



**City of West Palm Beach
City Commission**

AGENDA

**July 27, 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 KELLY SHOAF**

**COMMISSIONER CHRISTINA LAMBERT
COMMISSIONER CHRISTY FOX**

**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 (1-2):

1. **City Commission approval is requested for the Mayor's reappointments of Upendo Shabazz-Phillips, Robert Sanders, Richard Reikenis and Cynthia Nalley, to the Downtown Development Authority Board of Directors, for a term of three years (3) to expire July 1, 2023. It is required that the City Commission confirms these reappointments on this board.**
Agenda Cover Memorandum No.: 22983
2. **City Commission approval is requested for the Mayor's reappointment of Richard Wade to the Watersheds Advisory Committee for a term of two years (2) to expire June 2, 2022. Mr. Wade has served over the maximum allowed number of terms (3), and it is required that the City Commission confirms his appointment.**
Agenda Cover Memorandum No.: 22984

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

BUDGET UPDATE:

CONSENT CALENDAR (3-8):

3. **Minutes of the Regular City Commission Meeting of June 29, 2020.**
Agenda Cover Memorandum No.: 22985

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of June 29, 2020.

4. **Minutes of the Special City Commission Meeting of July 6, 2020.**
Agenda Cover Memorandum No.: 22986

Staff Recommended Motion:

Approve the Minutes of the Special City Commission Meeting of July 6, 2020.

5. **Resolution No. 128-20 authorizing the execution of a Joint Participation and Project Funding Agreement between Palm Beach County and the City of West Palm Beach for construction of certain City utility improvements on Florida Mango Road over PBC L-21 Canal (north of Bridgeman Drive); and**

Resolution No. 125-20(F) providing appropriations in the amount of \$110,942.78 for the project.

RESOLUTION NO. 128-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A JOINT PARTICIPATION AND PROJECT FUNDING AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH FOR UTILITY WORK IN CONJUNCTION WITH THE COUNTY'S PROJECT ON FLORIDA MANGO ROAD OVER PBC L-21 CANAL (NORTH OF BRIDGEMAN DRIVE), PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 125-20(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 AND SEWER RENEWAL AND REPLACEMENT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR UTILITY WORK IN CONJUNCTION WITH THE COUNTY PROJECT ON FLORIDA MANGO ROAD OVER L-21 CANAL IN ACCORDANCE WITH THE JOINT PARTICIPATION AND PROJECT FUNDING AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22987

Staff Recommended Motion:

Approve Resolution No. 128-20 and Resolution No. 125-20(F).

Background:

In February 2020, Palm Beach County received bids for the Florida Mango Road over PBC L-21 Canal Bridge Replacement project ("County Project"). Florida Mango Road is a County roadway. The scope of the County Project involves demolition of the existing bridge, construction of a new roadway, and installation of two (2) 4'-10" X 7'-7" oval reinforced concrete pipe (RCP) drainage culverts. The total project length of the County Project is approximately 200 feet. The City's existing water and sewer aerial crossings are currently attached along the west side of the bridge support structure and will be impacted by the upcoming bridge demolition (Exhibit A). The relocation of City's utilities was bid as part of the County Project. The construction by the County is anticipated to begin in August/September 2020 for a duration of seven (7) months.

The County and the City have determined that it is in the best interest of the public for both parties to enter into a Joint Participation and Project Funding Agreement for the construction of the County's Project and the City's utility improvements ("Agreement"). Under the terms of the Agreement, the City shall reimburse the County a total estimated amount of \$110,942.78, for the cost of the City's utility improvements. The F Resolution amount includes the utility items cost plus 10% construction contingency for improvements of the City's utilities.

COMMISSION DISTRICT: This project is located in Commission District No. 5: Commissioner Christina Lambert.

Fiscal Note:

Fiscal impact = \$110,942.78 for City costs.

The Water and Sewer Renewal, Replacement and Improvement Fund 454 reserve for future projects balance will be approximately \$5.5 million, post approval.

6. **Resolution No. 206-20(F) providing appropriations from Federal Law Enforcement Forfeiture Funds of \$70,000 to fund the investigative use of rental vehicles.**

Resolution No. 207-20(F) providing appropriations of \$70,000 from State Law Enforcement Forfeiture Receipts to fund the investigative use of rental vehicles.

RESOLUTION NO. 206-20(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 FEDERAL LAW ENFORCEMENT FORFEITURE RECEIPTS FOR THE RENTAL OF VEHICLES BY THE WEST PALM BEACH POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 207-20(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 THE RENTAL OF VEHICLES BY THE WEST PALM BEACH POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22988

Staff Recommended Motion:

Approve Resolution No. 206-20(F) and Resolution No. 207-20(F).

Background:

Resolution No. 206-20(F):

The Federal Law Enforcement Trust Fund expenditure of \$70,000 will be used to achieve law enforcement objectives 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 for State and Local Law Enforcement.

RENTAL VEHICLES (\$70,000): Rental vehicles are utilized by undercover police department personnel in the Narcotics and Criminal Investigation Units to further 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.

The City has joined a multi-agency cooperative in South Florida to obtain the most competitive rates and terms. The requested funds would supply rental vehicles for investigative purposes for the remainder of the fiscal year.

