



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**September 21, 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:

PROCLAMATIONS (1):

1. **Proclaiming September 2020 as: Sickle Cell Month. Proclamation to be accepted by Shalonda Warren, CEO of the Sickle Cell Foundation of Palm Beach County.**
Agenda Cover Memorandum No.: 23040

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

RECEIVED / FILED (2):

2. **Submittal of the following three (3) reports from the Internal Auditor's Office:**
 1. **Commercial Refuse Post Audit Report;**
 2. **Payroll and Overtime Audit Report and the Executive Summary; and**
 3. **Parking and IT Data Exchange Audit Report and the Executive Summary.***Agenda Cover Memorandum No.: 23041*

Staff Recommended Motion:

Receive, file, and approve.

Background:

The three (3) reports were presented to the Audit Committee on September 8, 2020, where they were approved by the Audit Committee Members. Copies of the reports have been provided to the Mayor and the City Commissioners.

Fiscal Note:

No fiscal impact.

CONSENT CALENDAR (3-8):

- 3. Minutes of the Regular City Commission Meeting of August 24, 2020.**
Agenda Cover Memorandum No.: 23042

Staff Recommended Motion:

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

- 4. Approval of the Internal Auditor's Office FY2021 Annual Audit Plan.**
Agenda Cover Memorandum No.: 23043

Staff Recommended Motion:

Approve the FY2021 Annual Audit Plan.

Background:

Pursuant to Section 2-398(d), the internal auditor is required to submit an annual audit plan for the next fiscal year to the Audit Committee. On September 8, 2020, the Audit Committee reviewed the draft FY2021 Audit Plan and unanimously recommended it for approval by the City Commission. The Internal Auditor's Office would like the plan approved, received, and filed.

Fiscal Note:

No fiscal impact.

- 5. Resolution No. 253-20 updating the Comprehensive Fee Schedule for the City of West Palm Beach for fiscal year 2020-2021.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING AND REPLACING THE COMPREHENSIVE FEE SCHEDULE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23044

Staff Recommended Motion:

Approve Resolution No. 253-20.

Background:

The Finance Department in conjunction with Department Directors and Division Managers throughout the City developed a Comprehensive Fee Schedule in fiscal year 2013/14 which was adopted by the City Commission on December 9, 2013 under Resolution No. 290-13. The rationale behind creating a comprehensive fee schedule is to provide efficiency, transparency, consistency, and revenue assurance/enhancement. Resolution No. 290-13 provided for the annual review, and updating as needed, of the City's Fee Schedule. There were virtually no changes; generally, the significant increases would be from development services and Public Works. Development services made 4 minor changes; Public Works deleted two fee categories and added Franchise Fee and Haulage Fees for "Roll off

Vendors” for which there was no fee increase, these have never appeared on a fee schedule. Library deleted late charge fees mimicking a policy recently adopted by the County, they also added a number of fees which were simply omitted from the schedule in previous years. Other departments responded as instructed indicating that there would be no increase in rates for the upcoming fiscal year. The overall revenue impact of the increases is immaterial.

Resolution No. 253-20 will approve the 2020/2021 Comprehensive Fee Schedule as aligned with the 2020/2021 budget.

Fiscal Note:

The estimated revenues generated from fees is included in the FY 2020/21 budget.

6. **Resolution No. 255-20 relating to the ratification of a successor collective bargaining agreement between the City of West Palm Beach and the Service Employees International Union (SEIU), Florida Public Services Union (FPSU), CTW, CLC Certified Unit No. 401, for the period of October 1, 2020 through September 30, 2023.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE SERVICE EMPLOYEES INTERNATIONAL UNION ("SEIU"), FLORIDA PUBLIC SERVICES UNION, CTW, CLC, CERTIFIED UNIT NO. 401 FOR THE PERIOD OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23046

Staff Recommended Motion:

Approve Resolution No. 255-20.

Background:

Attached for the Commission's consideration is Resolution No. 255-20 ratifying the Collective Bargaining Agreement (CBA) between the City and the Service Employees International Union (SEIU), Florida Public Service Union (FPSU), CTW, CLC Certified Unit No. 401. The parties have reached a successor three (3) year agreement for the period of October 1, 2020 through September 30, 2023, with a yearly re-opening of only Compensation Article 24. SEIU bargaining unit members ratified the attached Collective Bargaining Agreement on September 10, 2020. Highlights of some of the changes over the current agreement are summarized below; exact language of all terms is attached (in redline and in final form) for a more comprehensive review.

