



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**April 6, 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:

PRESENTATION AND AWARDS OF MERIT (1-3):

1. **Proclaiming April 8, 2020 as: Vision Zero Florida Day. Proclamation to be accepted by Tara Applebaum, Vision Zero Coordinator, Kathleen Walter, Director of Communications, Penelope Redford, Manager of Sustainability Initiatives, Lawrence Ganns, Marketing Coordinator, Diana Matty, Fire Chief, Police Lieutenant Roy Bevell, David Summers, the Health Care District of Palm Beach County, and Robert Moreland, St. Mary's Medical Center.**
Agenda Cover Memorandum No.: 22850
2. **Proclaiming April 12-18, 2020 as: National Public Safety Telecommunicators Week. Proclamation to be accepted by Suzette Dodd, Telecommunicator Manager and Nathasha Potter, Assistant Telecommunicators Manager, West Palm Beach Police Department-Dispatch Operations.**
Agenda Cover Memorandum No.: 22851

3. **Proclaiming April 2020 as: Water Conservation Month. Proclamation accepted by Poonam Kalkat, Director of Public Utilities, and Elaine Christian, Sustainability Program Coordinator.**
Agenda Cover Memorandum No.: 22852

Background:

April is Water Conservation Month and 2020 is the eighth year the City of West Palm Beach will be participating in the Wyland National Mayor's Challenge for Water Conservation. We won in 2013 and are up to the challenge again! Water conservation is an important component of a dependable water supply. The Mayor calls upon citizens and businesses to "Take the Pledge" to conserve water over the month of April and in so doing, they conserve our most precious natural resource, protect Grassy Waters Preserve and are registered to win prizes.

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

CONSENT CALENDAR (4-14):

4. **Minutes of the Regular City Commission Meeting of March 9, 2020.**
Agenda Cover Memorandum No.: 22853

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of March 9, 2020.

5. **Minutes of the Regular City Commission Meeting of March 23, 2020.**
Agenda Cover Memorandum No.: 22854

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of March 23, 2020.

6. **Resolution No. 82-20 Approving a Sublease Agreement between the City of West Palm Beach and United Parking System, Inc., regarding United Parking's use of the properties located at 321 and 325 Datura Street.**

RESOLUTION NO. 82-20. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND UNITED PARKING SYSTEMS, INC., REGARDING UNITED PARKING'S USE OF THE PROPERTIES LOCATED AT 321 AND 325 DATURA STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22855

Staff Recommended Motion:

Approve Resolution No. 82-20.

Background:

5816 Waring Partners, LLC owns the three vacant parcels of land located at 321, 325 and 333 Datura Street, West Palm Beach, FL. On January 11, 2019, the City issued parking invoice no. 11519 in the amount of \$151,200 (the "Invoice") due to the permanent removal of nine metered parking spaces related to the One West Palm project located at 550 N. Quadrille Blvd. On October 21, 2019, the City Commission approved Resolution No. 329-19 authorizing the City's Lease of three vacant parcels of land located at 321, 325 and 333 Datura Street, West Palm Beach, FL in exchange for the City's forgiveness of the Invoice at the conclusion of the lease term.

The City's lease with 5816 Waring Partners commenced December 9, 2019. The City is in the process of redesigning Datura Street and is currently utilizing the vacant parcel of land located at 333 Datura Street for construction staging. The City desires to sublease the parcels located at 321 and 325 Datura Street to United Parking Systems, Inc. to continue the operation of a parking lot. United Parking Systems has operated a parking lot on these parcels for a number of years. United Parking Systems, Inc. has agreed to pay the City the sum of \$150,000 to sublease the parcels located at 321 and 325 Datura Street.

Resolution No. 82-20 approves a sublease agreement with United Parking Systems, Inc.

COMMISSION DISTRICT: The properties are located in Commission District No. 3.

Fiscal Note:

Receipts totaling \$150,000 to be credited to Parking Enterprise Fund established revenue account for Parking Meter Hood Rentals.

- 7. Resolution No. 95-20(F) amending the full-time equivalent budget for the West Palm Beach Fire Department General Fund for fiscal year 2019-20 to eliminate one (1) FTE of Special Projects Coordinator and add two (2) FTEs, an Administrative Assistant and Accountant.**

RESOLUTION NO. 95-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FY2019/2020 FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE FIRE DEPARTMENT GENERAL FUND BUDGET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22856

Staff Recommended Motion:

Approve Resolution No. 95-20(F).

Background:

Resolution No. 95-20(F) amends the full time equivalent (F.T.E.) budget for the West Palm Beach Fire Rescue Department by eliminating one (1) Special Projects Coordinator position, pay grade 75 (salary range: \$82,711 to \$124,083) and adding one (1) Administrative Assistant position, pay grade 47 (salary range: \$41,428 to \$62,150) and one (1) Accountant position, pay grade 55 (salary range: \$50,476 to \$75,724) in the Fire Administration Division.

The Special Projects Coordinator position is currently vacant and there will be no fiscal impact in FY 2020. The Fiscal Impact for FY 2021 is estimated at \$3,623.

Fiscal Note:

FY 2020 fiscal impact will be a savings due to vacancy since Dec 2019. FY 2021 increase of approx. \$3,623.

8. **Resolution No. 89-20 ratifying the submittal of an application to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant Program (2019).**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, FOR A GRANT UNDER THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM 2019 TO BE USED TO PURCHASE EQUIPMENT AND TO PROVIDE TRAINING AND TO IMPLEMENT A COMMUNITY PARAMEDIC PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22857

Staff Recommended Motion:

Approve Resolution No. 89-20.

Background:

The West Palm Beach Fire Department is seeking ratification of its submittal of an application to the Department of Homeland Security for a grant under the Assistance to Firefighters Grant Program. These grants are given to support and enhance the fire safety of the public and responding firefighters. The grant notice was posted on January 27, 2020 and the application deadline was March 13, 2020.

One of the City's Strategic Priorities includes: Promote a Safe and Secure Community. It is the Fire Department's desire to meet and exceed this strategic priority. The Fire Department intends to utilize the funds of this grant to protect its members from injury and illness while also enhancing their member's level of training. These funds will be utilized to purchase the following: Self-loading stretcher systems, an incident command vehicle, rescue technician and officer training, and a community paramedic program.

The self-loading stretchers stand to drastically reduce the occurrence of back injuries. This resource will also create a safer working environment for our members and the patients we transport. By providing our members with additional training in officer development and technical rescue, they will be better prepared to respond to the emerging call types presented by a growing city. The incident command vehicle is a long-needed resource that can be used in conjunction with the City's Police Department. This vehicle can be used for special events, hostile events, fires and other emergencies.

Grant funds will also be used to provide additional training for rescue technicians and officers.