Resolution No. 207-20(F):

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 department's 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. If the

seizing agency is a county or municipal agency, the remaining proceeds 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.

LAW ENFORCEMENT EXPENDITURES:

RENTAL VEHICLES (\$70,000): 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.

The Police Chief certifies the requested expenditures are in compliance with the Florida Contraband Forfeiture Act, specifically F.S.S. 932.7055(5)(a).

Fiscal Note:

Approval will recognize \$140,000 of state/federal forfeiture funds and provide appropriations for rental vehicles.

7. **Resolution No. 211-20 ratifying the submittal of three (3) grant applications to the Florida Department of Economic Opportunity for Rebuild Florida Critical Facility Hardening Program funding in a total amount of approximately \$5 Million to harden Fire Station Nos. 1, 5 and 6 against storm events.**

RESOLUTION NO. 211-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF THREE GRANT APPLICATIONS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY REQUESTING FUNDING FOR CRITICAL FACILITY HARDENING PROGRAM PROJECTS FOCUSED ON FIRE STATION FACILITIES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22993

Staff Recommended Motion:

Approve Resolution No. 211-20.

Background:

The City of West Palm Beach is committed to becoming more resilient in the face of storm events, extreme weather, and other natural and man-made disasters. As ratified by the City Commission via Resolution No. 386-19 on December 16, 2019 the City submitted five high priority mitigation projects to the Florida Department of Emergency Management (FEMA) for Hazard Mitigation Grant Program (HMGP) funding. The five mitigation projects each sought to harden public safety facilities in the City to withstand 225 mph winds and minimize impacts to operations in a disaster situation. Those grant applications are still pending approval which are expected in 2021, with a three-year expenditure period.

In conjunction with those FEMA grant applications, the opportunity to apply for supplemental or replacement grants through the FDEO's Critical Facility Hardening Program availed itself in mid-April 2020, which could fund the 25% match of an approved FEMA grant or fund 100% of the project costs, if the FEMA grant were somehow not approved.

Combined total project costs are: \$5M for the three Fire Station No 1, Fire Station No 5 and Fire Station No 6; specifically, seeking \$3,306,500 for Fire Station #5; \$1,069,625 for Fire Station #1; \$628,425 for Fire Station #6. Project costs would be 100% funded by FDEO grants, or it would cover the 25 % match required by the same FEMA grant applied for.

Fiscal Note:

No fiscal impact, if FDEO grants are approved since they fund 100% of the costs.

8. Resolution No. 226-20 approving an amendment to the Tamarind Parcel Lease with Transit Village PPP-Seaboard, LLC for the Seaboard Station.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AMENDMENT NO. 1 TO THE TRANSIT VILLAGE PPP-SEABOARD, LLC, TAMARIND PARCEL LEASE FOR THE SEABOARD TRAIN STATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22998

Staff Recommended Motion:

Approve Resolution No. 226-20.

Background:

As approved by Resolution No. 17-60, the CRA and Transit Village, LLC. entered into the Incentive Agreement for the development of a Transit Oriented Development (TOD) by Transit Village on the County-owned Wedge parcels and the construction of the public podium plaza.

As part of the agreements related to the Transit Village TOD project, the City and Transit Village PPP-Seaboard, LLC, entered into the Tamarind Parcel Lease Agreement, dated February 2, 2018 (the "Lease") for lease of the City-owned Tamarind Parcel, which includes the Seaboard Train Station.

RELOCATION OF PALM TRAN INTERMODAL TRANSIT CENTER: The City, the CRA, Palm Beach County, and Transit Village have discussed relocating Palm Tran Intermodal Transit Center (ITC) operations from its existing site on Clearwater Drive to a site on the Tamarind Parcel, just north of the existing Seaboard Train Station. On May 5, 2020, the Purchase and Sale Agreement between the County and Transit Village was amended. The County has agreed to temporarily relocate its Palm Tran ITC operations from the Wedge to the Relocated Palm Tran Site on the Tamarind Parcel during and until substantial completion of Transit Village's initial construction activities for the TOD project (as defined in the County PSA amendment). The County will consider making the relocation permanent. The County amendment acknowledged that Transit Village may seek to amend the City Lease to allow construction of the Palm Tran ITC and the continued operation of the ITC, either on a temporary or permanent basis, on the Seaboard Station Premises.

The Lease amendment submitted for the City Commission's approval will:

1. Clarify that the Lease term will commence upon the earlier construction of the Podium Plaza or the relocated ITC by August 13, 2023, or the Lease will be void.
2. Detail the steps for pre-approval of Train Station maintenance that will be performed by the City.
3. Provide that Transit Village's failure to reimburse the CRA for the up-front maintenance and ITC development costs within the 45-day time period will result in termination of the Station Lease.
4. Provide the City's consent to the relocation of the ITC onto the City property.
5. Amend the Lease to allow construction of the relocated ITC on the City property.

