



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**November 2, 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:

WPB TOGETHER FUNDING REPORT:

CONSENT CALENDAR (1-9): ALL CONSENT ITEMS APPROVED, EXCEPT #4 AND #5

1. **Minutes of the Regular City Commission Meeting of October 5, 2020.**
Agenda Cover Memorandum No.: 23078

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of October 5, 2020.

2. **Minutes of the Regular City Commission Meeting of October 19, 2020.**
Agenda Cover Memorandum No.: 23092

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of October 19, 2020.

3. **Resolution No. 303-20 calling for a General City Election to be held on Tuesday, March 9, 2021, for the purpose of electing two (2) City Commissioners and calling for a General City Run-off Election to be held on Tuesday, March 23, 2021, if necessary.**

RESOLUTION NO. 303-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CALLING FOR A GENERAL CITY ELECTION TO BE HELD ON TUESDAY, MARCH 9, 2021 FOR THE PURPOSE OF ELECTING TWO (2) CITY COMMISSIONERS; CALLING FOR A GENERAL CITY RUN-OFF ELECTION TO BE HELD ON TUESDAY, MARCH 23, 2021, IF NECESSARY; PROVIDING AN EFFECTIVE DATE; AND FOR

OTHER PURPOSES.

Agenda Cover Memorandum No.: 23080

Staff Recommended Motion:

Approve Resolution No. 303-20.

Background:

The City Charter and the Code of the City of West Palm Beach provides that a General City Election be called by the City Commission on March 9, 2021, for the purpose of electing two (2) City Commissioners: one (1) residing in District 2 and one (1) residing in District 4. These laws also require that a General Run-off Election be called by the City Commission on March 23, 2021 and held on such date in the event of necessity thereof as to any of the aforesaid offices.

Fiscal Note:

Fully budgeted.

6. **Resolution No. 278-20 approving the Employer Agreement accepting grant funding of \$5,000 from 8 80 Cities and the Knight Foundation to be used for an Emerging City Champions Fellowship project to improve access to transportation for homeless and low income individuals; and**

Resolution No. 292-20(F) recognizing grant proceeds in the amount of \$5,000.

RESOLUTION NO. 278-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING THE DEPOSIT OF GRANT FUNDS AND APPROVING AN EMERGING CITIES CHAMPIONS PARTICIPANT AND EMPLOYER AGREEMENT AMONG 8 80 CITIES, MARCUS LAWS, AND THE CITY OF WEST PALM BEACH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 292-20(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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET FOR THE RECEIPT OF 8 80 CITIES AND THE KNIGHT FOUNDATION EMERGING CITY CHAMPIONS GRANT PROCEEDS TO PROVIDE APPROPRIATIONS FOR ACTIVITIES RELATED TO FELLOWSHIP AND TRANSPORTATION SYSTEMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23083

Staff Recommended Motion:

Approve Resolution No. 278-20 and Resolution No. 292-20(F).

Background:

8 80 Cities and The Knight Foundation's Emerging City Champions is a fellowship and micro-grant program for young civic innovators with bold ideas to enhance public space, mobility, and civic engagement. The fellowship is designed to create a supportive and inspiring network of their peers from across the country. Participants receive ongoing mentorship from experts in diverse fields such as planning, design, communications, and related fields.

For the 2020-2021 Fellowship Year, Marcus D. Laws, of the Housing & Community Development Department (HCD), was chosen as an Emerging City Champion and has been awarded a grant to fund his fellowship project. For his project, Marcus will be working to improve access to transportation systems for homeless and low income individuals. The goal of this project is to increase mobility within the homeless/low income population to improve social service engagement and offer greater opportunities to engage in life sustaining activities such as: employment, physical/mental health, and wellness.

HCD is requesting that the grant funds be deposited with the City for use toward his project of improving access to transportation systems for homeless and low income individuals. In order to deposit the fellowship grant with the City, the City is required to execute the Emerging Cities Champions Participant and Employer Agreement.

