



**City of West Palm Beach
City Commission**

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 (1-2):

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
2. **Proclaiming September 15, 2020 through October 15, 2020 as: National Hispanic Heritage Month. Proclamation to be accepted by Tara Moreno, Hispanic Outreach Librarian, Jose Tagle, Neighborhood Services Coordinator, and Amanda Paez, Marketing Coordinator.**
Agenda Cover Memorandum No.: 23055

RECEIVED / FILED (3):

3. **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 (4-11):

4. **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.

5. **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.

6. **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. The schedule 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 of the City's Fee Schedule. There were minimal increases proposed for FY 21, they are noted below:

1. Private Provider Inspection Project Administration Fee changed from 0.2% to 0.5%, for construction under \$100,000, from 0.15% to 0.375% for construction of \$100,001 - \$1,000,000, from 0.125% to 0.3125 for construction of \$1,000,001 to \$10,000,000, and from 0.75% to 0.1875 for construction above \$10,000,000.
2. A minimum of \$100 was added for the Private Provider Plan Review Audit Fee.
3. A fee of \$75 was added for Sub-contractor Sub-permits for sub-contractor permits not submitted at the time of the master permit application.
4. An administrative fee of \$75.00 for abatements/billing for Chronic Nuisance was added.
5. The fee for Historic Plaque Review increased from \$155.00 to \$160.00.

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.

7. **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.

8. **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. PMSA ratified the attached Collective Bargaining Agreement 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.

9. **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 APPROXIMATE 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. The listed transfer amount in the Letter of Agreement is subject to minor changes by AHCA upon finalization of the distribution model. Due to the likelihood of minor adjustments to the listed amount, Resolution 258-20 approves a transfer amount of up to 10% above or below the current listed amount of \$167,263.14.

Fiscal Note:

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

10. **Resolution No. 263-20 approving the lease/purchase of one (1) Fire Rescue Pumper, one (1) Fire Rescue Aerial Ladder, and one (1) 3/4 ton Pickup Truck in an aggregate principal amount not to exceed \$2,185,649.42 under an agreement with JP Morgan Chase Bank, N.A.; and**

Resolution No. 268-20(F) appropriating the funds.

RESOLUTION NO. 263-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO A VEHICLE LEASE PURCHASE FINANCING IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,185,649.42 WITH JP MORGAN CHASE BANK, N.A.; AUTHORIZING THE EXECUTION OF A MASTER LEASE-PURCHASE AGREEMENT; AUTHORIZING THE LEASE

AND PURCHASE OF ONE (1) FIRE RESCUE PUMPER, ONE (1) FIRE RESCUE AERIAL LADDER, AND ONE (1) FORD F250 PICKUP TRUCK, AND THE EXECUTION OF A LEASE SCHEDULE WITH RESPECT TO SUCH VEHICLES; AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT AND APPOINTING AN ESCROW AGENT; AUTHORIZING THE EXECUTION OF SUCH OTHER RELATED DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTION CONTEMPLATED HEREBY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 268-20(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 FLEET REPLACEMENT FUND BUDGET TO RECOGNIZE PROCEEDS FROM LEASE FUNDING FOR THE PURCHASE OF FIRE EQUIPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23049

Staff Recommended Motion:

Approve Resolution No. 263-20 for the lease/purchase of Fire Rescue Vehicles and Resolution No. 268-20(F) providing the funding.

Background:

Due to high maintenance costs and limited parts availability for Fire Rescue Pumper FDP007 and Fire Rescue Aerial Ladder FDA051, the Support Services Department and Fire Rescue Department recommend replacing these units. Unit FDP007 is a 20-year old Pumper, and unit FDA051 is a 10-year old Aerial Unit. These units provide essential services to the city and are needed to provide life safety. Currently, both units are in need of replacing. The City has elected to utilize the competitively bid Sourcewell Cooperative Purchasing Contract #022818-SUT; HGAC Cooperative Purchasing Contract #FS12-17; and Florida Sheriff's Association, Contract No. FSA19-VEH17 rates to obtain the vehicles, and desires to obtain the vehicles by a lease/purchase financing arrangement.

