety review, permitting and building inspection for the Project.
- Make its staff reasonably available to assist with the purposes and implementation of the Interlocal Agreement.

The term of the Interlocal Agreement is five (5) years or until the Project is fully completed. Should the Project not be completed in five (5) years, the initial five (5) year term will be extended for successive one-year additional terms unless any Party provides one-year written notice of non-renewal.

Resolution No. 53-20 approves execution of the Interlocal Agreement regarding SFRTA's Northern Layover and Light Maintenance Facility.

Fiscal Note:

No fiscal impact.

PUBLIC HEARING (12):

12. **Public Hearing and Second Reading of Ordinance No. 4890-20 **APPROVED** 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.: 22813

Staff Recommended Motion:

Approve Second Reading of Ordinance No. 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 No. 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 (13):

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

13. **Public Hearing and First Reading of Ordinance No. 4889-19: ~~WITHDRAWN~~**
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.

THE APPLICANT HAS WITHDRAWN THE APPLICATION.

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.