Resolution No. 278-20 accepts deposit of the fellowship grant funds in trust for the project to increase mobility within the homeless/low income population and authorizes the Mayor to sign the Emerging Cities Champions Participant and Employer Agreement.

Resolution No. 292-20(F) accepts and appropriates the grant funds.

Fiscal Note:

Approval will recognize grant proceeds of \$5,000 for activities related to the project to improve access to transportation to homeless and low income individuals.

7. **Resolution No. 296-20 approving an affordable housing transaction with the West Palm Beach Community Redevelopment Agency and approving an Interlocal Agreement with the CRA conveying CRA owned property located at 630--5th Street to the City and providing \$280,726 for development of a Single Family home on the site.**

Resolution No. 299-20(F) providing for the receipt and appropriation of program funds from the West Palm Beach Community Redevelopment Agency in the amount of \$280,726 for the development of a single family home on site located at 630--5th Street.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING AN AFFORDABLE HOUSING TRANSACTION WITH THE WEST PALM BEACH COMMUNITY

REDEVELOPMENT AGENCY FOR THE DEVELOPMENT OF A SINGLE FAMILY HOME IN THE GREATER NORTHWEST NEIGHBORHOOD AT 630--5TH STREET; APPROVING AN INTERLOCAL AGREEMENT WITH THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE CONVEYANCE BY THE AGENCY OF THE PROPERTY BY QUIT CLAIM DEED AND PROVIDING \$280,726 IN HOUSING DEVELOPMENT FUNDS TO THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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 HOUSING TRUST FUND BUDGET FOR THE RECEIPT OF WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY PROCEEDS TO PROVIDE APPROPRIATIONS FOR THE DEVELOPMENT OF A SINGLE FAMILY HOME LOCATED AT 630--5TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23084

Staff Recommended Motion:

Approve Resolution No. 296-20 and Resolution No. 299-20(F).

Background:

One of the primary objectives of the City of West Palm Beach is to provide homeownership opportunities particularly in neighborhoods with low homeownership rates. One such neighborhood is the City's Northwest Neighborhood. According to the Community Redevelopment Agency's Strategic Finance Plan, only 10% of the homes in the Northwest Neighborhood are owner-occupied. In an effort to increase the homeownership rate in the Northwest Neighborhood as well as to revitalize the area through thoughtful development, the CRA and the City, through its Housing and Community Development Department (HCD), are partnering to provide much needed homeownership opportunities.

In furtherance of these efforts, the CRA desires to convey property located at 630--5th Street to the City, at no cost, and provide development funds in the amount of \$280,726 for the construction of a single family home on the site.

The City intends to partner with a non-profit developer to perform all services necessary to complete the development and occupancy of the property. The home shall keep the Historic architecture of the area as well as meet all requirements under zoning and land development regulations. The site is vacant, and the Property Appraiser records show a market value of \$27,000.

Once the property is developed, the City will work with the non-profit developer to ensure that the property sold to eligible buyer who meets the eligibility criteria outlined below.

The City will ensure that the appropriate security documents are executed so that the home remains owner occupied for a period of no less than ten (10) years.

Buyer Eligibility Criteria:

- Applicant(s) must not currently own a home.
- Applicant(s) must be pre-qualified for a Federal Housing Administration (FHA), Veteran Administration (VA) or Conventional first mortgage loan from a private direct lending institution.
- Applicant(s) must complete an eight (8) hour homebuyer education course offered by a HUD – Certified Housing Counselor prior to closing.
- Applicant(s) must contribute no less than 1.75% of the purchase price of the home.
- First priority will be given to eligible and interested applicants currently residing in the Historic Northwest.

Resolution No. 299-20(F) accepts and appropriates the funds.

Companion Resolution No. 20-42 and Resolution No. 20-62(F) will provide approval by the CRA.

Commission District: The property is located in District 3: Commissioner Christy Fox.

Fiscal Note:

Approval recognizes a transfer from CRA and provides appropriations for construction of a single family home.