TRAIN STATION MAINTENANCE: Pursuant to the Lease, Transit Village agreed to assume the maintenance of the Seaboard Train Station upon the Lease term becoming effective. Presently, the Lease term will commence when Transit Village commences construction of its Public Podium as part of its TOD project. It had been anticipated that the Lease would be effective no later than February 1, 2021. However, by amendment to the Incentive Agreement with the CRA, and the proposed amendment to the Lease, the date by which the Lease term must commence will be revised to August 13, 2023.

The Seaboard Train Station has deferred maintenance issues that the City desires to address prior to the commencement of the term of the Seaboard Station Lease. The Amendment provides that the City will develop a list of maintenance items needed at the Seaboard Train Station. Transit Village will review and approve certain proposed maintenance repair items and proposed costs. The CRA will fund the maintenance repair items, and the City will contract to have the work done. Upon completion of the maintenance items, the CRA will provide the final costs to Transit Village. Transit Village will reimburse the CRA for the maintenance costs within 45 days. Failure to make such reimbursement will result in termination of the Seaboard Station Lease.

Transit Village will have commenced construction of the Podium Lease or for the relocation of Palm Tran's Intermodal Transit Center by August 13, 2023, or the Station Lease will terminate.

Resolution No. 226-20 approves the Amendment to the Tamarind Parcel (Seaboard Station) Lease.

Companion Resolution No. 20-39 will be presented to CRA for approval.

COMMISSION DISTRICT: District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (9-13):

- 9. Resolution No. 162-20 authorizing the Mayor to execute an Interlocal Agreement between the City and Palm Beach County for the use of grant funds in the amount of \$440,000 for Housing Opportunities for Persons With AIDS Program Funds related to COVID-19.**

RESOLUTION NO. 162-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR THE ADMINISTRATION AND USE OF FY 2019-2020 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM FUNDS UNDER THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Agenda Cover Memorandum No.: 22989

Staff Recommended Motion:

Approve Resolution No. 162-20.

Background:

The Department of Housing and Community Development (HCD) receives annual funding from the U.S. Department of Housing and Urban Development (HUD) for the Housing Opportunities for Persons With AIDS (HOPWA) Program. In response to the COVID-19 pandemic, The Coronavirus Aid, Relief and Economic Security Act (CARES Act) was signed into law. The CARES Act provides supplemental HOPWA (HOPWA-CV) funding for grants to prevent, prepare for, and respond to coronavirus. The HOPWA-CV Program provides funds for Short-Term Rent, Mortgage, and Utility Assistance, Transitional/Short-Term Housing Subsidies, and Supportive Services to eligible persons living with HIV/AIDS.

Pursuant to the supplemental allocation of HOPWA funds provided under the CARES Act, the City was awarded \$467,782 for the provision of certain eligible activities.

The Palm Beach County Department of Community Services Ryan White Program is the Continuum of Care that provides HIV/AIDS services funded by the Federal Ryan White HIV/AIDS Treatment Extension Act of 2009, Part A. The Ryan White Program pays for health and social services for those who meet medical eligibility and program requirements, and the City's HOPWA Program provides housing and supportive services for eligible persons living with HIV/AIDS. The City and the County provide services to mutual clients, and it is beneficial for the City to contract with the County to serve as the Administrative Subrecipient for a portion of the City's HOPWA-CV Program funds. Pursuant to the Interlocal Agreement, the City will provide the County with \$440,000 of HOPWA funds, which will be used to provide short-term housing services to eligible households impacted by the COVID-19 pandemic. The County currently administers a short-term rental assistance program for those who have HIV/AIDS and therefore has the structure and staffing in place to administer this program. The remaining \$27,782 in HOPWA funds will be retained by City to pay for eligible administration costs related to reporting to HUD.

Resolution No. 162-20 approves the Interlocal Agreement between the City and the County governing the expenditure of the City's HOPWA-CV funds for approved housing purposes.

Fiscal Note:

Approval will provide \$440,000 in HOPWA-CV funds to the County.

- 10. Resolution No. 188-20 approves a Public/Private Partnership Agreement between the City and CityPlace North II, LLC for the City's acceptance of a large-scale sculpture by Yinka Shonibare's CBE as an addition to the City's public art collection and to be installed in the public plaza at 360 Rosemary Square.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH FLORIDA, APPROVING AND AUTHORIZING A PUBLIC/PRIVATE PARTNERSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND CITYPLACE NORTH II, LLC FOR THE CITY'S ACCEPTANCE OF MATERIAL (SG) II, 2021, A LARGE-SCALE SCULPTURE TO BE INSTALLED AT THE PUBLIC PLAZA OF 360 ROSEMARY SQUARE CONDITIONED BY THE CITY'S CONTRIBUTION OF \$225,000 TOWARDS THE TOTAL COSTS OF THE SCULPTURE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22990

Staff Recommended Motion:

Approve Resolution No. 188-20.

Background:

On June 3, 2020, at its regularly scheduled meeting, the Arts in Public Places ("AiPP") Committee voted unanimously to recommend to the City Commission, the City's acceptance of Yinka Shonibare's CBE Sculpture Material (SG) II 2021, ("Sculpture") through a public/public private partnership with CITY PLACE NORTH II, LLC (hereinafter "North II" or "The Related Companies") to bring a significant artwork by an internationally recognized artist to the City of West Palm Beach. The Related Companies, in partnership with the City, is commissioning the work including the shipping, crating, siting design, installation, and insurance for the artwork to be sited in the public plaza at 360 Rosemary Square at Rosemary and Fern Street. The City's AiPP Committee approved and recommended the City's contribution of \$225,000 towards the total costs of the Sculpture from the AiPP Reserves in fiscal year 20/21. In accordance with the terms and provisions of the parties' public/private partnership agreement, The Related Companies will convey all ownership rights to the Sculpture to the City after the Sculpture's installation.

