



**City of West Palm Beach
City Commission**

AGENDA

**November 19, 2018
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
GERALDINE MUOIO**

CITY COMMISSION

PRESIDENT PAULA RYAN

**COMMISSIONER KELLY SHOAF
COMMISSIONER KEITH JAMES**

**COMMISSIONER CORY NEERING
COMMISSIONER CHRISTINA LAMBERT**

ADMINISTRATION

**CITY ADMINISTRATOR, JEFFREY L. GREEN
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 / DELATIONS / REORGANIZATION OF AGENDA:

PRESENTATION AND AWARDS OF MERIT (1-2):

1. Presentation of activities for Holiday in Paradise 2018.
[Agenda Cover Memorandum No.: 22185](#)
2. Tribute to Dr. Isaiah S. Clark, Jr., in celebration of his 50th anniversary of ministry as Pastor of the Union Missionary Baptist Church in West Palm Beach.
[Agenda Cover Memorandum No.: 22186](#)

CONSENT CALENDAR (3-14):

3. **Minutes of the Regular City Commission Meeting of October 22, 2018.**
[Agenda Cover Memorandum No.: 22183](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on October 22, 2018.

Fiscal Note:

No fiscal impact.

4. **Resolution No. 256-18(F) accepting funding in the amount of \$13,500 from the West Palm Beach Library Foundation to continue the "Get That Job" series at the Mandel Public Library of West Palm Beach during Fiscal Year 2018/2019.**

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 2018/2019 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 ACCEPT A CONTRIBUTION FROM THE WEST PALM BEACH LIBRARY FOUNDATION AND TO PROVIDE APPROPRIATIONS FOR THE "GET THAT JOB"

PROGRAMMING FOR ADULTS FOR ONE YEAR; AUTHORIZING EXECUTION OF ANY DOCUMENTATION REQUIRED IN CONNECTION WITH FUNDING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22187](#)

Staff Recommended Motion:

Approve Resolution No. 256-18(F).

Background:

The Mandel Public Library of West Palm Beach strives to provide programming to support businesses, families, job seekers, veterans and economic development. The Mandel Public Library has worked with the West Palm Beach Library Foundation to secure funding to provide 9 day-long "Get That Job" workshops, 2 LinkedIn workshops and 30 four-hour career counselor class sessions using grant monies obtained from Wells Fargo. This is the sixth year that Wells Fargo has supported the "Get That Job" programming initiative and has provided additional funding to provide more workshops and additional library materials to the collection.

The "Get That Job" workshops will be offered starting January 2019. Each workshop will focus on assisting adults who are eager to work but may be having difficulty with finding employment due to a lack of job readiness skills. Lunches will be provided, and each participant will be given their own flash drive, so they can leave with their resume and other important resources to assist them with their job search. The "Get That Job" workshops will also be actively promoted to veterans and other groups which have been having difficulty in securing employment.

Specifically, the workshops will assist attendees with preparing resumes and how to write a basic cover letter, how to prepare for interviews, what to wear to the interview, and understanding the interview process. Additionally, these workshops will assist attendees with developing basic computer and writing skills, how to search and apply for jobs online, as well as how to follow up after an interview and how to be successful once you are hired and on the job. Also included will be two two-hour LinkedIn classes and three one-hour Interviewing classes. A career consultant will also be available for 30 four-hour resume workshops throughout the year to provide personalized resume assistance.

Fiscal Note:

Approval will provide \$13,500 for "Get That Job" programming.

- 5. Resolution No. 323-18(F) amending the Fiscal Year 2018/19 Miscellaneous Trust Fund Budget to authorize appropriations of \$20,000.00 from State Law Enforcement Forfeiture Receipts donations.**

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 2018/2019 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 THE PURPOSE OF DONATING FUNDS TO WEST PALM BEACH POLICE FOUNDATION FOR LAW-ENFORCEMENT-RELATED ACTIVITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22189](#)

Staff Recommended Motion:

Approve Resolution No. 323-18 (F).

Background:

Pursuant to the Florida Contraband Forfeiture Act, the proceeds from forfeited property shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality. Such proceeds and interest earned therefrom shall be used for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles, and providing matching funds to obtain federal grants. The proceeds and interest may not be used to meet normal operating expenses of the law enforcement agency.