- 8. Resolution No. 321-20 opposes the approval of a zoning application scheduled to be heard by the Palm Beach County Zoning Commission followed by Palm Beach County Board of Commissioners that would allow the construction and operation of an equestrian waste processing facility on Benoist Farms Road.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, EXPRESSING ITS OPPOSITION TO THE ZONING APPLICATION SEEKING APPROVAL TO PERMIT AN EQUESTRIAN WASTE MANAGEMENT FACILITY TO BE CONSTRUCTED AND OPERATED CREATING A PUBLIC NUISANCE IMPACTING RESIDENTS OF THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23093

Staff Recommended Motion:

Approve Resolution No. 321-20.

Background:

On November 5, 2020, the Palm Beach County Zoning Board is scheduled to consider a Class A Conditional Use application to allow an Equestrian Waste Management Facility to be constructed and operate on a 5.25-acre site that is located on the East side of Benoist Farms Road approximately 0.3 miles north of Southern Boulevard (Application No. CA-2019-01969). The facility is designed to handle up to 60,000 tons of mixed manure, urine, and bedding material per year. The citizens of West Palm Beach have the right to be free of invasions that substantially interfere with the use and enjoyment of their property. The City seeks to protect its citizens from nuisances related to manure storage, handling, and processing such as odor, flies, and parasites. Adoption of Resolution No. 321-20 expresses the City's opposition to approval of the application and directs the City Clerk to forward a copy of the resolution to the Palm Beach County Zoning Commission and the Palm Beach County Board of Commissioners and to file a comment card with the Palm Beach County Zoning Commission.

9. **Resolution No. 333-20 waiving a potential conflict of interest relating to Gunster, Yoakley & Stewart, P.A., representing the City of West Palm Beach in a court action pending before the Florida Supreme Court and also representing developers who bring matters before the City Commission for consideration.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, WAIVING A POTENTIAL CONFLICT OF INTEREST PURSUANT TO SECTION 2-222 OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH RELATED TO HIRING GUNSTER, YOAKLEY & STEWART P.A.; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23094

Staff Recommended Motion:

Approve Resolution No. 333-20.

Background:

Brian M. Seymour, Esq. of Gunster, Yoakley & Stewart P.A. (the "firm") requested a potential conflict of interest waiver from the City of West Palm Beach (the "City"). The firm has been and is currently representing other development and land use clients and handles matters which may require City board and Commission approval. The City would like to hire the firm to represent it in an action brought by a property owner in Circuit Court, which was later appealed to the Fourth District Court of Appeal and is now pending before the Florida Supreme Court. This matter is unrelated to the development approval or land use work being handled by the firm and will not adversely impact the firm's representation of the City.

Chapter 2 (Administration), Section 2-222 (Qualifications, Term), of the Code of Ordinances of the City of West Palm Beach allows the City Commission to waive a potential conflict of interest in unrelated matters or transactions which will not adversely affect the counsel's representation of the City. Brian M. Seymour, Esq. and the firm acknowledge the existence of a potential conflict of interest and assert that they are able to provide competent and diligent representation to both development clients and the City, in the potential matters. By waiving the potential conflict of interest, the City agrees that the firm may continue in representation of the other development clients and the City in the potential matter. However, Brian M. Seymour, Esq. and the firm agree that in the event of a dispute between the City and any of the development or land use clients relating to their matter or otherwise which cannot be resolved short of arbitration or litigation, the firm will withdraw from this matter and represent the development clients in connection with such dispute.