Finally, the Fire Department seeks funds to implement a community paramedic program wherein personnel are focused on supportive care instead of emergency care. Similar programs focus on reducing the burden to the EMS and hospital systems, connecting people with needed services and follow up by appropriate partners. This program would be similar to the Mobile Integrated Health operated by Palm Beach County Fire Rescue.

The requested grant amount is approximately \$1,444,200 with a 10% match of \$144,420.

Resolution No. 89-20 ratifies the submittal of a grant application.

Fiscal Note:

City 10% match commitment will be funded with City reserve funds. Once the community medic program is established, more grant funds are available for expansion and continuation.

9. **Resolution No. 92-20 amending a grant agreement from the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management (IPTM) increasing the amount of reimbursement funds for overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety in the amount of \$15,000.**

Resolution No. 93-20(F) providing for the receipt and appropriation of an additional Fifteen Thousand Dollars (\$15,000) in grant funding in FY 2019/2020 from \$21,392.00 to \$36,392.

RESOLUTION 92-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE GRANT FROM THE UNIVERSITY OF NORTH FLORIDA TRAINING AND SERVICES INSTITUTE, INC., D/B/A THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT FOR AN INCREASE IN THE AMOUNT OF REIMBURSEMENT OF OVERTIME EXPENSES INCURRED FOR THE PUBLIC EDUCATION AND ENFORCEMENT OF PEDESTRIAN AND BICYCLE SAFETY LAWS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO 93-20(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 APPROVING A GRANT AGREEMENT AMENDING THE GENERAL FUND BUDGET TO INCREASE CURRENT APPROPRIATIONS OF GRANT FUNDS ALLOCATED TO POLICE PUBLIC EDUCATION AND ENFORCEMENT OF PEDESTRIAN AND BICYCLE SAFETY LAWS GRANT.

Agenda Cover Memorandum No.: 22858

Staff Recommended Motion:

Approve Resolution Nos. 92-20 and 93-20(F).

Background:

By Resolution No. 347-19, The University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM") is the recipient of a grant from the Florida Department of Transportation (FDOT) for the education and enforcement of Pedestrian and Bicycle safety laws. The funding is intended to support activities that should reduce pedestrian and bicycle crashes as they are more likely than any other types of crashed to produce serious injuries or fatalities. In response to one of FDOT's safety campaigns, the West Palm Beach Police Department submitted statistics on traffic crash severity from high pedestrian involvement locations throughout the City and proposed a plan of implementation. West Palm Beach was awarded a portion of the funding allocated to the University of North Florida for the administration of the FDOT grant.

The award notification was received October 7, 2019 providing \$21,392 to the City through a Sub-Recipient agreement with the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM") for the purpose of providing reimbursement for overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety.

This Pedestrian and Bicycle Safety Enforcement Campaign is approved for overtime hourly costs plus benefits for operations to be completed during the hours approved at each location between the execution of the contract and May 15, 2020. The approved intersections/corridors to conduct operations are identified within the scope of this grant as:

1. Okeechobee Boulevard from Palm Beach Lakes Boulevard to Dixie Highway between 8:00 PM and 3:00 AM.
2. Broadway Avenue from 36th Street to 59th Street between 9:30 AM and 1:00 AM.
3. Region Borders: South: Okeechobee Boulevard; West: Tamarind Avenue; East: Dixie Highway; North: Palm Beach Lakes Boulevard.

Budget appropriations of \$21,392 provided funds in an overtime account to offset the revenue reimbursement.

Resolution No. 93-20(F) authorizes a Grant Amendment which replaces the previously executed grant agreement for FY 2019-2020 and will increase grant funds by an additional \$15,000 to a total of \$36,392 to reimburse additional overtime costs.

Fiscal Note:

Approval will increase grant funds received by the City by an additional \$15,000 to a total of \$36,392.

- 10. Resolution No. 90-20 granting an Aerial Trellis Easement Agreement to CityPlace Retail, LLC and the Cityplace Community Development District for the installation and maintenance of trellises over the Rosemary Avenue right-of-way between Okeechobee Blvd. and Fern Street.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AERIAL TRELIS EASEMENT AGREEMENT BY AND AMONG CITYPLACE RETAIL, L.L.C., CITYPLACE COMMUNITY DEVELOPMENT DISTRICT, AND THE CITY OF WEST PALM BEACH, RELATED TO TRELIS IMPROVEMENTS TO BE INSTALLED FOR ROSEMARY SQUARE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22859

Staff Recommended Motion:

Approve Resolution No. 90-20 based on the finding that the aerial easement is consistent with the standard in Sec. 78-422 of the Code of Ordinances.

Background:

CityPlace Retail, LLC, recently rebranded the CityPlace mixed use center to Rosemary Square. As part of the rebranding, CityPlace Retail, LLC, has incorporated both amendments to the development regulations as well as physical changes to the project.

The amendments to the development regulations approved by the City Commission include changes to the architectural style permitted within Rosemary Square as well as changes to the Master Signage Plan.

The physical changes have occurred both on the private property owned by CityPlace Retail, LLC, as well as to the rights-of-way within Rosemary Square. The changes on the private property include the reconstruction of the plaza and the demolition of the Macy's Department Store to prepare the site for a 21-story mixed use building. The South Rosemary Avenue and Hibiscus Street rights-of-way were reconstructed to remove the on-street parking and create wider, landscaped sidewalks that can be used not only for pedestrians but also for outdoor seating, similar to what the City did with the Clematis Street improvements.

As part of the project, CityPlace Retail, LLC, would like to install trellis structures extending from the facade of the buildings to provide shade and architectural aesthetics. Some of the trellises may extend over the wider sidewalks, which are located within the platted rights-of-way. The encroachment over the rights-of-way requires the City to grant an aerial easement, which is the subject of this Resolution. The City Commission was shown the trellises in the Face of the City approval for the reconstructed rights-of-way. The trellises will be reviewed for compliance with the Rosemary Square development regulations as part of the building permit submittal for the individual trellises.

As the trellises will be installed in segments, the plan is to record the easement prior to the issuance of the first permit for the first trellis; then, as subsequent trellises are approved administratively by staff, an amendment to the easement agreement will be recorded for each trellis.

Resolution No. 90-20 approves the granting of the aerial trellis easements, authorizes the Mayor to execute the Aerial Trellis Easement Agreement and the subsequent amendments to the additional trellises to be administratively reviewed by City staff.

COMMISSION DISTRICT: Rosemary Square is located in Commission District No. 3 - Commissioner Richard A. Ryles.