Resolution No. 188-20 acknowledges the public/private Partnership between the City and The Related Companies to bring a significant artwork by an internationally recognized artist to a prominent public space for West Palm Beach residents and visitors to experience. The Related Companies will handle all logistical responsibilities required to commission and bring the Sculpture to West Palm Beach and have a separate agreement with the artist representative James Cohen Gallery, NY. The City will have an agreement with The Related Companies that acknowledges the fiscal contribution in 20/21 from the AiPP Reserves and to accept Material (SG) II 2020 from the The Related Companies as an addition to the City of West Palm Beach's public art collection.

About the Artist:

Yinka Shonibare CBE (RA) was born in London in 1962 and moved to Lagos, Nigeria at the age of three. He returned to the United Kingdom to study Fine Arts at Byam Shaw School of Art, London and Goldsmiths College, London, where he received his Master's in Fine Arts. Considered a conceptual artist, Shonibare's work explores contemporary African identity and its relationship to European colonialism through painting, sculpture, installation, film, and photography. Shonibare is best known for his work with visual symbols, especially the richly patterned Dutch wax fabric produced in Europe for a West African market that he uses in a wide range of applications.

Shonibare's works are included in notable collections, including the Tate Collection, London; Victoria and Albert Museum, London; National Museum of African Art, Smithsonian Institution, Washington, D.C; Museum of Modern Art, New York; National Gallery of Canada, Ottawa; Moderna Museet, Stockholm; and the Museum of Contemporary Art in Chicago. In 2019 he was awarded the honor of 'Commander of the Order of the British Empire' a distinguished achievement.

About the Artwork/Sculpture:

Material (SG) II 2021 is part of a series of outdoor sculptures that explore the notion of harnessing the wind by appearing to capture it in a moment of time. Throughout his practice, Shonibare has incorporated the Batik fabric and used it within his work to express and explore themes of global migration, diversity, and inclusion. Material (SG) II 2021 is a hand painted, hand-cast fiberglass resin over a hidden stainless-steel support that is physically hard yet appears visually soft. This is the second of a series of nine each with a unique pattern.

Resolution No. 188-20 approves the acceptance of Material (SG) II 2021 as an addition of the City's public art collection as conveyed by The Related Companies. Resolution 188-20 also authorizes a contribution from the AiPP reserves of \$225,000 in fiscal year 20/21 to install Yinka Shonibare's CBE Material (SG) II 2021 in the public plaza at 360 Rosemary Square.

This project to install Material (SG) II 2021 is in District 3: Commissioner Christy Fox.

Fiscal Note:

- No fiscal impact in FY 19/20.
- \$225,000 towards the total costs of the Sculpture from the AiPP Reserves in FY 20/21.

11. **Resolution No. 196-20 granting two non-exclusive underground utility easements to Florida Power & Light for the construction, operation and maintenance of underground electric utility facilities in Dreher Park.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING NON-EXCLUSIVE UNDERGROUND UTILITY EASEMENTS TO FLORIDA POWER & LIGHT ON CITY PROPERTY IN DREHER PARK FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRIC UTILITY FACILITIES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22991

Staff Recommended Motion:

Approve Resolution No. 196-20.

Background:

On February 11, 2020, representatives from FPL attended a Parks and Recreation Advisory Committee (PRAC) meeting to discuss the possible locations for a transformer to be placed in Dreher Park. The purpose of the new transformer is to pilot below ground utilities for residents on the South side of Hanson Street and the North side of Summit Avenue. PRAC recommended a location which was adjacent to the park's maintenance facilities, which was out of view from the public and in the vicinity, FPL was requesting. FPL explored the location and would like to move forward with the project.

In order to move forward, the City would need to grant two easements to FPL for the construction, operation, and maintenance of the underground electric utility facility and transformer.

Resolution No. 196-20 grants the easement to FPL.

Fiscal Note:

No fiscal impact.

12. **Resolution No. 208-20 accepting a grant from the U.S. Department of Justice, COPS Hiring Recovery Program, to aid in the hiring of thirty additional full-time police officers.**

RESOLUTION NO. 208-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING THREE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$3,750,000) FROM THE U.S. DEPARTMENT OF JUSTICE, COPS HIRING PROGRAM 2020 TO FUND THIRTY ADDITIONAL POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22992

Staff Recommended Motion:

Approve Resolution No. 208-20.

Background:

The U. S. Department of Justice Community Oriented Policing Services Office (COPS), through the Cops Hiring Program (CHP) provides grant funding for three years (36 months) for each position awarded. The hiring or rehiring of officers under CHP must be in addition to, and not in lieu of, officers who otherwise would have been hired or rehired with local funds. Any CHP-funded officer positions awarded must be retained for at least twelve (12) months immediately after the 36 months of federal funding has ended for each position. Applicants are required to affirm in their CHP grant application that their agency plans to retain any additional officer positions awarded following the expiration of the grant and identify their planned source(s) of retention funding.