ITEMS PULLED FROM THE CONSENT CALENDAR:

4. **Resolution No. 304-20 APPROVED requesting that the Palm Beach County Supervisor of Elections conduct the City's March 9, 2021 General City Election and, if necessary, the March 23, 2021 General City Run-off Election and delegating the duties of the City of West Palm Beach Canvassing Board.**

RESOLUTION NO. 304-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REQUESTING THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE GENERAL CITY ELECTION OF MARCH 9, 2021, AND, IF NECESSARY, THE MARCH 23, 2021 GENERAL CITY RUN-OFF ELECTION; AND DELEGATING THE DUTIES OF THE CITY OF WEST PALM BEACH CANVASSING BOARD TO WENDY SARTORY LINK, PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, HAZELINE CARSON, CITY CLERK, FAYE JOHNSON, CITY ADMINISTRATOR, AND KIMBERLY ROTHENBURG, CITY ATTORNEY, FOR THE GENERAL CITY ELECTION OF MARCH 9, 2021, AND THE MARCH 23, 2021 GENERAL CITY RUN-OFF ELECTION, IF NECESSARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23081

Staff Recommended Motion:

Approve Resolution No. 304-20.

Background:

Section 5.06 of the City's Charter provides for the conduct of City elections. The City requests that the Palm Beach County Supervisor of Elections conduct the General City election of March 9, 2021 and, if necessary, the March 23, 2021, general City Run-Off election. Under Section 30-8 of the City's Code of Ordinances, the City Commission has the option to delegate the duties of the Canvassing Board to the Palm Beach County Supervisor of Elections ,or to the county canvassing board by resolution. Resolution No.

304-20 requests that the Palm Beach County Supervisor of Elections conduct the upcoming elections and delegates the duties of the City's Canvassing Board to Wendy Sartory Link, Palm Beach County Supervisor of Elections; the City Clerk, Hazeline Carson; the City Administrator, Faye Johnson; and the City Attorney, Kimberly Rothenburg for the General City Election of March 9, 2021, and the March 23, 2021 General City Run-off Election, if necessary.

Fiscal Note:

Fully budgeted.

5. **Resolution No. 315-20 APPROVED approving an Agreement for Vote Processing Equipment Use and Election Services with the Palm Beach County Supervisor of Elections for the March 2021 municipal election.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING AN AGREEMENT BETWEEN THE CITY AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES FOR THE MARCH 2021 MUNICIPAL ELECTION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23082

Staff Recommended Motion:

Approve Resolution No. 315-20.

Background:

Resolution No. 315-20 approves an Agreement with the Supervisor of Elections for Vote Processing Equipment Use and Election Services for the March 2021 municipal election. The Agreement is substantially similar to ones previously entered into between the City and the Supervisor of Elections. The Agreement requires the City to indemnify the Supervisor of Elections for any claims arising out of the City's negligence and to defend any legal challenge relating to the municipal election and be responsible for all legal costs including attorneys' fees for the defense of the municipality and the Supervisor of Elections.

Fiscal Note:

Fully budgeted.

RESOLUTIONS (10-12):

10. **Resolution No. 302-20 APPROVED approving the Fourth Amendment to the Trolley Operating Agreement between the City of West Palm Beach and Hoffmann Trolleys PB, LLC to extend the contract for 12 months.**

RESOLUTION NO. 302-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FOURTH

AMENDMENT TO THE TROLLEY OPERATING AGREEMENT BETWEEN HOFFMANN PB TROLLEY'S, LLC AND THE CITY OF WEST PALM BEACH TO EXTEND THE AGREEMENT FOR ONE YEAR AND ESTABLISH FEES FOR THE RENEWAL TERM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23085

Staff Recommended Motion:

Approve Resolution No. 302-20.

Background:

The City entered into a Trolley Operating Agreement with Hoffmann PB Trolley's, LLC (the "Operator") for operation of the City's trolley system. The Agreement expired on September 30, 2020 and has no renewal options. Prior to COVID-19, the City had completed the mobility study and was in the process of developing a request for proposals to solicit a new contract, which would have included expansion of the trolley system and modified routes. The solicitation was scheduled to be released during the pandemic after trolley operations had stopped within the city.

Due to uncertainties of COVID-19 and uncertainties related to the future operation of the trolley system, the parties desire to extend the current trolley operations agreement for an additional year, to September 30, 2021 to allow the City to further evaluate the impacts of COVID-19 on the trolley system.