Fiscal Note:

No fiscal impact

11. **Resolution No. 86-20(F) amending the Fiscal Year 2019/20 Miscellaneous Trust Fund Budget to authorize appropriations of \$195,000 from State Law Enforcement Forfeiture Receipts for donations and law enforcement operating expenses.**

RESOLUTION NO. 86-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR DONATIONS AND LAW ENFORCEMENT OPERATING EXPENSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
Agenda Cover Memorandum No.: 22860

Staff Recommended Motion:

Approve Resolution No. 86-20(F).

Background:

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

The State Law Enforcement Trust Fund expenditure of \$45,000, which the Chief of Police certifies is in compliance with section 932.7055(5)(c)3, Florida Statutes.

Donations:

- 1) 211 HELP LINE, Palm Beach and Treasure Coast (\$5,000): a 501c(3) not for profit organization, to assist with the ongoing funding of the 24-hour crisis hotline and community help line. 211 is a critical resource for West Palm Beach, handling calls, most of which are referred to community resources. These calls would otherwise be handled by police and fire dispatchers and would often result in the dispatch of additional resources. In 2017 alone, 211 provided guidance, support and crisis intervention to 24,301 residents. Of those calls 8,026 were struggling with mental health and addiction issues of which 325 were suicidal. Another 16,139 callers were in need of some financial assistance. A significant number of the calls received result in emergency intervention or follow up, which allows emergency services to remain available to concentrate on urgent police and medical emergencies. 211 helps to keep the community safe by helping people through crises and connecting them to resources that will address their immediate needs.
- 2) WEST PALM BEACH POLICE ATHLETIC LEAGUE: (\$40,000) a 501(c)3 not for profit corporation, to assist with the ongoing provision of educational and recreational activities to at risk youths in the community. The opportunities provided to the youth include positive contacts with police and other prominent members of the community and help to encourage the individuals to set and achieve productive life goals. The staff strives to provide a healthy, safe environment for children to learn important life skills and to establish and maintain positive community relationships.

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

The State Forfeiture funds requested complies with the permissible use reporting categories identified as (1) law enforcement training and education and (2) law enforcement equipment which include the rental or leasing of undercover vehicles in furtherance of investigations and training and travel expenses for law enforcement and support staff.

Law Enforcement expenses:

- 1) **TRAVEL AND TRAINING EXPENSES: (\$100,000)** Advances in technology require more advanced and often expensive training for police officers and support staff. In support of the City's long-range goal of Staff Development, the appropriation of One Hundred Thousand Dollars (\$100,000) is requested to cover expenses related to advanced training for Law Enforcement Officers and Civilian Law Enforcement Personnel. The current Guide to Equitable Sharing for State Local and Tribal Law Enforcement Agencies specifically lists both travel and training expenses in support of law enforcement activities as permissible expenditures.
- 2) **RENTAL VEHICLES: (\$50,000)** Rental vehicles are utilized by undercover police department personnel in the Narcotics and Criminal Investigation Units to further and pursue narcotics and other criminal investigations and to assist, where necessary, with the City's participation in certain special task forces. Participation in the rental program permits the Police Department to exchange vehicles more frequently, enabling undercover officers to perform their duties without being identified by the criminal suspects they are investigating. This program is a cost effective means of providing equipment necessary for special operations. All investigations by this unit require the ability to operate effectively and discreetly using unmarked vehicles.

Fiscal Note:

No fiscal impact.

12. **Resolution No. 77-20 authorizing the exercise of the City's power of eminent domain for the purpose of acquiring the necessary property interests for the Almeria Road Sanitary Sewer Lift Station Project.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXERCISE OF THE CITY'S POWER OF EMINENT DOMAIN FOR THE PURPOSE OF ACQUIRING THE NECESSARY PROPERTY INTERESTS FOR THE ALMERIA ROAD SANITARY SEWER LIFT STATION PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22861

Staff Recommended Motion:

Approve Resolution No. 77-20.

Background:

The City's Public Utilities Department needs to construct a new sanitary sewer lift station, Lift Station No. 9. The new lift station would be located at 315 Almeria Rd. and would serve the property as well as surrounding properties. There is currently a four-story, 73-unit apartment building located at 315 Almeria Rd. The City has contacted the property owner to discuss the use and acquisition of 960 square feet of the property as a lift station, but it has not received a response. The lift station would be located on the periphery of the property, would not impact building improvements, and would be buffered by a hedge for aesthetic purposes. This resolution seeks the City Commission's approval to exercise the power of eminent domain to acquire the property necessary to construct and operate Lift Station No. 9 and to make a formal written offer to the property owner to acquire such property.

Fiscal Note:

No fiscal impact.

13. **Resolution No. 84-20 authorizing the assessment of city liens in the total amount of \$33,958.04 for unpaid water service, sewer service, and stormwater service charges for the month of January 2020.**

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; 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.

Agenda Cover Memorandum No.: 22865

Staff Recommended Motion:

Approve Resolution No. 84-20.

Background:

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. 84-20 are for unpaid water service, sewer service, and stormwater service charges for the month of January 2020. The list of properties to be assessed and the associated charges totaling \$33,958.04 are attached to Resolution No. 84-20 as EXHIBIT A - Utility Lien List January 2020. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

14. Resolution No. 83-20 approving a Conditional Settlement Agreement in the amount of \$75,000.00 in the matter of Antonio Wilson and Lynette Wilson v. City of West Palm Beach.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$75,000.00 IN THE MATTER OF ANTONIO WILSON AND LYNETTE WILSON v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22870

Staff Recommended Motion:
Approve Resolution No. 83-20.

Background:

Mr. Antonio Wilson was involved in a motor vehicle accident with a City of West Palm Beach motor vehicle on June 2, 2016. Mr. Wilson, together with his wife, subsequently filed a complaint for personal injury and consortium damages against the City of West Palm Beach, to wit: Antonio Wilson and Lynette Wilson v. City of West Palm Beach, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Case No.: 50 2017CA009877XXXXMB AO. An agreement has been reached with Mr. Wilson and his attorney to resolve his personal injury claim for \$75,000.00. Mr. Wilson has signed a general release which releases the City from any and all claims arising from this accident, which ends all of his claims for damages, including all attorney's fees and costs, against the City of West Palm Beach. The personal injury and consortium claims will be dismissed with prejudice following receipt of the settlement funds.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000.00 shall require approval of the City Commission by formal resolution. Resolution No. 354-19 approves the conditional settlement agreement.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

COVID-19 UPDATES:

RESOLUTIONS (15-21):

- 15. Resolution No. 5-20 approving proposed artwork to satisfy the Art in Public Places Art Assessment in Private Development for The Shops at The Press, a development project located at 2751 South Dixie Highway.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MAKING FINDINGS AND APPROVING INSTALLATION OF PUBLIC ART AT THE SHOPS AT THE PRESS LOCATED AT 2751 SOUTH DIXIE HIGHWAY IN COMPLIANCE WITH THE ART IN PUBLIC PLACES ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.
Agenda Cover Memorandum No.: 22862

Staff Recommended Motion:

Approve Resolution No. 5-20.