Qualifying Florida registered, non-profit agency or organizations that wish to receive such funds must apply to the Chief of Police for an appropriation. Requests must be accompanied by written documents stating what funds will be used for and how the program or services support law enforcement purposes. Prior to payment of funds, a registered signer for the non-profit recipient must sign a written certification that the funds will be used for an authorized purpose in compliance with Section 932.7055 of Florida Statutes. Resolution No. 323-18(F) amends the Miscellaneous Trust Fund budget to authorize the appropriation from the State Law Enforcement Forfeiture Receipts for the purposes described below.

The Chief of Police certifies the State Law Enforcement Trust Fund expenditure of \$20,000.00 is in compliance with Section 932.7055(5) (c) (3), Florida Statutes. All entities receiving donations (\$20,000) are currently licensed with the State of Florida as Non-Profit Corporations. Police Department expenditures are in support of Safe Neighborhoods and Crime Prevention as recognized by statute.

DONATIONS:

1) WEST PALM BEACH POLICE FOUNDATION (\$20,000): a 501c (3) not for profit organization, to assist with the funding of the Shop with a Cop Event. The goal of this event is to provide anti-crime education and promote positive police relationships with children and their families from low income communities. The events serves no less than

200 children each year. The organization also provides scholarships to children seeking careers in law enforcement, supports National Night Out, Cops and Scholars, Police Officer Assistance, the retired canine program, the Thanksgiving food giveaway and other community events throughout the year.

6. Resolution No. 329-18 approving an amendment to the interlocal agreement with Palm Beach County for Fire Vehicle Maintenance for an additional two-year term.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR FIRE VEHICLE MAINTENANCE; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22190](#)

Staff Recommended Motion:

Approve Resolution No. 329-18.

Background:

In 2008 the City entered into an Interlocal Agreement with Palm Beach County whereby the County agreed to provide maintenance and emergency repairs for the City's fire-rescue emergency response apparatus. The Agreement expired on September 8, 2018. The City has plans to fully implement a fire vehicle maintenance program, including a fire vehicle maintenance facility. This amendment extends the Interlocal Agreement for an additional two-year term. The County has agreed to continue to provide maintenance and repair services for all suppression apparatus. The County is discontinuing maintenance services for rescue apparatus, these services will now be performed by the City.

7. Resolution No. 266-18 approving a new cooperation agreement between the City and Health Career Institute of Florida for student training in paramedic and EMT programs.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND HEALTH CAREER INSTITUTE OF FLORIDA, INC., FOR STUDENT TRAINING IN PARAMEDIC AND EMERGENCY MEDICAL TECHNICIAN PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22191](#)

Staff Recommended Motion:

Approve Resolution No. 266-18.

Background:

The City of West Palm Beach, through its Fire Department, cooperates with local

educational institutions which provide education and training of students in paramedic and emergency medical technician programs.

The City participates by allowing students to ride on advanced life support transport unit, observe and perform a variety of life saving skills under the direct supervision of an assigned professional.

The City and Health Career Institute of Florida, Inc. ("HCI"), desire to enter into the Cooperation Agreement attached hereto as Exhibit "A" which provides for the respective parties' responsibilities and obligations.

Resolution No. 266-18 approves and authorizes the Mayor to execute a new cooperation agreement between the City and HCI for student training in paramedic and EMT programs.

8. **Resolution No. 309-18 authorizing the assessment of city liens in the total amount of \$30,376.41 for unpaid water service, sewer service, and stormwater service charges for the month of July 2018.**

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.: 22192](#)

Staff Recommended Motion:

Approve Resolution No. 309-18.

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. 309-18 are for unpaid water service, sewer service, and stormwater service charges for the month of July 2018. The list of properties to be assessed and the associated charges totaling \$30,376.41 are attached to Resolution No. 309-18 as EXHIBIT A - Utility Lien List - July 2018. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

9. **Resolution No. 324-18 authorizing the assessment of city liens in the total amount of \$28,732.47 for unpaid water service, sewer service, and stormwater service charges for the month of August 2018.**

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.: 22194](#)

Staff Recommended Motion:

Approve Resolution No. 324-18.