- 1) Article 8, Basic Workweek and Overtime: Language was added at Section 5, establishing that all SEIU employees shall be governed by the City's Non-Pandemic Emergency Pay Policy 4-23 and Pandemic Emergency Operations and Pay Policy 4-24 during each such declared state of emergency, as applicable.

- 2) Article 18, Leaves of Absence -Section 3: Language clarifying the definition of immediate family member and domestic partner for bereavement leave purposes was added. Language was added to Section 10 to clarify that all unused annual leave in excess of the maximum carry forward limits shall be forfeited as of the last day of the last full pay period in the calendar year, unless extended as provided for under the City Code Section 62-58.
- 3) Article 19, Holidays: Language was added to clarify how Holidays which fall on a Saturday or Sunday are observed pursuant to City Code Section 62-57.
- 4) Article 22, Insurance Benefits - Section 10: Language was added to the current CBA to clarify that retirees who remain on the City's insurance are responsible for paying 100% of their insurance premiums.
- 5) Article 24, Compensation: Provides for a three percent (3%) across the board (ATB) pay increase for FY21 for SEIU union employees effective on the full pay period on or after October 1, 2020. Employees which have not attained regular status as of October 1, 2020 are not eligible for the across the board pay increase. Provides for re-opening Compensation Article 24 terms for negotiation on a yearly basis in FY22 and FY23, respectively. Costs associated with providing the 3% ATB pay increase to SEIU employees is accounted for in the proposed balanced FY21 budget.
- 6) Article 33, Public Safety Telecommunicators: Article will be renumbered to Article 3 in the new agreement: Language was added related to clarify the shift and vacation bidding processes. Provisions for assigning Certified Training Officers to work shifts was added.

Fiscal Note:

Costs associated with this agreement have been included in the City's proposed balanced budget for FY2021.

7. **Resolution No. 256-20 relating to the ratification of a successor collective bargaining agreement between the City of West Palm Beach and the Professional Managers and Supervisors Association Certified Unit No. 1073 (PMSA), for the period of October 1, 2020 through September 30, 2023.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE PROFESSIONAL MANAGERS AND SUPERVISORS ASSOCIATION, CERTIFIED UNIT NO. 1073 (PMSA) FOR THE PERIOD OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23047

Staff Recommended Motion:

Approve Resolution No. 256-20.

Background:

Attached for the Commission's consideration is Resolution No. 256-20 ratifying a successor Collective Bargaining Agreement (CBA) between the City and the Professional Managers and Supervisors Association Certified Unit 1073 (PMSA). The parties have reached a three (3) year agreement for the period of October 1, 2020 through September 30, 2023. This agreement is tentatively scheduled for ratification by the union on September 15, 2020. Highlights of some of the changes over the current agreement are summarized below; exact language of all terms (in redline and final formats) is attached for a more comprehensive review.

- 1) Article 17, Basic Workweek and Overtime: Language clarification on eligibility for stand-by compensation and call back pay was added. Language was added establishing that all PMSA employees shall be governed by the City's Non-Pandemic Emergency Pay Policy 4-23 and Pandemic Emergency Operations and Pay Policy 4-24 during such declared states of emergency.
- 2) Article 18, Leaves of Absence: Language clarifying the definition of immediate family member and domestic partner for bereavement leave purposes was added. Language was added to clarify that all unused annual leave in excess of the maximum carry forward limits shall be forfeited as of the last day of the last full pay period in the calendar year, unless extended as provided for under the City Code Section 62-58.
- 3) Article 19, Holidays: Language was added to clarify how Holidays which fall on a Saturday or Sunday are observed pursuant to City Code Section 62-57.
- 4) Article 20, Insurance Benefits: Language was added to the current CBA to clarify that retirees who remain on the City's insurance are responsible for paying 100% of their insurance premiums.
- 5) Article 27, Compensation: Provides for a three percent (3%) across the board (ATB) pay increase for FY21 for PMSA bargaining unit employees effective on the full pay period on or after October 1, 2020. Employees who have not attained regular status as of October 1, 2020 are not eligible for the across the board pay increase. Provides for re-opening Compensation Article 27 terms for negotiation on a yearly basis in FY22 and FY23 respectively. Costs associated with providing the 3% ATB pay increase to PMSA union employees is accounted for in the proposed balanced FY21 budget.