Background:

At its regularly scheduled meeting on December 11, 2019, the Arts in Public Places ("AiPP") Committee voted unanimously to recommend to the City Commission a proposed Artwork concept by Ya La'ford Fine Art, LLC for Tricera Capital, LLC, the private developer of The Shops at The Press formerly the Palm Beach Post site. The AiPP Committee approved the Artwork with the condition that no vegetation be installed or be allowed to grow on the Artwork.

Tricera Capital, LLC and Storyn Studio for Architecture, LLC are redeveloping the former site of the Palm Beach Post newspaper headquarters located at 2751 South Dixie Highway, West Palm Beach, FL. The project titled The Shops at The Press will feature a 125,000 square foot mixed-used, multi-story warehouse along with an adjacent 140,000 square foot, 4 story office building, branded as Workspaces at the Press. The property, located at the intersection of US-1/Dixie Highway and Belvedere Road, is highly visible.

Commissioned artist, Ya La'ford, has designed a large-scale site-specific sculpture titled "Beacon of Infinity." The sculpture aims to recognize and honor the space as a place of media, communication and the historic use of the linotype machine. A linotype abstract exterior sculpture will be installed on the east exterior elevation. The work will be composed of laser cut aluminum panels configured in a large-scale intersection of the lines, patterned in a multi-directional path to recognize the technological complexities of the historic Linotype. Ya La'ford's works blends with the abstract linotype sculpture to clad the east facade of the Palm Beach Post Building. The artist aims to honor the past, present and future possibilities of storytelling while deepening the public's engagement and civic memory of technologies' influence on mass media and communication.

The sculpture is composed of 55 laser cut aluminum panels featuring a site-specific geometric pattern, covering an area of 1,339 sq. feet. Each panel is cut to a 4' x 6' length with 1-inch folded edges and are 3mm thick, weighing approximately 38 lbs per profile. 40mm thick galvanized subframe will be integrated into the design meeting structural load requirements for Florida's wind rating and hurricane loads. Each panel will be powdered coated in silver and will alter in color at various intervals and interaction with the sun. Spectators will experience a diverse set of optics based on their position relative to the sculpture and the orientation of the sun and shadows.

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

1. Complies. The proposed art installation meets the definition of art contained in the AiPP ordinance and Public Art Master Plan. The work will be designed by a professional artist and she will be working with the developers to produce the work.
2. Master Plan. The proposed artwork meets the typologies and qualities described in the Public Art Master Plan.
3. Historic Significance. The artwork is a contemporary piece that reflects the history of the site and the media.
4. Cultural Significance. The proposed art installation has the potential to be a unique identifier to the surrounding neighborhood.
5. Visual accessibility. The proposed art sculpture meets the visual accessibility and location requirements of the AiPP ordinance.
6. Quality. The commissioned artist is recognized as a multi-disciplinary artist.
7. Appropriateness to site. The sculptural wall will be visually strong and further contribute to the building's character and history.
8. Compatibility. The proposed artwork adds an unexpected element to the area and therefore meets the compatibility requirement of the AiPP Ordinance.
9. Public welfare. The proposed artwork is not detrimental to the public welfare and will not constitute a safety hazard.
10. Maintenance. The proposed artwork installation will require minimal maintenance.
11. Valuation. The proposed value of the art installation is \$121,500 which has been escrowed as required by the AiPP ordinance.

12. Location. The proposed location for the art installation is on the building's exterior facade. As this is a private development project, the location requirements identified in the Public Art Master Plan do not apply.

A copy of the artist's resume, proposal, rendering of the artwork, budget, maintenance, contracts, and supporting documents are attached.

As recommended by the AiPP Committee, Resolution 5-20 will approve the proposed artwork at 2751 South Dixie Highway, West Palm Beach, FL, by Ya La'ford Fine Art, LLC for The Shops at The Press, to be developed by Tricera Capital, LLC in compliance with the Art in Public Places Ordinance.

COMMISSION DISTRICT: 2751 South Dixie Highway is located in Commission District 3 - Richard Ryles.

Fiscal Note:

No fiscal impact.

16. Resolution No. 87-20 approving two public artworks for The District Flats at 1701 Clare Ave. to satisfy the AiPP requirement.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MAKING FINDINGS AND APPROVING INSTALLATION OF PUBLIC ART FOR THE DISTRICT FLATS, LLC LOCATED AT 1701 CLARE AVENUE IN COMPLIANCE WITH THE ART IN PUBLIC PLACES ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

Agenda Cover Memorandum No.: 22863

Staff Recommended Motion:

Approve Resolution No. 87-20.

Background:

At its regularly scheduled meeting on March 4, 2020, the Art in Public Places ("AiPP") Committee voted unanimously to recommend to the City Commission the proposed art concepts by LeJobart and Casagrande Laboratory for the private development project, The District Flats located at 1701 Clare Avenue.

The District Flats is a planned 178-unit multi-family rental community in the heart of West Palm Beach's emerging Warehouse District south of Okeechobee Boulevard and west of Parker Avenue and Howard Park. The development will be built in a modern industrial style and consist of a single midrise (four-story) elevator building that will surround a central courtyard with a spacious community swimming pool, deck area and landscaping, a three-level parking structure with limited access for residents, and a three-story elevator building surrounding a garden amphitheater. There will be a dog park for residents and a small fenced public park at the south end of the site.

A request was made by Urban Design Kilday Studios, on behalf of Jamco Inc. & Murphy Construction Company for approval of a Major Planned Development Amendment to the Clare Mixed Use (CPD) to increase the number of residential units and to incorporate architectural and site plan changes for phase one. Pursuant to Resolution No. 86-19, adopted by the City Commission on April 8, 2019, the City Commission approved a major amendment to the Clare Mixed Use Commercial Planned Development (CPD), generally located at 1630 Clare Ave, 1701 Clare Ave, 1940 Clare Ave, and 1980 Clare Ave, consisting of ±5.56 acres. On August 27, 2018, the City Commission adopted Ordinance No. 4805-18, rezoning the subject property from General Commercial (GC) to Commercial Planned Development (CPD), establishing the Clare Mixed Use CPD. Ordinance No. 4805-18 provided that the development regulations and conditions applicable to this CPD shall be established by resolution; therefore, Resolution No. 86-19 approving the development regulations and conditions for the Clare Mixed Use Commercial Planned Development granted waivers to the zoning and land development regulations.