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. 324-18 are for unpaid water, sewer service, and stormwater service charges for the month of August 2018. The list of properties to be assessed and the associated charges totaling \$28,732.47 are attached to Resolution No. 324-18 as EXHIBIT A - Utility Lien List - August 2018. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

10. **Resolution No. 320-18(F) amending the fiscal year 2018/2019 personnel detail of the Street Maintenance and Administration divisions in the Public Works Department and Resolution No. 321-18(F) providing appropriations for additional personnel and vehicle expenditures.**

RESOLUTION NO. 320-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND BUDGET FOR THE PUBLIC WORKS DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 321-18(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 2018/2019 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 DEPARTMENT OF PUBLIC WORKS TO RECOGNIZE ADDITIONAL REVENUE RECEIPTS FROM AN INCREASE IN RESIDENTIAL SANITATION RATES AND TO PROVIDE BUDGET FOR ADDITIONAL PERSONNEL AND VEHICLE EXPENDITURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22193](#)

Staff Recommended Motion:

Approve Resolution No. 320-18(F) and Resolution No. 321-18(F).

Background:

On November 5th, 2018, by approving Resolution No. 291-18 (Comprehensive Fee Schedule), the City Commission authorized a \$1.60 increase to residential sanitation rates for the Department of Public Works. This increase will net \$451,200 per year, an amount expected to increase further as more residential units come on line.

The increased revenue will support the cost of additional street maintenance crews to enhance the department's ability to repair a backlog of street maintenance and sidewalk repairs and to be proactive as opposed to reactive. A total of seven additional Public Works Technician IV positions will create one more asphalt crew (+3 F.T.E.s) and one more concrete crew (+3 F.T.E.s), and an additional Street Lighting Supervisor for the street maintenance group all will enhance the City's ability to maintain all signs and roadway striping within city limits.

Currently, the street lighting lead technician is fulfilling the function of a supervisor without the authority to make all of the decisions that a supervisor does. Therefore, we request the reallocation of position of Street Lighting Lead Technician to the position of Street Lighting Supervisor to facilitate the improved decision-making process.

It has also been determined that the senior accounting clerk position should be a fiscal analyst. The direction that the department is going requires deeper analysis of incoming revenues and outgoing expenses. Additionally, Franchise Vendor accounts need auditing and from this activity we anticipate improved accounting accuracy from the vendors. As we are finding ways to improve our revenue streams and to be efficient, this fiscal analyst will be essential.

Based on the above, Resolution No. 320-18(F) amends the full-time equivalent personnel budget (F.T.E.) of the Department of Public Works by adding seven (7) Public Works Technician IV positions, converts the Street Lighting Lead Technician position to Street Lighting Supervisor and Senior Accounting Clerk to Fiscal Analyst, for a total of seven (7) added positions and two (2) reallocations.

Resolution No. 321-18(F) provides budget appropriations in the amount of \$451,200 to recognize additional revenue and expense in personnel and requested automotive equipment, specifically, the purchase of (2) full-size extended cab pickups, (1) Ford Escape, and (1) Small size pickup (Ford Ranger or the equivalent). These vehicles are to be used by the additional staff to complete all necessary work.

Fiscal Note:

Additional Revenue from increased sanitation fees fully cover expenses.

- 11. Resolution No. 347-18 accepting \$255,193.00 in grant funding from the Department of Homeland Security, Federal Emergency Management Agency, under a 2017**

Assistance to Firefighters Grant to be used for fire department staff training, and Resolution No. 334-18(F) providing the receipt and appropriation of \$255,193.00 in grant funding and \$25,519.00 in matching City funds.

RESOLUTION NO. 347-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING AN ASSISTANCE TO FIREFIGHTER GRANT AWARD OF \$255,193 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, FOR FIREFIGHTER TRAINING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 334-18(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 2018/2019 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 AND THE GENERAL FUND BUDGETS TO PROVIDE FOR THE RECEIPT OF AN ASSISTANCE TO FIREFIGHTERS GRANT (AFG) AND MATCHING CITY FUNDS FOR THE PURPOSE OF PROVIDING APPROPRIATIONS FOR TRAINING AND PERSONNEL SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22195](#)

Staff Recommended Motion:

Approve Resolution No. 347-18 and Resolution No. 334-18(F).

Background:

By Resolution No. 217-17, the City Commission approved submittal of a grant application to FEMA for a 2017 Assistance to Firefighters grant to provide specific personnel development training and Fire Officer courses to improve service delivery to citizens. The grant is intended to support and enhance the safety of the responding firefighters in addition to the community they serve. One of the City's priorities is to "Promote a safe and secure community". It is Fire Rescue's desire to meet and exceed this priority. This grant will provide specific personnel development training and Fire Officer courses to improve service delivery to citizens.