Fiscal Note:

Costs associated with this agreement have been included in the City's proposed balanced budget for FY2021.

8. **Resolution No. 258-20 authorizing City's participation in the Medicaid Managed Care Organization Supplemental Payment Program and approving an agreement with the Agency for Health Care Administration for Public Emergency Medical Transport for FY 2021.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REAUTHORIZING PARTICIPATION IN THE MEDICAID MANAGED CARE ORGANIZATION SUPPLEMENTAL PAYMENT PROGRAM BY THE CITY OF WEST PALM BEACH AND APPROVING THAT PUBLIC EMERGENCY MEDICAL TRANSPORTATION LETTER OF AGREEMENT FOR THE INTERGOVERNMENTAL TRANSFER OF FUNDS TO THE AGENCY FOR HEALTH CARE ADMINISTRATION FOR THE AMOUNT OF \$167,263.14 FOR ANTICIPATED REIMBURSEMENT OF APPROXIMATELY \$468,000 FOR A NET INCREASE IN REVENUE OF APPROXIMATELY \$300,000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23048

Staff Recommended Motion:

Approve Resolution No. 258-20.

Background:

This is the second year of this revenue source to supplement the current Medicaid reimbursements for medical transports (current rate is approximately \$190 per transport). By Resolution 299-19, the City Commission previously approved the City's participation in the Medicaid Managed Care Organization Supplemental Payment Program ("Program"). This program reimbursed approximately \$182 more per transport over the current rate in FY20. The projected FY21 revenue of \$300,000 is based on call volume projections.

Additional Background Information:

Medicaid payment rates do not recognize the actual costs incurred by EMS providers for the provision of EMS services and as a result, municipalities and counties have been required to use alternative funding sources to supplant the costs incurred through other funding mechanisms, such as the allocation of taxes and fees. Despite the establishment of the Public Emergency Medical Transport Medicaid Fee for Service Program in 2016, the medical managed care reimbursement levels remained at inadequate levels.

In a previous legislative session, the Florida Fire Chiefs' Association championed a legislative effort which led to the approval and new funding establishing a Medicaid managed care supplemental payment while preserving the existing Public Emergency Medical Transport Medicaid Fee for Service Program. The new Medicaid Managed Care Payment Program increases Medicaid federal funding available to government owned Fire and EMS communities. The Federal government requires a cost share which the State of Florida is requiring Palm Beach County and city governments interested in participating in the program to pay in advance. When the Medicaid insurance providers pay the approximate \$190 per transport, they will also pay an additional estimated \$182 per

transport as a result of this program as well as reimburse the City's cost share per transport. AHCA implemented and monitors this program by determining the City's cost share and reconciling payments made by the Medicaid insurance providers.

As was done for FY 2020, participating providers, such as the City, must execute a Letter of Agreement with the Agency for Health Care Administration (AHCA) agreeing to intergovernmental transfers of funds to AHCA for FY 2021.

Fiscal Note:

The revenue and IGT are budgeted in FY21. Estimated net funds: \$300,000.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (9-13)

9. **Resolution No. 220-20 finding that City-owned property located at 8111 South Dixie Highway is not needed for City purposes, declaring the property surplus, and providing the method of disposition.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT THE REAL PROPERTY LOCATED AT 8111 SO. DIXIE HIGHWAY IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; DIRECTING THE METHOD OF DISPOSITION BY COMPETITIVE INVITATION TO NEGOTIATE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23004

Staff Recommended Motion:

Approve Resolution No. 220-20.

Background:

The City hereby desires to make a determination of surplus of property located at 8111 South Dixie Highway, consisting of approximately 6.51 acres, as shown on Exhibit A attached. Given the significant interest for development of the property, City staff seeks authorization to issue a competitive invitation to negotiate with interested parties. This method of disposition will allow City staff to evaluate and negotiate proposals that will result in obtaining the best value and use for the Parcel. Highest and best use proposals will be presented to the City Commission for with a recommendation for final approval.