In accordance with the Development Regulations No. 23 and No. 24 within Section 5 of Resolution No. 86-19, the following art requirements apply: #23 Art Sculpture (Location and size requirements) Permanently installed original sculpture with a height and width that makes the sculpture a focal point of the both the art park and the intersection of Clare Avenue and Wilkins Avenue. Art Category: Signature Art comprise mainly of sculptural or furniture elements that are constructed of durable, easy to maintain material. They are sometimes integrated with the design and landscaping of places and sites. #24 Art Light Box (Location and size requirements) One or more permanently installed light box with a minimum cumulative width of 16 feet and minimum height of 4 feet.

Eastwind Development, LLC, the developer, commissioned LeJobart and Casagrande Laboratory to propose two large scale artworks for the proposed Art Park at 1701 Clare Avenue. The proposed artworks entitled "In Between the Lines" are two unique works that utilize cooper piping to create a large work for the front of the park and a three-piece kinetic work enclosed within a light box. The large focal piece will be composed of 1-inch copper pipes and arranged in an ascending spiral that meets with a counter spiral towards the top. The sculpture will measure approximately 20'H x 14'L x 10'W. At the base of the sculpture will be bed of blue glass rocks and be lit from underneath to create a glowing space at night. A larger blue stone will be placed where the sculpture twists creating a visual connection.

The kinetic art light box is composed of three copper rays that will sway in the wind. The copper frame is covered with impact glass both clear and frosted capturing the light and emphasizing the shadows cast by the swaying rays. The artwork will be a backdrop to the park, emanating a pleasant glowing light that illuminates the area at night, but is still very engaging during the daytime. Crush glass stones will also be placed around the front of the light box to create a visual connection to the main park sculpture.

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

1. **Complies.** The proposed artworks conform to the definition of art contained in this article and will be created by an artist or local artist, as defined in this article;
2. **Master plan.** The proposed artwork meets the typologies and qualities described in the art in public places master plan.
3. **Historic significance.** Not applicable as the proposed artworks are contemporary and site-specific for the public park.
4. **Cultural significance.** The proposed artworks will reflect the aesthetic and cultural development of this area and the surrounding neighborhood.
5. **Visual accessibility.** The proposed artworks will be readily visible to the public and accessible to the public and meets the location requirements of this article.
6. **Quality.** The proposed artists are professional and have been collaborators on various public projects. The medium and the proposed artwork seems of high quality and should have an enduring value.
7. **Appropriateness to site.** The proposed artworks' design, scale, and materials are appropriate to the site.
8. **Compatibility.** The proposed artworks will be compatible and add value to the surrounding neighborhood.
9. **Public welfare.** The proposed artworks are not detrimental to the public welfare and will not constitute a safety hazard.
10. **Maintenance.** The proposed artworks will not require extraordinary maintenance and the maintenance plan addresses vandalism, weathering, and the life of the artwork. The maintenance of the artworks is the responsibility of the owner/developer.
11. **Valuation.** The proposed artworks meet the valuation requirements of this article. Escrowed owed amount \$261,115.
12. **Location.** The proposed location of the artworks is in a public space and appropriate to accommodate the size and scale of the area. Any necessary supporting infrastructure will follow applicable City and Florida Building code requirements.

Escrowed Funds \$261,115.

"In Between the Lines" is designed by LeJobart in collaboration with Casagrande Laboratory for Eastwind Development, LLC at The District Flats public park, as shown in Exhibit A, when installed at 1701 Clare Avenue, will meet the requirements of the Art in Public Places Ordinance.

A copy of the artist's resumes, proposal, rendering of the artwork, budget, maintenance, contracts, and supporting documents are attached.

As recommended by the AiPP Committee, Resolution 87-20 will approve the proposed artwork at 1701 Clare Ave., West Palm Beach, FL, by LeJobart and Casagrande Laboratory for The District Flats, LLC and Eastwind development in compliance with the Art in Public Places Ordinance.

COMMISSION DISTRICT: 1701 Clare Avenue is located in Commission District 3 - Richard Ryles.

Fiscal Note:

No fiscal impact

- 17. Resolution No. 79-20 approving a Memorandum of Understanding and Agreement with the School Board of Palm Beach County, to implement the Summer Seamless Option Program during Summer 2020, 2021 and 2022, to serve nutritionally well-balanced lunches and provide snacks free of charge to all children at the Mandel Public Library of West Palm Beach.**

RESOLUTION NO. 79-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA AND THE CITY OF WEST PALM BEACH TO IMPLEMENT THE SUMMER SEAMLESS OPTION PROGRAM TO PROVIDE FREE LUNCHES AND SNACKS TO CHILDREN AT THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH DURING THE SUMMER OF 2020, 2021 AND 2022; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22864

Staff Recommended Motion:

Approve Resolution No. 79-20.

Background:

Since 2016, each summer the Mandel Public Library of West Palm Beach provides innovative summer reading programs for children 0 - 18 to offset the summer slide. These activities range from family storytimes, craft programs, reading incentive programs, school readiness classes and so much more! It is estimated that there will be over 10,000 visits by children and teens to the library this summer. Library staff believes in not only feeding the minds of the children and teens visiting, but also providing free meals and snacks. By partnering with the School Board of Palm Beach County's National School Lunch and Summer Food Service programs, children and teens visiting the Mandel Public Library of West Palm Beach can eat a nutritional meal five (5) days a week, as well as receive a healthy snack. All meals and snacks will meet USDA guidelines for the National School Lunch Program. 2020 will be the fourth summer that the Mandel Public Library of West Palm Beach has provided these free lunches and snacks to our local children and teens. Since 2016, more than 19,000 lunches and 29,000 snacks were distributed to the children and teens visiting the library.

The School Board of Palm Beach County will provide lunch and snacks to the Library, at no charge, Monday through Friday during the summer. Lunch will be served from approximately 11:30 am to 1:30 p.m. Snacks will be served at a time most convenient for the operation of the program. All meals and snacks must be consumed on-site and only by children 18 years of age or younger. Meals must be available to all children, 18 years of age or younger, who wish to participate.

The term of the Agreement is three (3) summers expiring August 31, 2022 and is contingent upon the School Board receiving funding for the Summer Seamless Option Program from the USDA.

If this Memorandum of Understanding is approved by the City Commission, and signed by the Mayor, it will then be placed on the consent agenda of The School District of Palm Beach County to allow this program to continue.

Resolution No. 79-20 approves the Memorandum of Understanding between the City and the School District.

COMMISSION DISTRICT: The Library is located in Commission District No. 3.

Fiscal Note:

No fiscal impact.

- 18. Resolution No. 91-20 City of West Palm Beach's opposition to offshore drilling activities, including seismic airgun blasting.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DECLARING THAT THE CITY OF WEST PALM BEACH OPPOSES OFFSHORE DEVELOPMENT, EXPLORATION, AND DRILLING ACTIVITIES, INCLUDING SEISMIC AIRGUN BLASTING, OFF OF FLORIDA'S COASTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22866

Staff Recommended Motion:

Approve Resolution No. 91-20.