Under FY 2020 CHP, new hire officer positions are not required to be military veterans, however, as the COPS Office supports the Attorney General's commitment to hiring military veterans whenever possible, applicants who commit to hiring or rehiring at least one military veteran under CHP will receive additional consideration for FY 2020 CHP funding. A military veteran hire must have served on active duty for a period of at least 180 days, any part of which occurred on or after September 11, 2001.

Hiring Categories:

CHP grants may be used to: (1) hire new officer positions (including filling existing officer vacancies that are no longer funded in your agency's budget); (2) rehire officers who have been laid off by any jurisdiction (at the time of application) as result of state, local, or BIA budget cuts; and/or (3) rehire officers who are (at the time of application) scheduled to be laid off on a specific future date as a result of state, local, or BIA budget cuts.

Maximum Federal Share, Local Share Requirements:

2020 CHP grants provide up to 75 percent funding of the approved entry level salaries and fringe benefits of each newly hired and/or rehired full-time sworn career law enforcement officer over the three (3) year (36 months) grant period, with a minimum 25 percent local cash match requirement and a maximum federal share of \$125,000 per officer position. All budget calculations must be based on the current authorized salary and fringe benefits of an entry level officer in the department. Any additional costs for higher than entry level salaries and fringe benefits will be the responsibility of the City.

The cost for three (3) years for thirty (30) full time positions is approximately \$7,854,629 for salaries and benefits. Grant funds will provide a maximum of \$3,750,000 and City match funds required at 25% is \$1,250,000, leaving an additional \$2,854,629 that the City will have to add to the match for the three (3) year grant period to cover salaries and benefits. Additionally, operating and capital expenditures (unallowable expenses) for the three years will be approximately \$3,243,760.

Year 1:

Grant will reimburse \$1,686,699.

General Fund amount will be \$820,926 which includes match and additional not reimbursed by the grant for salaries and benefits; and \$1,339,618 for unallowable expenses for a total of \$2,160,544.

Year 2:

Grant will reimburse \$1,179,791.

General Fund amount will be \$1,436,620 which includes match and additional not reimbursed by the grant for salaries and benefits; and \$1,198,696 for unallowable expenses for a total of \$2,635,316.

Year 3:

Grant will reimburse \$883,510.

General Fund amount will be \$1,847,083 which includes match and additional not reimbursed by the grant for salaries and benefits; and \$705,446 for unallowable expenses for a total of \$2,552,529.

The hiring process is lengthy and training resources are limited. It is expected only 15 officers can be hired, trained and successfully deployed independently during the first fiscal year. The amount needed in FY21 for the City match of funding is not expected to exceed \$1,100,000.

Resolution No. 65-20 authorized the submittal of a grant application. The City received notification of the award (for all 30 positions requested) on June 25, 2020.

Resolution No. 208-20 authorizes the Mayor to execute the documents required to accept the award.

Fiscal Note:

The cost for three (3) years for thirty (30) full time positions is approximately \$7,854,629 for salaries and benefits. Grant funds will provide a maximum of \$3,750,000 and City match funds required at 25% is \$1,250,000, leaving an additional \$2,854,629 that the City will have to add to the match for the three (3) year grant period to cover salaries and benefits. The City will assume the full cost for the officers after the 3-year grant period expires.

13. **Resolution No. 214-20 approving a Federally Funded Subaward and Grant Agreement with the Florida Division of Emergency Management to accept a grant for reimbursement of eligible costs resulting from Hurricane Dorian.**

RESOLUTION NO: 214-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FEDERALLY FUNDED PUBLIC ASSISTANCE AGREEMENT BETWEEN THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT AND THE CITY OF WEST PALM BEACH TO ACCEPT A GRANT TO REIMBURSE THE CITY FOR ELIGIBLE EXPENSES FROM HURRICANE DORIAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22994

Staff Recommended Motion:

Approve Resolution No. 214-20.

Background:

On August 30, 2019, the President issued a major disaster declaration (FEMA DR-4468) for the State of Florida as a result of Hurricane Dorian. The declaration authorized public assistance and hazard mitigation grants for eligible states. The State of Florida received public assistance grant funds from the Federal Emergency Management Agency (FEMA) and is authorized to sub-grant a portion of such funds to the City of West Palm Beach pursuant to the requirements of federal and state law.

The City desires to enter into a Federally-Funded Subaward and Grant Agreement with the State of Florida, Division of Emergency Management, to receive grant funds and reimbursement for eligible costs and expenses resulting from Hurricane Dorian. The attached agreement starts the process for reimbursement based on a FEMA project worksheet obligation. Each successive FEMA project worksheet obligation will trigger a modification to Attachment A - Budget and Project List of this agreement.

The City's estimate of expenses resulting from Hurricane Dorian is \$316,000. It is expected the City will be reimbursed by the Federal Emergency Management Agency (FEMA) for 75.0%, 12.5% from the State of Florida, leaving the City responsible for 12.5%.