This amendment modifies the contract as follows:

1. The hourly emergency rate will be reduced by 50% for emergencies lasting longer than two weeks;
2. Clarification of the operator's maintenance obligations and to provide for repairs of the trolleys as necessary; and
3. Provide for an increase in the number of City-owned trolleys from six (6) to eight (8) with two (2) new trolleys being received in March 2020.

City Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Trolley operation agreement is budgeted in Downtown Core Target Area.

11. **Resolution No. 317-20 APPROVED approving a short-term Interim Interlocal Agreement to provide Fire Rescue Services to the Town of Mangonia Park.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THAT INTERIM INTERLOCAL SERVICES AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE

TOWN OF MANGONIA PARK FOR THE PROVISION OF FIRE-RESCUE SERVICES BY THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23087

Staff Recommended Motion:

Approve Resolution No. 317-20.

Background:

Section 163.01, Florida Statutes, authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities.

The Town of Mangonia Park formerly maintained its own fire department but entered into an Interlocal Agreement with the City in 1997 whereby the City has provided fire rescue services for the citizens of the Town for more than twenty years. Approximately 2% of the City's calls for fire/rescue service are located within the Town.

The most recent interlocal agreement with the Town regarding fire rescue services, dated October 1, 2012, has expired. The City and Town are in the process of negotiating a new agreement, which addresses recent issues such as COVID and the rise in overdoses and increasing costs.

In the meantime, to ensure that the Town residents continue to be provided fire rescue services, the Town and City desire to enter into a short-term interim agreement by which the City will continue to provide fire/rescue services to the Town until a long-term interlocal agreement can be negotiated and approved.

Fiscal Note:

The interim agreement provides for a monthly service fee of \$26,453.66, which is a 3% increase in the monthly fee over the 2012 agreement.

12. **Resolution No. 285-20(F) **APPROVED** accepts funding in the amount of \$99,447 from the Institute of Museum and Library Services CARES Act Grant for providing services to support the West Palm Beach Community in its COVID-19 relief and recovery efforts; and**

Resolution 301-20(F) **APPROVED amending the FTE budget for the addition of one Associate Librarian.**

RESOLUTION NO. 285-20(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 2020/2021 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF

AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO ACCEPT CONTRIBUTIONS FROM THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES AND TO PROVIDE APPROPRIATIONS TO PROVIDE SERVICES TO SUPPORT THE WEST PALM BEACH COMMUNITY IN ITS COVID-19 RELIEF FOR ONE YEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 301-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE SPECIAL REVENUE FUND FY 2020/2021 ADOPTED BUDGET FOR THE LIBRARY DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23079

Staff Recommended Motion:

Approve Resolution No. 285-20(F) and Resolution No. 301-20(F).

Background:

The Mandel Public Library of West Palm Beach will bring essential services to students and adults in neighborhoods adversely affected by COVID-19 through the IMLS grant-funded Mandel Mobile project. A newly purchased Wi-Fi-enabled "Mandel Mobile" minivan will bring connectivity to families experiencing challenges due to lack of broadband access. The Mandel Mobile will have a team of staff members that will offer homework assistance and educational enrichment for youth, help individuals investigate free or reduced-price broadband internet plans, loan laptops and hotspots, provide ESOL evaluations and tutoring, and assist with job applications and resume building. Individuals and families in West Palm Beach will experience educational growth, career achievement, and increased acquisition of the English language by bringing the Mandel Public Library into the city's local neighborhoods.

The grant will provide funds to hire an Associate Librarian (1 F.T.E.) and the purchase of a vehicle to enable travel to the local neighborhoods in West Palm Beach.

Resolution No. 156-20 authorized submission of the grant application.

Fiscal Note:

Approval will recognize grant proceeds and provide appropriations for COVID-19 relief related activities and add an Associate Librarian position to the budget.