The City has just been awarded \$255,193.00 in grant funding. As a condition of this award, the City is required to contribute a cost match in the amount of \$25,519.00 of non-Federal funds, or 10 percent of the Federal contribution of \$255,193.00.

Pursuant to the Resolution and the Grants Policy, upon award of the grant, approval of the grant agreement, along with the financial resolution to accept the grant funds is brought back to the City Commission.

Resolution No. 347-18 accepts the grant award. A copy of the Grant Award is attached.

Resolution No. 334-18(F) provides for the receipt and appropriation of the grant funds and matching funds.

Fiscal Note:

10% match of \$25,519 is from General Fund Contingency for FY19 with no other current or future fiscal year impact as funding is for contract training and overtime/backfill. Federal contribution of \$255,193.00. The total value of this project is \$280,712.00.

12. **Resolution No. 344-18 ratifying the submittal of an application to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant Program (2018).**

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 2018 TO BE USED TO PURCHASE GEAR AND EQUIPMENT AND TO PROVIDE SWIFT WATER TRAINING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22196](#)

Staff Recommended Motion:

Approve Resolution No. 344-18.

Background:

The City of West of Palm Beach Fire Rescue 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.

One of the City's Strategic Priorities includes: Promote a Safe and Secure Community. It is the Fire Rescue Department's desire to meet and exceed this strategic priority.

The West Palm Beach 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 thus allowing us to provide an increased level of service to the citizens of the City of West Palm Beach. These funds will be utilized to purchase the following: Ballistic PPE ensembles, self-loading stretcher systems, bunker gear washer/extractors and swiftwater rescue technician and officer training. By providing our members with ballistic PPE ensembles this will afford an extra layer of protection on potentially violent scenes such as shootings and active shooter events. This added layer of protection will allow our members to perform in a safe and efficient manner providing a greater level of service to the community that we serve. Utilizing these funds to also purchase bunker gear washer/extractors will allow for a higher level of cleaning and maintenance of the

protective gear that we utilize on a daily basis. This added layer of protection will be a preventative measure against the horrible effects of cancer and other contaminants.

By providing this resource in all stations and upgrading our existing units we will be able to function in a more efficient manner which will be passed along as an increased level of service to the community. The department also hopes to purchase self-loading stretchers which will stand to drastically reduce the occurrence of back injuries by our membership. This resource will also create a safer working environment for our members and the community which we serve. Finally, the utilization of these funds to enhance the level of training of our membership to develop officers and to train our members to provide swift and flood water rescue in the event of flooding from hurricanes will allow for our members to operate in a safer manner as opposed to operating without this training. Additionally, having the department certified in swiftwater rescue will reduce our reliance on outside agencies.

The requested grant amount is approximately \$854,000 with a 10% match of \$85,400. Resolution No. 344-18 ratifies the submittal of a grant application.

Fiscal Note:

Normal repair and maintenance cost per year for extractors approximately \$2,000.00 after warranty period. Normal repair and maintenance per year for 16 stretcher loading systems approximately \$10,000 after warranty period. These repair and maintenance costs are already included in our operating budget.

13. Resolution No. 343-18 correcting the legal description for the expansion of the Downtown Development Authority Boundary.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING RESOLUTION NO. 200-18 TO CORRECT THE LEGAL DESCRIPTION SET FORTH IN EXHIBIT A AMENDING THE BOUNDARIES OF THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22197](#)

Staff Recommended Motion:

Approve Resolution No. 343-18.

Background:

The Downtown Development Authority has requested the City expand its boundaries. On July 11, 2018, the City Commission approved Resolution No. 200-18, which included Exhibit A providing a legal description of the expanded area. Unfortunately, it has been discovered that the legal description contained in Exhibit A was not accurate. The City desires to amend Resolution No. 200-18 by replacing Exhibit A with the correct legal description. Resolution No. 343-18 is a corrective resolution, amending the legal

description of the expanded Downtown Development Authority that will be submitted to the Palm Beach County Legislative Delegation for consideration this legislative session.

14. **Resolution No. 333-18(F) authorizes amending the General Fund and Various other funds budgets for changes in estimated revenues and expenditures for Fiscal Year 2017/2018 ending September 30, 2018.**

RESOLUTION NO. 333-18(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 2017/2018 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 VARIOUS OTHER FUNDS BUDGETS TO PROVIDE APPROPRIATIONS FOR CHANGES IN ESTIMATES FOR REVENUES AND EXPENDITURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22200](#)

Staff Recommended Motion:

Approve Resolution No. 333-18(F).