Fiscal Note:

See Resolution No. 376-19(F) recognizing the estimated receipt of Federal (\$237,000), State (\$39,500), and the City's match (\$39,500) for Hurricane Dorian estimated expenditures totaling \$316,000 passed by Commission on November 25, 2019.

PUBLIC HEARING (14):

- 14. Public Hearing and First Reading of Ordinance No. 4905-20 amending City Code Section 42-32, defining "Employers" at a lower threshold number of employees needed to bring employers within the ambit of City's equal opportunity laws.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 42 (HUMAN RELATIONS), ARTICLE II (EQUAL OPPORTUNITY), SECTION 42-32 (DEFINITIONS) OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, TO EXPAND THE DEFINITION OF EMPLOYERS SUBJECT TO THE CITY'S EQUAL OPPORTUNITY LAW PROHIBITING DISCRIMINATION BASED ON PROTECTED STATUS; PROVIDING A CODIFICATION CLAUSE; PROVIDING A CONFLICTS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22995

Staff Recommended Motion:

Approve Ordinance No. 4905-20 at First Reading and schedule for a Second Reading to be heard on August 10, 2020.

Background:

Counties in and around the City of West Palm Beach, including but not limited to Broward, Leon, Miami-Dade, Orange, and Pinellas counties, have equal opportunity laws that generally define "employer" to include those with five or more employees for between four and 20 or more calendar weeks per year (the years calculated variously), whereas currently, the City's Code, at Sec. 42-32, defines employers subject to the City's equal opportunity laws as those employing "15 or more employees . . . in each of the four or more calendar weeks in the current calendar year." In order to maintain its commitment to and leadership in the area of equal opportunities in employment, housing, and public accommodations, and particularly on the heels of the Supreme Court's June 15, 2020 decision extending federal law protection to gay and transgender persons in employment matters, City Administration seeks, through the mayor's initiative, to lower the number of threshold employees, which will make employers subject to the City's equal opportunity law to more closely align with its like-minded counterparts in the state.

**PUBLIC HEARING – QUASI JUDICIAL (15-16):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

15. Resolution No. 180-20 approving the re-plat of 201 Puritan Road.

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 “201 PURITAN ROAD, A REPLAT OF LOTS 3, 4, 17 AND 18 AND THE STRIP OF LAND BETWEEN LOTS 3 AND 18, AND THE STRIP OF LAND BETWEEN AND THE EAST HALF OF LOT 4 AND THE EAST HALF OF LOT 17,” CONSISTING OF THREE (3) LOTS, CONTAINING A TOTAL OF APPROXIMATELY 1 ACRE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22996

Staff Recommended Motion:

Approve Resolution No. 180-20.

Background:

The subject property is currently one large un-platted residential parcel consisting of one (1) acre, located south of Southern Boulevard and east of South Dixie Highway and South Olive Avenue in the cul-de-sac of Puritan Road. The property owner would like to divide the property into three (3) lots. An existing home has been relocated on the proposed Lot 1A (northwestern lot), and another home is expected to be built on Lot 1B (northeastern lot), with the third lot being used to preserve the large existing Banyan trees which were recently designated as Historic Trees by the City Commission by Resolution No. 113-20.

STANDARDS: The plat complies with all of the general design standards of Sec. 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. 180-20 was advertised in the Palm Beach Post on July 13, 2020.

COMMISSION DISTRICT: The subject property is located within Commission District No. 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

16. Public Hearing and Second Reading of Ordinance No. 4895-20: Regarding a Future Land Use Map Amendment of ±5.53 acres located at 3600 Village Boulevard from Single Family to Community Service;

Public Hearing and Second Reading of Ordinance No. 4896-20: Regarding a rezoning of ±5.53 acres located at 3600 Village Boulevard from Residential Planned Development to Community Service, with a further rezoning to Community Service Planned Development;

Public Hearing of Resolution No. 105-20: Regarding the development regulations and conditions for the Village Boulevard Family Church Community Service Planned Development, and the granting of waivers of the Zoning and Land Development Regulations;

Public Hearing and Second Reading of Ordinance No. 4897-20: Regarding a Future Land Use Map Amendment of ±30.82 acres located at 3600 Village Boulevard from Single Family to Multi-family Medium Density;

Public Hearing and Second Reading of Ordinance No. 4898-20: Regarding a rezoning of ±30.82 acres located at 3600 Village Boulevard from Residential Planned Development to Multi-family Low Density Residential, with a further rezoning to Residential Planned Development;

Public Hearing of Resolution No. 106-20: Regarding the development regulations and conditions for the Broadstone Lakeside Residential Planned Development, and the granting of waivers of the Zoning and Land Development Regulations; and

Public Hearing of Resolution No. 195-20: Regarding a Minor Subdivision to approve the plat entitled "Alliance on Village", located at 3600 Village Boulevard.

The above-referenced requests are being made by Joni Brinkman, of Urban Design Kilday Studios, on behalf of First Baptist Church of WPB.