Section 2-31(27)(b) of the Code of Ordinances of the City of West Palm Beach, Florida, requires that prior to the disposition of City property, the City Commission shall: (i) make a legislative finding that the City property is not needed for City purposes and declaring the property surplus; and (ii) select the method of disposition. City staff seeks authorization to issue a competitive invitation to negotiate with interested parties and bring one or more best value proposals to the City Commission for consideration.

Commission District: The subject Property is located within Commission District No. 5: Commissioner Christina Lambert.

10. **Resolution No. 245-20 waiving the procurement requirements and authorizing the City to enter into an Agreement with Rossmeyer Daytona Motorcycles, Inc. for a two (2) year lease of eight (8) police motorcycles.**

RESOLUTION NO. 245-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND ROSSMEYER DAYTONA MOTORCYCLES, INC., FOR THE LEASE OF EIGHT (8) POLICE MOTORCYCLES, FOR A TWO YEAR TERM IN ACCORDANCE WITH SECTION 66-94 OF THE CITY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23050

Staff Recommended Motion:

Approve Resolution No. 245-20.

Background:

The City currently leases eight (8) Harley Davidson police motorcycles from Bruce Rossmeyer Harley Davidson, Inc. The City's lease agreement expires November 30, 2020. The current vendor, Bruce Rossmeyer Harley Davidson, has supplied pricing for an additional two (2) year lease term. The price proposal offers to exchange the police emergency equipment from the 2019 model year motorcycles to the 2020 model year motorcycles for \$1,250.00 per motorcycle and lease the 2020 motorcycles at a price of \$575.00 per month, per vehicle, which includes customary maintenance as per the manufacturer's recommendation, as well as tire and brake replacement. The Procurement Division performed market research and found the prices offered to the City by Bruce Rossmeyer Harley Davidson to be lower than other recently awarded competitive bids.

Rossmeyer has been supplying the motorcycles to the Police Department for twenty years, which has enabled the City keep costs down by re-using much of the equipment upon lease renewals. The Department has been very happy with the service provided by the current vendor and the vendor's local servicing contractor and had worked with other local vendors in the past who did not provide the service consistently provided by Rossmeyer. The Police Department believes that continuing to lease motorcycles from Rossmeyer is in the City's best interest, as they have developed a process with Rossmeyer that assures the installation of lights and accessories is done to the City's standards for the safety of the officers and would result in a significant cost savings.

Section 66-94 of the Code of Ordinances allows the City Commission to approve selection of a contractor where the requirements of the procurement code have not been met. Resolution No. 245-20 waives the procurement code requirements and approves an Agreement with Rossmeyer Daytona Motorcycles, Inc. for the lease of eight (8) motorcycles.

Fiscal Note:

Fully budgeted in FY 21.

11. **Resolution No. 246-20 authorizing execution of agreements between the City of West Palm Beach and 15 local artists for temporary art and creative projects as part of "The Commons:15 Artists in 15 Spaces, a COVID-19 Relief Initiative.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROVAL OF 15 TEMPORARY PROJECTS BY 15 LOCAL ARTISTS AS PART OF THE COMMONS:15 SPACES 15 ARTISTS A COVID-19 ARTIST RELIEF INITIATIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23051

Staff Recommended Motion:

Approve Resolution No. 246-20.

Background:

Resolution No. 123-20(F) approved funds for "The Commons: 15 Artists in 15 Spaces a local artists COVID-19 Relief Initiative. The premise of the project is that public spaces have inherently connected us to one another; however, the COVID-19 pandemic has changed our public environment and inadvertently created a greater tension between public and private spaces. This project provides an opportunity for our local artists community to ask what we seek from our public spaces and how to safely rebuild our community in solidarity after isolation while receiving economic relief.

The project allows for the local art community to create unique temporary responsive works during these challenging times and launches a new wave of public art in West Palm Beach. The AiPP Committee facilitated a Call to Palm Beach County Artists and reviewed video submissions. Each artist developed a unique concept that highlights the artist's practice in their chosen medium. Further, each project responds differently to their selected sites with physical objects or as art happenings. Finally, one project will be a video documentary as an aide-mémoire of our collective memory and documentation through time-based media.