Background:

Resolution No. 333-18(F) is needed to amend the General Fund and other funds for changes in estimated revenues and expenditures and to reallocate budget within various funds for proper asset allocations for fiscal year 2017/2018.

The General Fund is being amended for the following:

Expenditures for the Police Department exceeded their available budget by \$875,000. Police expenditures for overtime exceeded budget by \$2 million, however, savings from Police position vacancy salaries and benefits result in an overall deficit for the Police Department of approximately \$875,000. The Support Services for City Hall operations had an employee retirement payout resulted in a budget deficit of \$25,000 and the electric expense for City Hall exceeded budget by \$25,000. Auction proceeds from sale of surplus vehicles and equipment provided an additional \$367,030 in revenue that needs to be recorded in FY 2018 and will carry forward to FY 2019 to purchase needed vehicles. Available year end budget from other general fund departments is sufficient to cover the deficits and budget appropriations will be moved between departments based on government accounting standards.

Various other fund expenditures and revenues required interfund transfers due to fund classification changes for capital acquisitions and debt and other changes in operations based on governmental reporting requirements.

Fiscal Note:

Approval will allow proper recording of budget to meet GASB reporting requirements.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (15):

15. **Resolution No. 315-18 declaring a .72-acre portion of the property located west of N. Australian Avenue with an address of 2405 North Australian Avenue to be surplus and authorizing the method of disposition.**

Resolution No. 330-18 granting a temporary construction easement to AHS Development Group for construction and staging activities on the .72-acre portion of the property located west of N. Australian Avenue with an address of 2405 North Australian Ave.

RESOLUTION NO. 315-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT A .72 ACRE PORTION OF THE CITY OWNED PROPERTY LOCATED WEST OF N. AUSTRALIAN AVENUE WITH AN ADDRESS OF 2405 N. AUSTRALIAN AVENUE IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; SELECTING THE METHOD OF DISPOSITION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 330-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A TEMPORARY CONSTRUCTION EASEMENT TO AHS DEVELOPMENT GROUP, LLC FOR THE VILLAGE AT MANGONIA LAKES PROJECT FOR CONSTRUCTION ACTIVITIES AND STAGING ON THE .72 ACRE PORTION OF THE CITY OWNED PROPERTY LOCATED WEST OF N. AUSTRALIAN AVENUE WITH AN ADDRESS OF 2405 N. AUSTRALIAN AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22184](#)

Staff Recommended Motion:

Approve Resolution No. 315-18 and Resolution No. 330-18.

Background:

On March 27, 2017, the City Commission approved a Major Amendment to the Redemptive Life Residential Planned Development to construct a 240-unit apartment complex ("Village at Mangonia Lake") on a 7.6-acre parcel located at 2201 North Australian Avenue. The plan includes the construction of three, six-story buildings fronting Lake Mangonia, two, three-story buildings located along North Australian Avenue, a clubhouse and related site improvements.

The City owns a 1.85-acre parcel with an address of 2405 North Australian Avenue which located on both the east and west side of North Australian Avenue. AHS Development Group, LLC wishes to acquire the .72-acre portion of the property located on the west side

of Australian Avenue, which is located directly to the north of 2201 North Australian Avenue, to construct a private park to serve the residents of Village at Mangonia Lake.

Section 2-31(27)(c) of the City Code of Ordinances requires an appraisal to sell City owned property, and Section 2-31(27)(b) of the City Code requires the property to be disposed of by Ordinance. An Ordinance approving the sales contract and authorizing the disposition of the property will be brought back at a future meeting for approval by the City Commission.

Resolution No. 315-18 declares 2405 North Australian Avenue to be surplus and authorizes the City to enter into negotiations with AHS Development Group, LLC for the sale of the property.

Additionally, AHS has requested that the City grant a temporary construction easement to AHS which would allow AHS to use the .72-acre portion of the property for staging and storage purposes for the Village at Mangonia Lake project. Resolution No. 330-18 grants a Temporary Construction Easement to AHS Development Group, LLC.

COMMISSION DISTRICT: The Property is located in Commission District No. 1-- Commissioner Kelly Shoaf.