ORDINANCE NO. 4895-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF ±5.53 ACRES LOCATED AT 3600 VILLAGE BOULEVARD FROM SINGLE FAMILY TO COMMUNITY SERVICE; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4896-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY REZONING ±5.53 ACRES LOCATED AT 3600 VILLAGE BOULEVARD FROM A RESIDENTIAL PLANNED DEVELOPMENT ZONING DESIGNATION TO COMMUNITY SERVICE, WITH A FURTHER REZONING TO COMMUNITY SERVICE PLANNED DEVELOPMENT, TO CREATE THE VILLAGE BOULEVARD FAMILY CHURCH COMMUNITY SERVICE PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 105-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS, FOR THE VILLAGE BOULEVARD FAMILY CHURCH COMMUNITY SERVICE PLANNED DEVELOPMENT LOCATED AT 3600 VILLAGE BOULEVARD; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4897-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF ±30.82 ACRES LOCATED AT 3600 VILLAGE BOULEVARD FROM SINGLE FAMILY TO MULTI-FAMILY MEDIUM DENSITY; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4898-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY REZONING ±30.82 ACRES LOCATED AT 3600 VILLAGE BOULEVARD FROM A RESIDENTIAL PLANNED DEVELOPMENT ZONING DESIGNATION TO MULTI-FAMILY LOW DENSITY RESIDENTIAL, WITH A FURTHER REZONING TO RESIDENTIAL PLANNED DEVELOPMENT, TO CREATE THE BROADSTONE LAKESIDE RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING

THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 106-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE BROADSTONE LAKESIDE RESIDENTIAL PLANNED DEVELOPMENT LOCATED AT 3600 VILLAGE BOULEVARD; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 195-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION (REPLAT) OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "ALLIANCE ON VILLAGE", CONTAINING A TOTAL OF APPROXIMATELY 36.353 ACRES LOCATED AT 3600 VILLAGE BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22997

Staff Recommended Motion:

Approve Ordinance No. 4895-20, changing the Future Land Use designation of ±5.53 acres located at 3600 Village Boulevard from Single Family to Community Service, subject to the condition that development of the property be limited to 1,735 weekday daily trips or 173 weekday peak hour trips. 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 standards found in Policy 1.1.5 of the Future Land Use Element of the City's Comprehensive Plan.

Approve Ordinance No. 4896-20, changing the zoning designation of ±5.53 acres located at 3600 Village Boulevard from Residential Planned Development to Community Service, with a further rezoning to Community Service Planned Development. 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 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 105-20, approving the development regulations and conditions for the Village Boulevard Family Church Community Service Planned Development, and granting waivers of the Zoning and Land Development Regulations. 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 and 94-35 of the City's Zoning and Land Development Regulations.

Approve Ordinance No. 4897-20, changing the Future Land Use designation of ±30.82 acres located at 3600 Village Boulevard from Single Family to Multi-family Medium Density. 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 standards found in Policy 1.1.5 of the Future Land Use Element of the City's Comprehensive Plan.

Approve Ordinance No. 4898-20, changing the zoning designation of ±30.82 acres located at 3600 Village Boulevard from Residential Planned Development to Multi-family Low Density Residential, with a further rezoning to Residential Planned Development. 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 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 106-20, approving the development regulations and conditions for the Broadstone Lakeside Residential Planned Development, and granting waivers of the Zoning and Land Development Regulations. 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 and 94-35 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 195-20, creating the plat entitled "Alliance on Village". This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-342 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 on the east side of Village Boulevard, approximately 0.7 miles south of 45th Street, the subject property consists of ±36.35 acres and is the current location of Family Church Village, a satellite campus of Family Church located near downtown West Palm Beach. Formerly the location of the Northwood Baptist Church (NBC), the property was acquired by NBC in 1983 with the existing building completed in 1990.

With plans for a significant expansion of their congregation, NBC developed an overall master plan for the entire property to increase their facilities from just under 23,000 square feet to approximately 223,000 square feet to accommodate a membership projection of over 1,700. This expansion and the associated master plan were all approved with the adoption of Ordinance No. 2706-94 on January 24, 1994, which rezoned the property from Single Family Low Density (SF7) Residential to Residential Planned Development (RPD). For various reasons, the expansion never came to fruition and the site has remained in the much of the same condition as it did after the original construction in 1990. In April 2017, the property was acquired by First Baptist Church of West Palm Beach (now known as

Family Church), which continues to own the property and has been operating a satellite campus to their main facility near downtown.

Much of the subject property remains vacant open space, with the existing sanctuary and other church facilities located on a small percentage of the site. While maintaining a presence in the area and continuing operation of the church's satellite campus, Family Church has looked for ways to provide income and ensure longevity, ultimately deciding to remain in the existing facility but sell off ±30.82 acres of their property to Alliance Residential for private development as a multi-family residential community. The overall development plan is as follows:

- Maintain the existing church structure;
- Reconfigure the existing church parking, relocating some of the existing spaces to the south and west sides of the existing church (number of spaces to remain unchanged); and
- Construct a 280-unit multi-family development to the north and east of the existing church.