1. Emilio Apontesierraparetti: Title: "Covida" Media: sculpture Location: City Hall Plaza corner of Clematis Street and Dixie Hwy
2. Anthony Burks: Title: "Let's Go Fly a Kite" Media: mixed Location: Currie Park
3. Trina Burks: Title: "The Powerful Me" (The Children's Chant) Media: Poetry & sculpture Location: TBD
4. Gregory Dirr: Title: "Spirits of South Florida" Media: sculpture Location: Dreher Park near Palm Beach Zoo

5. Robert Fehre: Title: "Bhadrasana" (The Gracious Pose) Media: sculpture Location: Monceaux Park
6. Dana Donaty: Title: "YES" Media: mixed media Location: Jose Marti Park
7. Nicole Galluccio: Title: "Garden of Joy" Media: mixed media Location: east facing windows of the Mandel Library
8. Ates Isildak: Title: "Spaces" - Media: video/film documentary on The Commons
9. Batia Lowenberg: Title: "Abstract Pop!" (An Urban, Tropical, Cosmic Live Painting event) Media: Painting Location: The Great Lawn
- 10 & 11.
Erick Marquez & 11. Mayling Marquez: Title: "Once There" Media: mixed media Location: Dreher Park in front of the Science Center
12. Ken Mullen Title: "Reclaiming the Distance" media: a three-dimensional mural Location: South Olive Park
13. Missy Pierce: Title: "Disconnected" Media: sculpture Location: City Hall Plaza
14. Amauri Torezan: Title: "Place Like Paradise" Media: Abstract mural Location: exterior walls of the Chamber of Commerce of the Palm Beaches
15. Andrew Ulloa: Title: "A Frame in Time" Media: Landscape mixed with street photography Location: virtual platform - City's Instagram account

Resolution No. 246-20 approves the 15 proposals developed by the 15 selected artist for "The Commons: 15 Artists 15 Spaces."

Fiscal Note:

Funding approved through Resolution 123-20(F), which amended the AiPP Project Fund to provide appropriations for the COVID-19 Artist Relief Initiative: The Commons.

12. Resolution No. 259-20 declaring properties on the City's real property list to be surplus and authorizing conveyance of the properties under the City's Housing Assistance Incentives Program.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT CERTAIN CITY OWNED PROPERTIES ARE NOT NEEDED FOR CITY PURPOSES; DECLARING SAID PROPERTIES TO BE SURPLUS; APPROVING DISPOSITION UNDER THE CITY'S HOUSING ASSISTANCE INCENTIVES PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23052

Staff Recommended Motion:

Approve Resolution No. 259-20.

Background:

The Department of Housing and Community Development is responsible for overall asset management of real property owned by the City of West Palm Beach.

As required by Florida Statute 166.04151, the Department of Housing and Community Development maintains a listing of City-owned properties that are appropriate for use as affordable housing. City staff and Real Estate Asset Disposition Corp, a contractor who currently provides real estate services to the City, reviewed the inventory to determine best use for the parcels and whether they are needed for public purposes and/or economic or residential development. In addition, City staff assesses the history of each property to determine whether the parcels are subject to grant or deed restrictions or other circumstances or conditions which may prohibit, restrict or affect the sale or transfer of the properties.

As result of this review, the Department of Housing and Community Development recommends that the following (9) properties be declared as surplus and disposed of under the City's Housing Assistance Incentives Program.

1. 1028 N. Tamarind Avenue
2. 1123 N. Tamarind Avenue
3. 1709 N. Tamarind Avenue
4. 2030 N. Tamarind Avenue
5. 2719 Broadway Avenue
6. Spruce Avenue
7. 818--8th Street
8. 813--6th Street
9. 3506 Westview Avenue

The properties are all vacant land. The zoning designation, lot size and assessed value of each property is shown on Exhibit A.

The City's Housing Assistance Incentives Program was approved by Resolution No. 83-16. Under the Program, properties identified as appropriate for development as affordable / workforce housing may be eligible for development incentives, which may include one or more of the following: reduced engineering construction administration fees, reduced parking requirements, along with additional incentives for multi-family developments. The methods of disposition of properties identified for the Housing Assistance Incentive Program may include: sale of the properties with the proceeds going to the Housing Trust Fund; sale to non-profits or private parties with a provision that the property be used for an affordable or workforce housing projects; or the City may retain the properties to build or preserve affordable or workforce housing.

Section 2-31(27)(b) of the Code of the City of West Palm Beach, Florida, requires that prior to the disposition of City property, the City Commission shall: (i) make a legislative finding that the City property is not needed for City purposes and declaring the property surplus; and (ii) select the method of disposition.