Background:

Oil drilling activities pose a significant threat to Florida's coastal environment and associated coastal and tourism economy. The seismic blasting associated with such drilling (i.e., extremely loud, repetitive underwater sonic blasts used to map the layers of sea floor) negatively impacts the communications of marine mammals (such as whales and dolphins), sea turtle migratory activities, and fish schools feeding and traveling patterns. Further, oil spills from petroleum exploration, extraction and transportation activities often contaminate coastal waters and beaches; sometimes with catastrophic consequences that negatively affect the nature of local shore and port activities. On an economic level, in Florida, offshore oil drilling threatens to impact 609,000 jobs and over \$37 billion in state annual GDP related to fishing, tourism and recreation. Hence, as an intracoastal community, West Palm Beach's character and prosperity are directly tied to preserving the ecology and pristine conditions of our coastlines. In addition, supporting investment in searching for additional fossil fuel repositories is viewed as running counter to advancing zero-emission energy sources and technologies needed to meet global goals on CO2 reduction.

- 19. Resolution No. 88-20 approving an application to the Florida Department of Environmental Protection for Electric Vehicle Charging Infrastructure Phase 1 Volkswagon Settlement Grant Program to fund four Level 3 electric vehicle charging stations.**

RESOLUTION NO. 88-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, PHASE 1 VOLKSWAGON SETTLEMENT TO FUND FOUR LEVEL 3 ELECTRIC VEHICLE CHARGING STATIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22867

Staff Recommended Motion:

Approve Resolution No. 88-20.

Background:

The Office of Sustainability is seeking approval to apply for a reimbursable grant from the Florida Department of Environmental Protection's Electric Vehicle Charging Stations (EVCI) Phase 1 Grant Program (RFA No. EVCI-RFA-01) for an estimated grant of \$401,050.00 to fund four, Level 3 Electric Vehicle Charging Stations. The Grant funding would include installation, internet connections, maintenance and operation of the stations for five years through a third-party contractor. Additionally, the City of West Palm Beach will be able to charge a fee for the service to offset electrical costs. Level 3 Electric Vehicle Charging Stations allow for a fast charge to fully electric vehicles, charging some electric vehicle batteries up to 80% within 30 minutes.

The Grant funding is available as part of a Volkswagen Settlement stemming from a civil complaint filed in October 2016 against the Volkswagen automobile company, which was found to be in violation of the Clean Air Act. The Settlement resulted in several requirements for Volkswagen to distribute funds throughout the United States for air pollution reduction, zero emissions electric vehicles and infrastructure. The State of Florida's share is more than \$166 million dollars.

After a comprehensive review of City owned locations and optimal grant point awards review by Sustainability, Parking Administration, Economic Development, Parks and Recreation, Traffic Engineer, FPL and with input from the Assistant City Administrator, the small parking lot at the corner of Okeechobee Blvd. and Parker Ave., adjacent to the old turning basin at Howard Park was selected as the charging station location. Engineering, the Building Division and Procurement were also included in the development of the grant proposal and the project would include ADA access.

This RFA is the first phase for EVCI. The Phase 1 Grant Program Objectives include making 27 regional awards to fund projects that provide DC fast charging within proximity to I-95, I-295, I-75, I-275, and I-4 corridors. The City of West Palm Beach's application would focus on the I-95 corridor. The primary objective of Phase 1 is to provide sufficient fast charging opportunities in the event of an evacuation due to natural disaster. Daily use of these charging stations may benefit regional and local economies through encouraging electric vehicle adoption, increasing tourism, and meeting local sustainability and resilience goals. This is the first phase of a multiphase program to fund EVCI projects around the state. If awarded, the Grant will provide up to \$500,000 in cost reimbursement for eligible expenditures.

The interdepartmental research that went into the grant application makes for a highly competitive case for the City. If awarded this grant, the four proposed Level 3 Electric Vehicle Charging Stations would provide West Palm Beach with a number of benefits. The charging stations would increase electric vehicle adoption in the City, which would reduce greenhouse gas emissions from transportation, the City's largest emissions sector. The charging stations would also increase tourism, bolster the local economy, and improve resiliency by providing a reliable source of charging for electric vehicle owners during storm events. Lastly, charging stations at the proposed Howard Park location, adjacent to the main thoroughfare of the City, would serve as a visual representation of West Palm Beach's forward-thinking mission to implement innovative technologies for the benefit its residents and visitors.

Resolution No. 88-20 authorizes the submittal of a Grant Application to FDEP.

COMMISSION DISTRICT: Howard Park is located in Commission District No. 3, Commissioner Richard Ryles.

Fiscal Note:

Note there will not be a City match commitment for this grant application.

20. **Resolution No. 76-20(F) authorizing transfer of funds to support emergency procurement for emergency repair of the sanitary sewer main on 36th Street.**

RESOLUTION NO. 76-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER SEWER GENERAL RESERVE FUND AND THE WATER AND SEWAGE SYSTEMS REVENUE FUND BUDGETS TO PROVIDE APPROPRIATION OF FUNDS FOR THE EMERGENCY REPAIR OF THE SANITARY SEWER MAIN ON 36TH STREET, WEST OF BROADWAY AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
Agenda Cover Memorandum No.: 22868

Staff Recommended Motion:

Approve Resolution No. 76-20(F).

Background:

On January 27, 2020, a Declaration of Emergency was executed concerning the existing 18" VCP sanitary sewer main on 36th Street, west of Broadway Avenue. The main had a major fracture at the top causing a three-foot-wide depression in the pavement and was on the verge of collapse. As a result, the westbound lane of 36th Street was partially blocked off and closed to protect the motoring public. A budget transfer was submitted and approved appropriating \$250,000 from the Water and Sewer General Reserve Fund to the Water Sewage Revenue (Operating) Fund to provide funding for the emergency repair. Resolution 76-20(F) formally authorizes transfer of and appropriation of funds.

Fiscal Note:

The Water and Sewer General Reserves Fund 459 balance is approximately \$49m.

21. **Resolution No. 94-20 accepting a grant of \$20,000 from the Florida Department of Agriculture and Consumer Services' 2019 Urban and Community Forestry Grant Program to assist in inventorying trees in the City's 55 parks; and Resolution No. 96-20(F) appropriating the grant funds and City's matching funds.**

RESOLUTION NO. 94-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES' 2019 URBAN AND COMMUNITY FORESTRY GRANT PROGRAM, IN THE AMOUNT OF \$20,000 TO ASSIST IN INVENTORYING OF TREES IN THE CITY'S 55 PARKS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION No. 96-20(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 GENERAL FUND AND GRANT PROGRAMS SPECIAL REVENUE FUND BUDGETS TO PROVIDE FOR THE RECEIPT OF A GRANT FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES' 2019 URBAN AND COMMUNITY FORESTRY GRANT PROGRAM AND TO PROVIDE APPROPRIATIONS FOR A PORTION OF THE CITY'S PARKS TREE INVENTORY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22869

Staff Recommended Motion:

Approve Resolution No. 94-20 and Resolution No. 96-20(F).