FUTURE LAND USE MAP AMENDMENTS | Ordinance Nos. 4895-20 and 4897-20:

The subject property currently has a SF FLU designation that originates to the time before the property was even acquired by NBC. It is believed that this designation was not changed in 1994 when the RPD and master plan were approved as religious institutions were allowed within single family districts through approval of a special use permit or a planned development. With the future redevelopment, the applicant is proposing to:

- Change the FLU designation for the ±5.53-acre tract (hereinafter referred to as the "church tract") from SF to Community Service (CS) [Ordinance No. 4895-20]; and
- Change the FLU designation for the remaining ±30.82-acre tract (hereinafter referred to as the "residential tract") from the existing SF FLU designation to Multi-family Medium Density (MFMD) [Ordinance No. 4897-20].

REZONINGS | Ordinance Nos. 4896-20 and 4898-20 / Resolution Nos. 105-20 and 106-20:

In addition to the FLU amendments described above, the applicant is also requesting that the zoning on the property be amended as follows:

- Change the zoning of the church tract from RPD, which has an underlying zoning of Single-Family Low Density (SF7) Residential, to CS with a further rezoning to Community Service Planned Development (CSPD) [Ordinance No. 4896-20 and Resolution No. 105-20]; and

- Change the zoning of the residential tract from RPD, which has an underlying zoning of SF7, to Multi-family Low Density (MF14) Residential, with a further rezoning to RPD [Ordinance No. 4898-20 and Resolution No. 106-20].

With both the CSPD and the RPD, the applicant is requesting waivers from the City's Zoning and Land Development Regulations.

Church Tract [Ordinance No. 4896-20 and Resolution No. 105-20] - As with the change in the FLU designation, the rezoning of the church tract to CSPD would allow it to continue as a religious facility while having a zoning designation that is consistent with such a use. The applicant is proposing to leave the existing structure as it is but relocate most of the parking that exists on the east side of the building and move it to the south and west. This will free up land along the lake for the residential development.

Residential Tract [Ordinance No. 4898-20 and Resolution No. 106-20] - With the reconfiguration of the existing parking lot, the church was able to make over 30 acres of their property available for a proposed multi-family development consisting of 280 dwelling units within six (6) mid-rise buildings that are four (4) stories (45 feet) in height. Additional improvements on the site include a minimum number of individual tenant parking garages, a mail kiosk, and a clubhouse for leasing and amenities. In order to provide for the development, the applicant is requesting that the property be rezoned to MF14, the City's lowest density in a multi-family district, with a further rezoning to RPD.

Traffic Impacts - In reviewing the applications, the City's Engineering Service Division reviewed the Traffic Impact Analysis and expressed concern regarding the increase in traffic that would be added to Village Boulevard and that mitigation measures would be necessary. Based upon this review, the Engineering Services Department recommended to the Planning Board that the developer be required to make several improvements; the Planning Board chose to exclude those conditions from their recommendation of approval. At the City Commission's First Reading of the proposed development (May 4, 2020), a number of modified traffic conditions were presented, which were agreed to by the developer, and it was determined that they would be added into the Development Order prior to Second Reading. Staff and the applicant have refined the conditions and incorporated them into Resolution No. 106-20.

MINOR SUBDIVISION | Resolution No. 195-20

In order to sell the residential tract to the multi-family developer (Alliance Residential), Family Church is requesting that the property be replatted to subdivide the land into the two (2) respective parcels. It is Staff's professional opinion that the proposed plat complies with the standards required by the City's Comprehensive Plan and the Subdivision General Design Standards required by Section 94-342 of the City's Zoning and Land Development Regulations.

CONCLUSION: The proposed modifications by the church and the construction of a multi-family residential community on the remaining portion of the property will certainly provide for an increase in activity in the area bringing an influx of new residents to a property that has remained mostly vacant for a long time. It could be argued that the proposed development may actually result in less impact than if the church had moved forward with the expansion approved in 1994. During peak usage, a significant number of people would have been accessing the facility. The residential development will bring new residents and a continued investment in the area. It is Staff's professional opinion that the requested waivers and the proposed development comply with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations, and therefore is recommending approval, subject to the conditions set forth in Resolution Nos. 105-20, 106-20, and 195-20.

PLANNING BOARD: After a Public Hearing on March 17, 2020, the Planning Board recommended approval (7-0) of the proposed development. The Planning Board's recommendation did not support the traffic conditions originally proposed by the Engineering Services Department. The conditions have been revised since that hearing and the applicant has agreed to the conditions as presented in Resolution No. 106-20. As a Minor Subdivision, Resolution No. 195-20 was not required to be reviewed by the City's Planning Board.

FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO): On May 12, 2020, the proposed large-scale FLU Map Amendment (Ordinance No. 4897-20) was transmitted to the Florida DEO for their review pursuant to Section 163.3187(1), Florida Statutes. The City was notified on June 17, 2020, that the DEO has "no comment on the proposed amendment". Additionally, the City has not received any objection from the other applicable reviewing agencies. The small-scale FLU Map Amendment (Ordinance No. 4895-20) will be sent to DEO upon adoption.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance Nos. 4895-20 and 4897-20 were advertised on July 22, 2020, while all other ordinances and resolutions were advertised on July 17, 2020.

COMMISSION DISTRICT: The site is located within Commission District No. 2: Commissioner Cory Neering.

Fiscal Note:

No fiscal impact.

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.