Through RFQ 19-20-Q301, the City competitively solicited quotes from financial institutions to finance the vehicles and selected JP Morgan Chase Bank, N.A. to finance the transaction. Lease/purchase financing will reduce up-front capital expenditures and allow the City to make annual payments over five (5) years. Due do the new equipment being introduced into the Fleet, maintenance costs will significantly decrease, and equipment availability will increase. The 3/4 ton truck is an addition to the fire rescue fleet and will be used for training.

The vehicles will be financed over a period of five (5) years, with annual lease payments of \$450,932, with interest at 1.09%. At the conclusion of the 5-year lease term, the City will own the vehicles.

Resolution No. 263-20 approves the lease/purchase financing of the vehicles in an aggregate principal amount of \$2,185,649.42 to be provided by JP Morgan Chase Bank, N.A., and authorizes the execution of the Master Lease-Purchase Agreement, the Lease Schedule, the Escrow Agreement, and all other agreements, documents, tax compliance certificates, certificates and forms, which are necessary or reasonably be required by JP Morgan Chase Bank, N.A. to effectuate the vehicle lease/purchase.

Funding is from a lease/purchase agreement with proceeds expected to be received September 28, 2020. Resolution No. 268-20(F) approves the receipt of the funds and the appropriation of those funds in the Fleet Capital Acquisition Fund (Fund 327).

11. Resolution No. 267-20 approving an Interlocal Agreement between the City and Palm Beach County for the conveyance of forty-five (45) lots within the City's Golf Course to the City in exchange for other consideration.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY PROVIDING FOR THE CONVEYANCE OF ANY INTEREST THE COUNTY MAY HAVE IN FORTY-FIVE LOTS WITHIN THE CITY'S GOLF COURSE TO THE CITY IN EXCHANGE FOR CITY'S TRANSFER OF TDRS AND OTHER CONSIDERATION; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Agenda Cover Memorandum No.: 23056

Staff Recommended Motion:

Approve Resolution No. 267-20.

Background:

On July 21, 2020, the City of West Palm Beach engaged in an initial conflict assessment meeting with Palm Beach County to resolve issues relating to title of forty-five (45) scattered lots within the City of West Palm Beach Municipal Golf Course in which the County claims an ownership interest. The City and the County have agreed to amicably resolve the title issues to the forty-five (45) lots. The agreement is memorialized in the Interlocal Agreement attached to this agenda item. In summary, the County has agreed to convey any interest it has in those lots in exchange for the City: (1) conveying Transferable Development Rights (TDRs) to it for use on Block D; and (2) bringing proposed amendments to the legal non-conforming use regulations of the City's Land Development Code that are applicable to reconstruction of the Governmental Center in the event of destruction to the Commission for consideration. The County Commission approved the Interlocal Agreement and conveyance of the lots on September 15, 2020.

Resolution No. 267-20 approves the Interlocal Agreement with the County.

RESOLUTIONS (12-14):

12. **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.

13. **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 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 ARTISTS 15 SPACES A COVID-19 ARTISTS 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 15 Spaces, a COVID-19 Relief Initiative for local artists (the "Project" or the "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 receive economic relief and to address through creative artworks and events what we seek from our public spaces and how to safely rebuild our community in solidarity after isolation.

The Initiative allows 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 City's Art in Public Places ("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 the artist's chosen medium. Further, each project responds differently to the artists' selected sites with physical objects or as art happenings and performances. Finally, one project will be a video documentary as an aide-mémoire for the City's collective memory and documentation through time-based media.

1. Emilio Aponte Sierra Paretti: Title: "COVIDA" Media: sculpture; Location: 314 Clematis Street.
2. Anthony Burks: Title: "Let's Go Fly a Kite" Media: mixed media; Location: Currie Park.
3. Trina Burks: Title: "The Powerful Me" (The Children's Chant) Media: poetry & sculpture; Location: Coleman Park.

