



**City of West Palm Beach
City Commission**

AGENDA

**March 23, 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:

APPOINTMENTS (1-3):

1. **City Commission approval is requested for the Mayor's reappointment of Patricia Sned to the Parks and Recreation Advisory Committee for a term of two years (2) to expire November 1, 2021. Ms. Sned has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms her reappointment.**
Agenda Cover Memorandum No.: 22834
2. **City Commission approval is requested for the Mayor's reappointment of Mr. Larry Brown to the West Palm Beach Housing Authority for a term of four (4) years to expire November 4, 2023. It is required that the City Commission confirms Mr. Brown's reappointment.**
Agenda Cover Memorandum No.: 22835
3. **City Commission approval is requested for the Mayor's reappointment of Claudia Kirk Barto to the Education Advisory Committee for a term of two years (2) to expire December 1, 2021. Ms. Barto has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms her reappointment.**
Agenda Cover Memorandum No.: 22836

PROCLAMATION (4):

4. **Proclaiming April 2020 as: The Lord's Place SleepOut/SleepIN Month. Proclamation to be accepted by Diana Stanley, CEO of The Lord's Place.**
Agenda Cover Memorandum No.: 22837

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

CONSENT CALENDAR (5-13):

5. **Minutes of the Regular City Commission Meeting of February 24, 2020.**
Agenda Cover Memorandum No.: 22839

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of February 24, 2020.

6. **Resolution No. 52-20(F) amending the Fiscal Year 2019/2020 General Fund budget to recognize parking meter donation of \$3,039 for Martin Luther King Day, January 20, 2020 and appropriating the funds for a donation to the Martin Luther King Caregivers.**

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 BUDGET TO RECOGNIZE PARKING METER REVENUES AND PROVIDE APPROPRIATIONS FOR A DONATION TO MARTIN LUTHER KING CAREGIVERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22824

Staff Recommended Motion:

Approve Resolution No. 52-20(F).

Background:

Resolution No. 52-20(F) assigns the Parking Meter Donation from the Martin Luther King (MLK) Holiday to the Martin Luther King Caregivers. The Martin Luther King Caregivers are volunteers who provide assistance to the frail elderly and homebound in the inner City of West Palm Beach. This program began in 1996 and continues to provide much needed assistance.

A donation of \$3,039 is awarded to the Martin Luther King Caregivers program for the 2020 MLK holiday.

7. **Resolution No. 44-20(F) amending the FY 2019/2020 full time equivalent (F.T.E.) personnel detail of the General Fund budget for the Development Services Department, Planning Division and the Building and Permitting Fund to change a Landscape Architect position to a Senior Planner and changing the split F.T.E. allocations.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FY 2019/2020 FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND BUDGET FOR THE DEVELOPMENT SERVICES DEPARTMENT, PLANNING DIVISION AND THE BUILDING AND PERMITTING FUND BUDGET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22840

Staff Recommended Motion:

Approve Resolution No. 44-20(F).

Background:

This item is a request for City Commission approval of one change in the FY2019/20 adopted budget. The item is the reallocation of the Landscape Architect position to a Senior Planner position which includes a nominal salary increase. The adopted Planning Division General Fund budget includes the position of Landscape Architect: job code 307118, pay grade 59 (salary range: \$55,716- \$83,585). The Planning Division has requested to reallocate that position to that of Senior Planner (Landscape): job code 307116, pay grade 65 (salary range: \$64,613 - \$96,933). Both position classifications was included in the City's salary plan approved on September 23, 2019 via Resolution No. 302-19. Currently, the General Fund and the Building and Permitting Fund share the costs for the Landscape Architect position, each with 0.5 FTE. The increased cost for the Senior Planner position is approximately \$16,000 annually. However, the current fiscal year budgets for both funds is sufficient to allow this upgrade due to the vacancy. This request will also change the FTE split budget allocations from a 50/50 split to a 40/60 split, reducing the General Fund portion of costs by approximately \$8,684 and increasing the Building and Permitting Fund costs by the same amount for next fiscal year.

Fiscal Note:

No fiscal impact to current budget, only changing in F.T.E. split fund allocations. Impact for FY 2021 reduces General Fund obligation \$8,684 and increasing the Building and Permitting Fund \$8,684.

8. **Resolution No. 57-20 approving the Guaranteed Maximum Price for Banyan Boulevard Streetscape project for the Construction Contract with Whiting-Turner establishing the GMP and Resolution No. 58-20 approving the Project Funding Agreement by the CRA to Banyan Blvd Streetscape project.**

Resolution No. 57-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE BANYAN BLVD STREETScape PROJECT BETWEEN THE CITY OF WEST PALM BEACH AND WHITING-TURNER TO ESTABLISH A GUARANTEED MAXIMUM PRICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Resolution No. 58-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PROJECT FUNDING AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR THE FUNDING OF THE BANYAN BLVD STREETScape; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22841

Staff Recommended Motion:

Approve Resolution Nos. 57-20 and 58-20.