The nine (9) properties identified are residential-zoned properties, which have not been used for City purposes and have been identified as appropriate for use as affordable housing.

Resolution No. 259-20 declares these properties as surplus, authorizes the listing of the properties for sale with a real estate broker, with the sale proceeds going to the Housing Trust Fund.

Each contract for the sale of the identified properties will be presented to the City Commission for approval. Pursuant to Section 2-31(27)(g)(7) of the Code of Ordinances, the sale of properties under the City's Housing Assistance Incentives Program may be approved by resolution of the Commission.

COMMISSION DISTRICTS: Properties are located in Commission District 1 (Commissioner Kelly Shoaf) and District 3 (Commissioner Christy Fox).

Fiscal Note:

Total assessed value of the 9 properties is \$318,821. Value for each parcel is shown in Exhibit A.

13. **Resolution No. 260-20 declaring eight (8) properties on the City's property list to be surplus and directing disposition by negotiation and sale.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT CERTAIN CITY OWNED PROPERTIES ARE NOT NEEDED FOR CITY PURPOSES; DECLARING SAID PROPERTIES TO BE SURPLUS; APPROVING DISPOSITION BY NEGOTIATION AND SALE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23053

Staff Recommended Motion:

Approve Resolution No. 260-20.

Background:

The Department of Housing and Community Development is responsible for overall asset management of real property owned by the City of West Palm Beach.

City staff and Real Estate Asset Disposition Corp, a contractor who currently provides real estate services to the City, reviewed the inventory to determine best use for the parcels and whether they are needed for public purposes and/or economic or residential development. In addition, City staff assesses the history of each property to determine whether the parcels are subject to grant or deed restrictions or other circumstances or conditions which may prohibit, restrict or affect the sale or transfer of the properties.

As result of this review, the Department of Housing and Community Development recommends that the following eight (8) properties be declared as surplus and disposed through negotiations and sale to interested parties.

1. 627--11th Street
2. 629--11th Street
3. 600--14th Street
4. 944 McIntosh Street
5. 937--39th Street
6. 225 Monroe Drive
7. 1905 N Dixie Highway
8. 1100 Okeechobee Road

All of the eight (8) properties are vacant land. The zoning designation, lot size and appraised value of each parcel is shown in Exhibit A.

In order to generate the greatest return, the City intends to utilize brokerage services provided by Real Estate Asset Disposition Corp and list the properties for sale. Contracts for the sale of properties will be presented for approval by the Commission in accordance with Section 2-31 of the Code of Ordinances.

Resolution No. 260-20 declares the eight (8) listed properties as surplus and authorizes them to be listed for sale with the real estate broker.

COMMISSION DISTRICTS: Properties are located in Commission District 1 (Commissioner Kelly Shoaf), District 3 (Commissioner Christy Fox), and District 5 (Commissioner Christina Lambert).

Fiscal Note:

The total assessed value of all eight properties totals \$1,061,563. The appraised value of each parcel is listed in Exhibit A.

PUBLIC HEARING (14):

14. **Public Hearing and Second Reading of Ordinance No. 4903-20: A City-initiated request for a text Amendment to the Downtown Master Plan Element of the Comprehensive Plan modifying Policy 1.1.1 and Policy 3.1.3 in relation to the Northwest Neighborhood District and the Quadrille Business District, and;**