PUBLIC HEARING (16):

- 16. Public Hearing and Second Reading of Ordinance No. 4819-18 clarifying the process and procedure for adjustments to water utility accounts in the case of leaks.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 90 (UTILITIES), ARTICLE I (IN GENERAL), TO AMEND AND RESTATE SECTION 90-12 (REVIEW AND ADJUSTMENT OF USER CHARGES) TO ESTABLISH PROVISIONS FOR ADJUSTMENTS DUE TO LEAKS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22199](#)

Staff Recommended Motion:

Approve Ordinance No. 4819-18.

Background:

The City Commission of the City of West Palm Beach is vested with the authority to adopt ordinances regarding the provision of water utility services by the City. The City Commission has previously enacted ordinances and regulations regarding the City's drinking water system, the requirements for water meters, and adjustments for water charges.

The Public Utilities Department has determined that it is necessary to clarify the requirements and process for adjustments to water charges due to leaks, for clarification and information for the water utility customers.

Ordinance No. 4819-18 clarifies the process and procedure for adjustment to water utility accounts to adjust for leaks.

**PUBLIC HEARING – QUASI-JUDICIAL (17-18):
DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF
ANY* SWEARING IN OF WITNESSES**

17. **Public Hearing of Resolution No. 4-18 approving the re-plat of Atalla Promenade, entitled "Atalla Promenade Plat".**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION AND RE-PLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "ATALLA PROMENADE PLAT" CONSISTING OF TWO LOTS, CONTAINING A TOTAL OF APPROXIMATELY 0.49 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22188](#)

Staff Recommended Motion:

Approve Resolution No. 4-18.

Background:

The subject properties, Parcel No. 74-43-44-03-01-000-0371 and 74-43-44-03-01-000-0404, are currently vacant and consist of two (2) lots approximately 0.49 acres, located on the south side of Flagler Promenade South, east of Dixie Highway and I-95, between Southern Boulevard and Edmor Road. These two (2) lots are currently oriented from west to east and the property owner would like to re-plat these lots to change the configuration of the lots to north to south. The property owner plans to develop two (2) single family homes. It is in Staff's professional opinion that this subdivision complies with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City's Planning Board.

PUBLIC NOTICE: Resolution No. 4-18 was advertised in the Palm Beach Post on October 24, 2018.

COMMISSION DISTRICT: The subject property is located within Commission District No. 3 --Commissioner Paula Ryan.

18. Public Hearing of Resolution No. 316-18 approving the plat entitled “Williams Plat.”

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “WILLIAMS PLAT,” CONSISTING OF THREE SEPARATE LOTS, AND CONTAINING A TOTAL OF APPROXIMATELY 0.49 ACRE, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF O STREET AND GEORGIA AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22198](#)

Staff Recommended Motion:

Approve Resolution No. 316-18.

Background:

The subject property is approximately 0.49 acre and is comprised of five (5) platted lots (Lots 18, 19, 20, 21 and 22, Block 12 in the Plat of Moss & Heisler Addition Palm Beach Heights), located at the southeast corner of O Street and Georgia Avenue, within the Grandview Heights historic neighborhood. The subject property is currently zoned Single-family High Density (SF14-C2) Residential District. The southern portion of the property is currently utilized as a parking lot for an existing commercial business immediately south of the subject property (J Adams Plumbing at 1312 Georgia Avenue), and the northern portion of the property remains vacant and is enclosed with a chain link fence, screened with a hedge. An aerial location map and the survey of the subject property is provided in ATTACHMENTS I and II.

The owner of the property (the applicant) is requesting approval of a Minor Subdivision to combine and reconfigure the platted lots to create three (3) separate parcels within the subject property. The proposed replat will contain two (2) lots with frontage on O Street (proposed Lots 2 and 3), and one (1) lot with frontage on Georgia Avenue (proposed Lot 1). The intent of the subdivision is to create two residential lots (proposed Lots 2 and 3) to be sold for future residential development, while the proposed southerly lot (Lot 1), will continue to be used as a parking lot to support the existing commercial use. The proposed plat document is provided in ATTACHMENT III.

Staff has no objection to the proposed subdivision. The replat of the lots within the subject property is consistent with the size and character of the lots in the surrounding area.

STANDARDS: The proposed plat complies with all of the subdivision general design standards located in Section 94-342 of the Zoning and Land Development Regulations.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City’s Planning Board.

PUBLIC NOTICE: Resolution No. 316-18 was advertised in the Palm Beach Post on November 9, 2018.

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

COMMENTS BY THE CITY COMMISSIONERS:

COMMENTS BY THE MAYOR:

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.