Background:

The City issued its Request for Qualifications No. 17-18-402, for Construction Manager At Risk services for Downtown Streetscapes and Alleyways. Whiting-Turner Construction Company, was awarded a Construction Manager at Risk Contract for Banyan Blvd Streetscape, on May 17, 2019.

Banyan Boulevard is a major collector road, with over 14,000 Annual Daily Trips, for Downtown West Palm Beach connecting Australian Avenue to Flagler Drive. In 2013, the City prioritized paving on Banyan Blvd. as part of the Public Works Bond to improve deteriorated road conditions.

The Community Redevelopment Agency (CRA) and the City of West Palm Beach are partnering with Engineering Services to implement complete streets and enhance safety and efficiency of the corridor. The City retained Wantman Group (WGI), to perform a traffic study, investigate road conditions, and recommend a sustainable typical section. The scope of work includes but is not limited to: drainage improvements, street lighting, ADA access, landscaped median, midblock crosswalk enhancement, traffic signalization, smart city technology, and sidewalk and bike access. Whiting-Turner (WT), a contracting firm, was retained as the Construction Manager at Risk (CMAR) to build the project.

Banyan Boulevard has historically been considered a dividing line between downtown, the Northwest Neighborhoods and the northern border of downtown West Palm Beach. With the proposed improvements, Banyan Blvd will be transformed into a highly visible Gateway into the downtown district.

Design for the Banyan Boulevard Improvements is funded utilizing Capital Acquisition Funds and CRA Bond funds.

In accordance with its contract, Whiting-Turner Construction Company submitted a Guaranteed Maximum Price for the Banyan Blvd Streetscape, last revised February 11, 2020, in the amount of \$15,461,731.56. The City desires to approve the GMP and proceed with the Banyan Blvd Streetscape Project.

Resolution No. 57-20 approves the Guaranteed Maximum Price (“GMP”) for the Banyan Blvd Streetscape at \$15,461,731.56 and authorizes execution of the First Amendment to the Contract establishing the GMP.

Resolution No. 58-20 approves the Project Funding Agreement with the CRA for Banyan Blvd Streetscape.

COMMISSION DISTRICT: District 3: Commissioner Richard Ryles.

Fiscal Note:

Funding will be provided by the CRA Bond proceeds and the Capital Acquisition fund.

9. Resolution No. 54-20 approving an Amended and Restated 800 Interlocal Agreement with Palm Beach County regarding the County's 800 MHz Radio System.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING AN AMENDED AND RESTATED 800 INTERLOCAL AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY REGARDING INTEROPERABLE RADIO COMMUNICATIONS AND TALK GROUPS ON THE COUNTY’S 800 MHz RADIO SYSTEM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22842

Staff Recommended Motion:

Approve Resolution No. 54-20.

Background:

Pursuant to Interlocal Agreement R2008-0054, dated June 3, 2003, between the City of West Palm Beach and Palm Beach County, the County agreed to provide to the City access to the County’s Common Talk Groups on the County’s 800 MHz radio system, in order to provide interoperable communications among law enforcement, EMS and fire/rescue agencies utilizing the County system. The Agreement provides the protocol by which the City can access the county-wide common talk groups utilized by public safety agencies.

By Resolution No. 93-18, the City approved the final extension of the Agreement, which would continue through June 3, 2020.

The County desires to amend and restate the agreement regarding the County's Common Talk Groups on the County's 800 MHz radio system to include a provision clarifying that the access codes for the system are exempt and confidential security system information, and additionally, are not public records, and to update the insurance provisions. As a new agreement, the agreement would have a five-year term, expiring in 2025.

The County and the City have determined it to be beneficial to both parties and to the safety of the public to execute the Amended and Restated 800 Interlocal Agreement.

Resolution No. 54-20 approves the Amended and Restated 800 Interlocal Agreement.

Fiscal Note:

No fiscal impact.

10. **Resolution No. 78-20 approving a Second Amendment to the Interlocal Agreement among the School Board, Golf Commission and City extending the School Board's use of the Municipal Golf Course parking lot for parking for Forest Hill High School faculty and staff.**

RESOLUTION NO. 78-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT AMONG THE SCHOOL BOARD OF PALM BEACH COUNTY, THE CITY OF WEST PALM BEACH AND THE BOARD OF SUPERVISORS OF THE WEST PALM BEACH GOLF COMMISSION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22843

Staff Recommended Motion:

Approve Resolution No. 78-20.

Background:

By Resolution No. 251-18, the City of West Palm Beach approved an Interlocal Agreement among the City, the School Board of Palm Beach County and the Board of Supervisors of the Municipal Golf Course regarding the temporary use of the lower lots of the Municipal Golf Course parking lot for parking by the School Board. Accordingly, the School Board, the City and Commission entered into an Interlocal Agreement regarding Temporary Parking at a portion of the West Palm Beach Municipal Golf Course parking lot for the benefit of Forest Hill Community High School, dated September 5, 2018.

By Resolution No. 217-19, an Amendment to the Interlocal Agreement, dated July 25, 2019, extended the School Board's use to the full parking lot, and through October 18, 2019; or as further extended by the Mayor, which extension could not exceed August 1, 2020. The Mayor, by letter dated September 23, 2019, extended the School Board's use of the parking lot to August 1, 2020.