PUBLIC HEARING – QUASI JUDICIAL (13-16):

**DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

- 13. Resolution No. 274-20 **APPROVED** approving the plat entitled “Royal Palm Memorial Gardens Plat Five” located at 5601 Greenwood Avenue.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “ROYAL PALM MEMORIAL GARDENS PLAT FIVE”, BEING A REPLAT OF A PORTION OF ROYAL PALM MEMORIAL GARDENS PLAT FOUR, CONTAINING A TOTAL OF 3.91 ACRES, LOCATED AT 5601 GREENWOOD AVENUE, GENERALLY LOCATED ON THE WEST SIDE OF GREENWOOD AVENUE AND APPROXIMATELY 900 FEET NORTH OF 54TH STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23088

Staff Recommended Motion:

Approve Resolution No. 274-20.

Background:

The subject property is 2.51 acres in size and is located at 5601 Greenwood Avenue, the current site of the Royal Palm Funeral Home. The subject property, including the cemetery, which is located immediately behind the funeral home, is a total of approximately 48.98 acres.

On September 24, 2019, a site plan for the addition of a 7,150 square foot personal care facility on the same parcel as the funeral home was conditionally approved by the Development Services Department – Planning Division as an Administrative Site Plan (Reference: Informal Site Plan Review Case No. 19-03). In order to accommodate the addition of the new personal care facility on the same parcel as the funeral home and meet the building setback standards of the Zoning and Land Development Regulations for the new structure, a replat of the funeral home parcel is necessary to reconfigure the size and shape of the property. The replat will add land to the subject property from the cemetery site for a total of 3.91 acres. The request for the replat is being made to satisfy the condition of site plan approval for the addition of the personal care facility prior to the issuance of final certificate of occupancy.

STANDARDS: The plat complies with all the subdivision 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: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Resolution No. 274-20 was advertised in the Palm Beach Post on October 23, 2020.

COMMISSION DISTRICT: The subject property is located within Commission District No. 1: Commissioner Kelly Shoaf.

14. **Resolution No. 275-20 APPROVED approving the plat entitled “Brown’s-Tropic Plat” located at 1880 and 1900 Old Okeechobee Road.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “BROWN’S-TROPIC PLAT” CONSISTING OF TWO (2) SEPARATE TRACTS, AND CONTAINING A TOTAL OF APPROXIMATELY 3.71 ACRES, LOCATED AT 1880 AND 1900 OLD OKEECHOBEE ROAD, GENERALLY LOCATED ON THE SOUTH SIDE OF OKEECHOBEE ROAD AND EAST OF NORTH FLORIDA MANGO ROAD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23089

Staff Recommended Motion:

Approve Resolution No. 275-20.

Background:

The 3.71-acre subject property is comprised of two unplatted lots located at 1880 and 1900 Okeechobee Road. The property is zoned Industrial Light (IL) and each lot within the subject property is comprised of an existing warehouse building. The applicant is requesting approval to reconfigure the size and shape of the existing lots within the subject property to allow for the expansion of the existing warehouse building on 1880 Okeechobee Road. The site plan for the warehouse expansion was conditionally approved by the Development Services Department – Planning Division, on November 15, 2017 (Reference: Informal Site Plan Review Case No. 17-02) as an Administrative Site Plan application. The request for the plat is being made to satisfy the condition of site plan approval prior to the issuance of a certificate of occupancy, as the expansion of the warehouse is nearing completion (Reference Building Permit No. 17120731).

STANDARDS: The proposed plat complies with all the subdivision general design standards of Sec. 94-342 of the City’s 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. 275-20 was advertised in the Palm Beach Post on October 23, 2020.

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

15. **Public Hearing and First Reading of Ordinance No. 4912-20 APPROVED regarding a Future Land Use Map Amendment to change the Future Land Use designation of approximately 3.4 acres of land located at 1315 and 1401 South Flagler Drive from Community Service to Multifamily.**

Public Hearing and First Reading of Ordinance No. 4913-20 **APPROVED regarding a Rezoning to change the zoning designation of approximately 3.4 acres of land located at 1315 and 1401 South Flagler Drive from Community Service Planned Development to Multifamily High Density Residential.**

Discussion of Resolution No. 277-20 **DISCUSSED regarding a Major Amendment to the Palm Beach Atlantic University Community Service Planned Development to remove approximately three (3) acres from the Planned Development and update the Master Plan and development regulations accordingly.**

The requests are being made by Harvey E. Oyer, III, of Shutts & Bowen, LLP on behalf of Palm Beach Atlantic University.