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 Public Library of West Palm Beach.
8. Ates Isildak: Title: "Spaces" Media: video/film documentary on "The Commons: 15 Artists 15 Spaces project".
9. Batia Lowenberg: Title: "Abstract Pop!" (An Urban, Tropical, Cosmic Live Painting event) Media: Painting; Location: The Great Lawn.
- 10 & 11.
Erick Marquez & 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 and street photography Location: virtual platform - City's official Instagram webpage.

Resolution No. 246-20 approves the 15 proposals developed by the 15 selected artists for "The Commons: 15 Artists 15 Spaces" and authorizes execution of agreements between the City and the 15 selected artists for the foregoing art commissions, events and performances.

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.

14. Resolution No. 250-20 establishing the City's Salary Plan for fiscal year 2020-21.

RESOLUTION NO. 250-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO THE OFFICES, POSITIONS, TITLES AND COMPENSATION FOR THE UNCLASSIFIED SERVICE AND MEMBERS OF THE CLASSIFIED SERVICE FOR THE CITY OF WEST PALM BEACH; ESTABLISHING THE CITY'S SALARY PLAN AND PROVIDING FOR CLASSIFICATION TITLES AND SALARY RANGES; PROVIDING FOR A MANAGEMENT INCENTIVE PLAN; IMPLEMENTING THE PROVISIONS OF THE CURRENT COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY AND THE POLICE BENEVOLENT ASSOCIATION, THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, THE SERVICE EMPLOYEES INTERNATIONAL UNION/FLORIDA PUBLIC SERVICES UNION, AND THE PROFESSIONAL MANAGERS AND SUPERVISORS ASSOCIATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23045

Staff Recommended Motion:

Approve Resolution No. 250-20.

Background:

This Resolution has no fiscal impact on the FY2021 proposed balanced budget. This is a routine item, which is presented to the Commission on a yearly basis for consideration. Its only function is to establish the salary plan that will be in effect during FY2021.

The annual salary plan establishes which position job classifications (job titles) may be used during the fiscal year and the salary ranges that correspond to each job classification in the City. Authorization for which specific positions will be filled and their corresponding allowable budgeted salary is governed separately in the approved annual budget.

Pursuant to Section 3.01, paragraphs (7) and (8) of the City Charter, the Mayor's powers and duties include recommending to the City Commission pay ranges for City offices and employment for the ensuing fiscal year and setting the salaries and wages of City officers and employees within applicable ranges as established by the City Commission.

Resolution No. 250-20 sets forth the job classification titles and salary ranges for all positions in the City service authorized by the Commission as required by City Code Section 62-51. This Resolution is adopted annually to reflect employee compensation as negotiated with the various bargaining units (PBA, IAFF, SEIU and PMSA) and to reflect changes in job titles and/or new job classifications approved as part of the budget process. This resolution supersedes Resolution No. 302-19, which was approved on September 23, 2019 and all subsequent amendments thereto during FY2020. The number of positions, as well as funding for personnel, is included in the proposed balanced budget for FY2021 and constitutes the City's plan of employment for the ensuing year. Table A, attached, summarizes the City's pay practices for each employee group for FY2021.

Section One refers to the \$15.00/hr. minimum wage implemented by the City on October 1, 2018, which will remain in effect for FY2021.

Section Two lists position classifications in alphabetical order with their corresponding pay grades. New classifications are indicated in bold print and changes in pay grade assignments are indicated with a caret ("^").

Section Three describes any special pay provisions for non-represented employees that may be applicable.

Section Four provides for a Management Incentive Program to include management leave days and additional life insurance policy as indicated in Exhibit I.

Section Five provides an effective date.

Fiscal Note:

Funding included in the proposed balanced City's budget for FY2021.

PUBLIC HEARING (15):

15. **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 Section 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.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

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.