The School Board has requested further extension of the ability to utilize the full parking lot for parking for faculty and staff for Forest Hill High School from August 2, 2020 until August 1, 2021, and requests that the Mayor be delegated the authority to further extend the time for such use until August 1, 2024, or until the City requires the use of the parking lot for its Golf Course redevelopment, whichever first occurs.

Resolution No. 78-20 approves a Second Amendment to the Interlocal Agreement which extends the School Board's use of the Golf Course parking lot until August 1, 2021 and authorizes the Mayor to further extend such use until August 1, 2024 or until the City requires the parking lot for the Golf Course redevelopment.

Companion Resolution No. G01-20 will be presented to the Special Golf Commission for approval.

Fiscal Note:

No fiscal impact.

11. **Resolution No. 411-19 finding property located at 623 14th Street is not needed for City purposes, declaring the property surplus and authorizing the use of the property in the City Housing Assistance Incentive Program.**

RESOLUTION NO. 411-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT CITY OWNED PROPERTY LOCATED AT 623 14TH STREET IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS, APPROVING DISPOSITION THE PROPERTY IN ACCORDANCE WITH THE HOUSING ASSISTANCE INCENTIVES PROGRAM; CHOOSING NOT TO RESERVE AN INTEREST IN MINERAL RIGHTS IN THE CONVEYANCE OF THE PROPERTY AS AUTHORIZED BY SECTION 270.11, FLORIDA STATUTES; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE DISPOSITION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22844

Staff Recommended Motion:

Approve Resolution No. 411-19.

Background:

The City of West Palm Beach obtained property located at 623 14th Street through a Quit Claim Deed from Palm Beach County. Due to its size, it has been determined that this property is unbuildable. The adjacent property owner has expressed interest in purchasing the property for \$8,000.

By Resolution No. 83-16, the City Commission approved the City's Housing Assistance Incentives Program. Under the Program, the Department of Housing and Community Development is authorized, with the advice and consent of the Mayor, to sell City owned properties with the proceeds of the sale going to the Housing Trust Fund. Housing Trust Fund dollars are utilized for programs that provide grants, low interest loans, or other incentives to housing developers for the development of affordable, or workforce housing projects. As per City Code, there is no appraisal requirement for the purposes of determining market value.

In order to accomplish this transaction, Section 2-31 of the City's Code of Ordinances requires that the City Commission find that the property is not needed for City purposes, declare the property surplus and select a method of disposition. If the Commission authorizes the use of this property in the City's Housing Assistance Incentives Program, section 2-131(27)(g)(7) of the Code provides that property used in this manner may be disposed of by resolution. Resolution No. 411-19 accomplishes this objective by declaring the property to be surplus and directing that it be used in and disposed of, in accordance with the terms and provisions of the City's Housing Assistance Incentives Program.

COMMISSION DISTRICT: The property is located is District 1, Commissioner Kelly Shoaf.

Fiscal Note:

No fiscal impact.

12. **Resolution No. 31-20 authorizing the assessment of city liens in the total amount of \$28,999.83 for unpaid water service, sewer service, and stormwater service charges for the month of November 2019.**

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.: 22845

Staff Recommended Motion:

Approve Resolution No. 31-20.

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. 31-20 are for unpaid water service, sewer service and stormwater service charges for the month of November 2019. The list of properties to be assessed and the associated charges totaling \$28,999.83 are attached to Resolution No. 31-20 as EXHIBIT A - Utility Lien List - November 2019. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

13. **Resolution No. 50-20 approving the continued provision of food, nutrition education and counseling services to the elderly at the Gloria Y. Williams Multicultural Center and authorizing the Mayor to execute a Use of Facility Agreement For Government Entities with Palm Beach County to provide for the services.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONTINUED PROVISION OF FOOD, NUTRITION EDUCATION AND COUNSELING SERVICES TO THE ELDERLY AT THE GLORIA Y. WILLIAMS MULTI-CULTURAL CENTER AND AUTHORIZING THE MAYOR TO SIGN A USE OF FACILITY AGREEMENT FOR GOVERNMENT ENTITIES BETWEEN PALM BEACH COUNTY AND THE CITY FOR THE PROVISION OF SAID SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22846

Staff Recommended Motion:

Approve Resolution No. 50-20.

Background:

The City provides service to the elderly on Mondays, Wednesdays and Fridays, excluding holidays, from 10:30 a.m. to 2:30 p.m. at the Gloria Y. Williams Multi-Cultural Center located at 501 21 Street. The services are provided at no cost to the participants and includes a hot meal, nutrition education and counseling at least once a month. All foods and food service-related supplies are provided by Palm Beach County through a food service provider at the County's expense. The relationship between the City and the County is presently set forth in a Facility Use Agreement dated September 22, 2015. The County desires to update the agreement which states the City will provide the facility and service personnel and the County will provide the food. The term of the new agreement is three years and a copy of the agreement is attached to Resolution No. 50-20 as Exhibit A.

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

COVID-19 UPDATE:

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.