Public Hearing and Second Reading of Ordinance No. 4904-20: A City-initiated request for an amendment to Chapter IV of the Downtown Master Plan related to Incentive Programs to promote the redevelopment of the Rosemary corridor within the Northwest Neighborhood District, and the Banyan Boulevard corridor within the Quadrille Business District.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MODIFYING THE COMPREHENSIVE PLAN TO AMEND THE DOWNTOWN MASTER PLAN ELEMENT, POLICY 1.1.1 TO INCLUDE A REFERENCE TO THE UPDATED STULL AND LEE REPORT; AND POLICY 3.1.3 TO MODIFY THE MAXIMUM DEVELOPMENT CAPACITIES ALLOWED WITH INCENTIVES FOR CERTAIN SUBDISTRICTS WITHIN THE QUADRILLE BUSINESS DISTRICT AND CREATE A NEW INCENTIVE DISTRICT WITHIN THE NORTHWEST NEIGHBORHOOD DISTRICT; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS AT ARTICLE IV - DOWNTOWN MASTER PLAN, SECTION 94-119 QUADRILLE BUSINESS DISTRICT; SECTION 94-128 NORTHWEST NEIGHBORHOOD DISTRICT; SECTION 94-133 SPECIAL DISTRICT INCENTIVES; TABLE IV-45 BUILDING REQUIREMENTS QBD-5-15 STORY RECEIVING SITE; TABLE IV-46 BUILDING REQUIREMENTS QBD 3-15 STORY RECEIVING SITE; AND FIGURE IV-35 TDR SENDING AND RECEIVING SITES; AND CREATING TABLE IV-58a BUILDING REQUIREMENTS NWD 3-8 STORY RECEIVING SITE, TO PROMOTE THE REDEVELOPMENT OF THE ROSEMARY CORRIDOR WITHIN THE NORTHWEST NEIGHBORHOOD DISTRICT AND THE BANYAN BOULEVARD CORRIDOR WITHIN THE QUADRILLE BUSINESS DISTRICT; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23054

Staff Recommended Motion:

Approve Ordinance No. 4903-20. This motion is based upon the staff report, the recommendation of the Downtown Action Committee, the recommendation of the Planning Board, along with the findings that the amendments contained in this Ordinance comply with Chapter 163 Florida Statutes, the Florida Administrative Code and are consistent with the remainder of the Comprehensive Plan of the City.

Approve Ordinance No. 4904-20. This motion is based upon the staff report, factual testimony, the recommendation of the Downtown Action Committee, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Srctopm 94-32 of the Zoning and Land Development Regulations.

Background:

In the last several years, the City and its Community Redevelopment Agency (CRA) have engaged in an aggressive strategy to revitalize the Northwest Neighborhood. Under the guidance of the Stull and Lee Strategic Development Plan prepared in 2002, and the support of more recent studies like the 2016 Historic Northwest Neighborhood Safety Action Plan, and the 2017 Historic Northwest Rising Report, several redevelopment projects are currently underway throughout the neighborhood.

In response to the public investment, private investors have recently increased its interest in the development of the vacant properties at the edges of the historic neighborhood, particularly the south areas in proximity to the core of the downtown. A new 8-story residential project known as Flagler Station is currently under review at the northeast corner of Tamarind Avenue and Banyan Boulevard, and a different proposal has been presented to the City for an 8-story building in the majority of the block between Rosemary Avenue and Sapodilla Avenue, 2nd Street and 3rd Street.

Acknowledging the adequate redevelopment of the existing vacant parcels at the edges of the neighborhood is fundamental for the revitalization of the historic neighborhood, the City and the CRA decided to engage the consulting services of the planning and urban design firm Stull and Lee, Inc. (S&L) to evaluate the potential redevelopment of the Rosemary Avenue and Banyan Boulevard corridors (target area).

Over the last six months, the city has been working with S&L on the study of the redevelopment potential of the vacant land within the target area. The study, entitled Northwest Neighborhood Strategic Plan Update - Guidelines for new development at the neighborhood's edge, analyzed the development capacity under existing regulations to determine the impact of future development, and subsequently proposed certain modifications to ensure the appropriately scaled development of the vacant land. A copy of the S&L report, submitted to the City on June 5, 2020, is included as supporting documentation and constitutes the data and analysis to justify the proposed changes.

Based on the S&L report staff is proposing amendments to the Comprehensive Plan and the Zoning and Land Development Regulations necessary to implement the recommendations presented by S&L.

The proposed amendments include:

1. Revised incentive districts along Banyan Boulevard.

Several changes are proposed to the incentive blocks located within Banyan Boulevard, 2nd Street, Rosemary Avenue and Tamarind Avenue. The proposed changes are directed to provide a more compatible scale between the neighborhood and Banyan Boulevard.

Current regulations allow, with incentives, buildings up to 15 stories in height along Banyan Boulevard. The analysis conducted by S&L indicated that the maximum height allowed under the existing incentive could create a shadowing effect over the low scale neighborhood and the perception of a barrier. The proposed changes will lower the maximum height permitted with incentives from 15 stories to 10 stories, and it will separate the incentive area into two separate districts to better adapt its mass according to its immediate surroundings.