Background:

By Resolution No. 312-19, the City Commission approved submittal of an application to the Florida Department of Agriculture and Consumer Services' 2019 Urban and Community Forestry Grant Program for funding of a portion of an inventory of trees in the City's parks.

A healthy urban forest provides ecosystem services for residents and visitors, including cleaner air and water, energy conservation, and carbon mitigation. The inventory will specifically evaluate park trees that need pruning and other treatments to improve their health. It will identify tree related hazards that can be proactively mitigated before they require an emergency response, cause damage to park structures and facilities, and add to the storm debris volume. Existing Parks Department resources will be better able to handle storm response as a result. The inventory will justify additional local investments to mitigate these hazards in both the long and short term. Safer public greenspace areas will result from this inventory as well as identification of areas which could be planted with trees in the future. Summarizing and publicizing inventory results, including ecosystem services values, can significantly contribute to citizen awareness and support for city urban forestry programs.

This project reinforces the goals of the city's Sustainability Office, which emphasizes energy conservation, carbon neutral activities, and overall health and well-being for residents. It also enhances the effectiveness of the city's overall storm preparation and response as well as the quality of the recreational experience for park visitors.

The Florida Department of Agriculture and Consumer Services' 2019 Urban and Community Forestry Grant Program awarded the \$20,000 grant to the City for the project. The match requirements for this Funding Opportunity is 50% (1:1 match), at \$20,000. A cost share may either be in the form of a cash contribution, donated services, donated equipment, or donated property. Match requirements can be met utilizing the Parks Maintenance 2020 budget. The Parks & Rec FY 19/20 budget identifies \$20,000 for athletic field lighting; however, this project will not be done this year and it is requested to use these funds for this grant match.

Resolution No. 94-20 accepts the award of the grant funds.

Fiscal Note:

The match requirements for this Funding Opportunity is 50% (1:1 match), at \$20,000. A cost share may either be in the form of a cash contribution, donated services, donated equipment, or donated property. Match requirements can be met utilizing the Parks Maintenance 2020 budget. The Parks & Rec FY 19/20 budget identifies \$20,000 for athletic field lighting; however, this project will not be done this year and it is requested to use these funds for this grant match.

This ACM accompanies a request for legal services Matter # 24240.

PUBLIC HEARING (22):

22. **Public Hearing and First Reading of Ordinance No. 4892-20 amending the Utilities Element of the City's Comprehensive Plan to update the 10-Year Water Supply Facility Work Plan Sub Element and other sections of the Utilities Element as required by Chapter 163.3177 of the Florida Statutes**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE UTILITIES ELEMENT OF THE COMPREHENSIVE PLAN TO UPDATE THE 10 YEAR WATER SUPPLY FACILITY WORK PLAN SUB ELEMENT AND OTHER SECTIONS OF THE UTILITIES ELEMENT AS REQUIRED BY CHAPTER 163.3177 OF FLORIDA STATUTES; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
Agenda Cover Memorandum No.: 22871

Staff Recommended Motion:

Approve Ordinance No. 4892-20 based on the finding that the Ordinance meets the requirements of Section 163.3177, Florida Statutes, and is consistent with the other elements of the Comprehensive Plan.

Background:

Ordinance No. 4892-20 is a proposed amendment to the Utilities Element of the Comprehensive Plan to update the 10- year Water Supply Facility Work Plan Sub Element and other sections of the Utilities Element as required by Section 163.3177(6)(c), Florida Statutes.

The purpose of water supply planning is to develop strategies to meet future water demands of urban and agricultural uses, while meeting the needs of the environment. This process identifies areas where historically used sources of water will not be adequate to meet future demands and evaluates several water source options to meet those demands.

Section 163.3177(6)(c), Florida Statutes, requires the City of West Palm Beach and all municipalities in the State to revise the 10-year Water Supply Work Plan within its comprehensive plan no later than 18 months after the water management district approves a regional water supply plan or its update. The South Florida Water Management District (SFWMD) adopted its most recent update to the Lower East Coast Water Supply Plan in November 2018 (2018 LEC Plan Update). This means that the City is required to update the Work Plan by May of 2020.

There are several reasons why the Florida Statutes require local governments to update the 10 Year Water Supply Facilities Work Plan (Work Plan):

- Ensure adequate water supply for current and future residents
- Strengthen position to compete for funding assistance
- Plan for alternative sources that take time to develop and finance
- Ensure local needs are considered by regional water suppliers and the South Florida

Water Management District (SFWMD)

The City is proposing the following revisions to the Work Plan:

- Population estimates and projections are updated to reflect the most recent available data. This includes several of the tables in the Work Plan.
- New Objective 1.3 and related policies are added to the Solid Waste Subelement of the Utilities Element. This new language relates to the transporting and pretreatment of Fats, Oils, and Grease (FOG) from restaurants and food service establishments and septage according to State Regulations for disposal at the East Central Regional Water Reclamation Facility (ECRWF).
- Water demand estimates and projections are being revised for consistency with the 2018 LEC Plan update.
- Technical specifications for the Eastern wellfield are updated
- Revised dates are incorporated in the document to stay consistent with the 2018 LEC Plan update
- Capital improvement needs to meet existing and future demands are being revised
- The section on the City's water conservation efforts, including the Alternative Water Supply Projects/Reuse portion of the Work Plan is being updated
- Planning time frames are updated to reflect the 10-year planning horizon of the Work Plan
- Other changes to reflect changed conditions and new practices and policies are being incorporated
- Amended the section of the Work Plan dealing with the Water Treatment Plant Process to better reflect current practices.

Notification of the proposed Comprehensive Plan text amendments was sent to IPARC on February 13, 2020, and to date, the City has not received any objections or comments.

The Planning Board recommended approval (7-0) of this proposed amendment after a Public Hearing on February 18, 2020

All of the proposed changes are consistent with the requirements of the State Statutes, the SFWMD 2018 LEC Plan Update, and with other elements of the Comprehensive Plan.

Therefore, staff is recommending approval of Ordinance No. 4892-20.

Fiscal Note:

No fiscal impact

PUBLIC HEARING – QUASI JUDICIAL (23-24):

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

- 23. Public Hearing of Resolution No. 81-20: Regarding a Major Amendment to the Palm Beach Post Development of Significant Impact, located at the southwest corner of Belvedere Road and South Dixie Highway, to change the name to Shops at the Press, remove square footage limitations on use of the existing warehouse and office buildings, construct a restaurant/coffee shop with drive-thru and outdoor seating, and make other associated site improvements.**

RESOLUTION NO. 81-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PALM BEACH POST DEVELOPMENT OF SIGNIFICANT IMPACT, LOCATED AT THE SOUTHWEST CORNER OF BELVEDERE ROAD AND SOUTH DIXIE HIGHWAY, TO CHANGE THE NAME TO SHOPS AT THE PRESS, REMOVE SQUARE FOOTAGE LIMITATIONS ON USE OF THE EXISTING WAREHOUSE AND OFFICE BUILDINGS, CONSTRUCT A RESTAURANT/COFFEE SHOP WITH DRIVE-THRU AND OUTDOOR SEATING, AND MAKE OTHER ASSOCIATED SITE IMPROVEMENTS; DECLARING THE AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Agenda Cover Memorandum No.: 22872

Staff Recommended Motion:

APPROVE Resolution No. 81-20, approving a Major Amendment to the Palm Beach Post Development of Significant Impact, located at the southwest corner of Belvedere Road and South Dixie Highway, to change the name to Shops at the Press, remove square footage limitations on use of the existing warehouse and office buildings, construct a restaurant/coffee shop with drive-thru and outdoor seating, and make other associated site improvements.. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32(a), Sections 94-36(e)(3) and (4), and Section 94-35(c), of the City's Zoning and Land Development Regulations.

Background:

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

Located at the southwest corner of South Dixie Highway and Belvedere Road, the overall property consists of ±11.57 acres and is the location commonly known as the Palm Beach Post site. The property was once entirely occupied by the Palm Beach Post (hereinafter referred to as “PB Post”) and its various publications. As part of a previous expansion, the site was approved as a Development of Significant Impact (DSI) in June 1987 in accordance with the City’s Zoning and Land Development Regulations (ZLDRs) due to the overall size of the site and the amount of square footage of non-residential use. Amendments to the DSI were later approved to allow for additional expansions, but in more recent years the operations on the property have been significantly downsized to just a minimal amount of office space being occupied, with the remainder of the buildings sitting vacant.

In May 2019, a new owner of the property, Tricera PBP Property Owner, LLC, submitted a Minor DSI Amendment to begin converting the property into an office, retail and personal service-oriented development that would include the demolition of over 86,000 square feet and conversion of ±125,000 sq. ft. of warehouse space to accommodate a future grocer, general retail, and an exercise/health club.

With the staff-level review of the Minor DSI Amendment nearing completion and approval, the applicant is proposing to transition into the next phase of their redevelopment with the construction of a drive-thru restaurant/coffee shop at the southwest corner of South Dixie Highway and Belvedere Road, along with the removal of the above-referenced restrictions to allow full conversion of the warehouse. As this phase of the project involves the construction of additional square footage and an increase in traffic impact, a Major DSI Amendment is required in accordance with Sec. 94-36(f)(3)(a) of the City’s ZLDRs.

The applicant is proposing to remove 62 parking spaces in the northeast corner of the property and provide for the construction of a single-story 2,200 square foot restaurant/coffee shop with an additional 650 square feet of outdoor seating. The business is proposed to have a drive-thru that wraps around the north end of the building to a pick-up window on the west façade; 22 surface parking spaces are proposed on the east side of the building.

Within a DSI, development is required to comply with all of the zoning regulations that correspond to the subject property's General Commercial (GC) zoning designation; as specified in Sec. 94-38(c) of the City's ZLDRs, variances/waivers are not permitted within a DSI. The purpose of the DSI review is require developments in excess of 50,000 square feet of non-residential use to go through the public hearing process because of their increased impact on surrounding properties, public facilities, etc. While Staff has found that the proposed development complies with all of the requirements of the City's ZLDRs and is recommending approval of the project, there were several attempts to improve the urban design quality of the project that unfortunately did not come to fruition. Efforts by Staff were made to try and get the applicant to voluntarily move the building closer to the right-of-way with the opinion that such a design would have been more desirable given the nature and scale of redevelopment that has occurred to date along South Dixie Highway, and the efforts that are underway to increase the facilities for alternative modes of transit, especially pedestrians and bicyclists, along the corridor. In their final submittals, however, the applicant determined that such a design was not feasible for them and their client and that the location of the building would remain as originally submitted.

CONCLUSION: The City's ZLDRs do not provide form-based regulations within the GC zoning district and as such do not dictate the placement of the building, parking, etc. on the site. The regulations primarily are limited to minimum distances from property lines, buffers, screening, building height, etc. The proposed development complies with these technical requirements of the ZLDRs and it is Staff's professional opinion that the development complies with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations. Therefore, Staff is recommending approval, subject to the conditions contained in Resolution No. 81-20.

PLANNING BOARD: After a Public Hearing on February 18, 2020, the Planning Board recommended approval (7-0), subject to the conditions contained in Resolution No. 81-20.

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. 81-20 was advertised on March 27, 2020.

COMMISSION DISTRICT: The site is located within Commission District No. 5 - Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

24. Public Hearing of Resolution No. 368-19 approving the plat entitled “Townhomes at Conniston.”

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR SUBDIVISION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “TOWNHOMES AT CONNISTON,” CONSISTING OF ELEVEN FEE SIMPLE TOWNHOUSE LOTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22873

Staff Recommended Motion:

Approve Resolution No. 368-19.

Background:

Located at the northeast corner of Conniston Road and Lambert Avenue, the 0.71-acre subject property is zoned Multifamily Medium Density (MF20) Residential and comprised of two separate parcels consisting of two vacated single-family residences and related accessory structures. Uses surrounding the subject property include residential (single and multifamily) to the north and west, and commercial to the south and east. There is an existing 15-foot wide alley that separates the subject property from the commercial uses to the east. The survey of the property is provided in ATTACHMENT I.

In March 2019, the subject property was purchased by the applicant with the intent to demolish the existing buildings and structures and redevelop the property with eleven (11) fee-simple townhouse units. In order to develop the townhouses, the applicant must first subdivide the property. This application seeks the approval of a Major Subdivision to subdivide the property into 11 fee-simple townhouse lots. The subdivision document and site plan for the townhouse development are provided in ATTACHMENTS II and III.

STANDARDS: The subdivision complies with all of the subdivision general design standards of Section Article XI, Section 94-342 of the Zoning and Land Development Regulations.

PLANNING BOARD: After a Public Hearing on October 15, 2019, the Planning Board voted unanimously (7-0) to recommend approval of the request.

PUBLIC NOTICE: Resolution No. 368-19 was advertised in the Palm Beach Post on March 27, 2020.

COMMISSION DISTRICT: The subject property is located within Commission District No. 5 – Commissioner Christina Lambert.

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.