The block between Tamarind Avenue, Sapodilla Avenue, Banyan Boulevard and 2nd Street currently designated as QBD 3-15 will be renamed QBD 5-10, and it will allow 10 stories along Banyan Boulevard and 5 stories along 2nd Street. The FAR allowed as an incentive will also be modified to reflect a higher FAR of 4.0 for the properties along Banyan Boulevard, and a lower FAR of 2.5 for the properties along 2nd Street.

The block between Sapodilla Avenue, Rosemary Avenue, Banyan Boulevard and 2nd Street currently designated as QBD 3-15 and QBD 5-15 will now be under one single incentive district, and it will be called QBD 8-10. The QBD 8-10 will allow 10 stories along Banyan Boulevard and 8 stories along 2nd street. The FAR allowed as an incentive will also be modified to reflect a higher FAR of 4.5 for the properties facing Banyan Boulevard, and a lower FAR of 3.75 for the properties facing 2nd Street.

The proposed increase in development capacity will be accomplished through the transfer of development rights, therefore no additional increase in the overall downtown development capacity will occur.

2. New Northwest workforce housing incentive district.

The proposed amendment creates a new incentive district called NWD 3-8 on the block located between Rosemary Avenue, Sapodilla Avenue, 2nd and 3rd Streets to allow additional development capacity for projects proposing the construction of workforce housing. The block subject to the incentive is located at the edge of the Northwest District and it is primarily vacant. Only two structures exist within the block, the structure at the corner of Sapodilla Avenue and 3rd Street is a two story multi-family building designated as a contributing structure within the historic district and protected from demolition. The

structure located at the corner of Sapodilla Avenue and 2nd Street is a one story residential building built in 2000 and currently owned by a commercial real estate entity.

The intent of the incentive is to promote the redevelopment of the mainly vacant block with an appropriately scaled development that provides a transition from the higher development on the south to the smaller scale of the historic Northwest neighborhood.

The proposed changes will allow new development to increase its development capacity to a maximum of 2.75 FAR and its height to a maximum of 8 stories. Despite the maximum height being established as 8 stories, specific restrictions have been included to protect the lower scale along 3rd Street and Sapodilla. The maximum height permitted along 3rd street and Sapodilla Avenue will be 3 stories.

The incentive is also provided only for projects proposing a minimum of 51% of their residential units for tenants with a household income that is less than 140% of the Area Median Income (AMI). The incentive requires at least:

- 33% of the total number of units for tenants with income less than 100% of the AMI
- 10% of the total number of units for tenants with income less than 120% of the AMI

The proposed increase in development capacity will be accomplished through the transfer of development rights, therefore no additional increase in the overall downtown development capacity will occur. The City will offer the developer of the workforce housing project the necessary TDRs at no cost as an incentive for the construction of the workforce housing units.

3. Pedestrian passageways.

The proposed amendments are also introducing additional language regarding future ROWs designated in Figure 4: Street designation of the Zoning Atlas. Figure 4 of the Zoning Atlas identifies all the streets downtown and classifies them as Avenues, Primary Pedestrian, Secondary and Residential streets. The figure also includes future rights of ways in different locations where it is the City's desire to improve connectivity. It is the City's desire to introduce additional language to provide certain flexibility on the design of the future rights of way. The additional language will allow the City to propose future ROWs as pedestrian passageways or full vehicular streets where considered appropriate.

Community Participation:

The S&L team conducted a small stakeholder meeting on January 27, 2020 and heard the concerns from the residents and business owners.

The original scope of work included an additional community meeting to present the findings and obtain feedback from the community. However, due to the COVID-19 outbreak and the inability to hold community gatherings, the planned large community meeting was cancelled.

On June 4, 2020, a video-conference was conducted with the same small stakeholder group from the January 27th meeting. During the video conference S&L presented the recommendations for redevelopment of the target area and obtained feedback from the residents and business owners.

- Downtown Action Committee: The DAC recommended approval (7-0) of the request described herein at their June 10, 2020 public hearing.
- Planning Board: The Planning Board recommended approval (7-0) of the request described herein at their June 16, 2020 public hearing.
- Public Notice: Individual notices were mailed to all property owners within the affected area and 500 feet around it.

On August 14, 2020, the City received a letter from the Department of Economic Opportunity stating the department had no comments on the proposed amendment to the Comprehensive Plan.

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

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.