ORDINANCE NO. 4912-20: 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 APPROXIMATELY 3.4 ACRES, LOCATED AT 1315 AND 1401 SOUTH FLAGLER DRIVE, FROM COMMUNITY SERVICE TO MULTIFAMILY; 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. 4913-20: 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 TO REZONE APPROXIMATELY 3.4 ACRES, LOCATED AT 1315 AND 1401 SOUTH FLAGLER DRIVE, FROM COMMUNITY SERVICE PLANNED DEVELOPMENT TO MULTIFAMILY HIGH DENSITY RESIDENTIAL; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 277-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PALM BEACH ATLANTIC UNIVERSITY COMMUNITY SERVICE PLANNED DEVELOPMENT, TO AMEND THE MASTER PLAN AND DEVELOPMENT REGULATIONS TO REFLECT THE REMOVAL OF APPROXIMATELY 3.04 ACRES, LOCATED AT 1315 AND 1401 SOUTH FLAGLER DRIVE, FROM THE COMMUNITY SERVICE PLANNED DEVELOPMENT; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23090

Staff Recommended Motion:

Approve Ordinance No. 4912-20, a Future Land Use Map Amendment to change the Future Land Use designation of approximately 3.4 acres of land located at 1315 and 1401 South Flagler Drive from Community Service to Multifamily. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the request complies with the provisions of Chapter 163, Florida Statutes and meets the "Changed Assumptions" standard of Future Land Use Policy 1.1.5 of the City's Comprehensive Plan.

Approve Ordinance No. 4913-20, a Rezoning to change the zoning designation of approximately 3.4 acres of land located at 1315 and 1401 South Flagler Drive from Community Service Planned Development to Multifamily High Density (MF32) Residential. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the rezoning is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Discuss Resolution No. 277-20, the request to remove approximately three acres from the Palm Beach Atlantic University CSPD and update the Master Plan and development regulations accordingly. Resolution No. 277-20 will need to be approved prior to the Second Readings of the Ordinances listed above.

Background:

The Palm Beach Atlantic University campus currently consists of approximately 22 acres. In 1996, as part of one of the campus expansions, the residential property, known as Flagler Tower, located at 1401 South Flagler Drive, was brought into the Palm Beach Atlantic University Community Service Planned Development (CSPD) to use as student housing. In 2004, Palm Beach Atlantic University expanded again by adding an additional residential property, known as Lakeview Apartments, located at 1315 South Flagler Drive, for more student housing. Both properties ("Flagler and Lakeview"), located at the southern end of the campus, had an MF Future Land Use and MF32 zoning designations prior to their addition to the CSPD. The City Commission approved Resolution No. 228-18, which permitted Palm Beach Atlantic University to construct a new student dormitory building along South Dixie Highway. The new dormitory building is now completed and occupied by students who would formerly have been housed in the Flagler and Lakeview buildings.

Since Palm Beach Atlantic University no longer requires the Flagler and Lakeview buildings as dormitories, they would like to remove them from the Palm Beach Atlantic University CSPD in order to be able to sell them in the future. In order for the property to be removed, the CSPD boundary and Master Plan needs to be amended. Once the property is removed, it will need to be assigned a new Future Land Use and zoning designation.

Ordinance No. 4912-20: Flagler and Lakeview Future Land Use Map Amendment:

As previously stated, both the Flagler Tower and the Lakeview Apartments had an MF

Future Land Use designation before being absorbed into the Palm Beach Atlantic University campus and getting assigned the current CS Future Land Use designation. When both of these parcels were brought into the Palm Beach Atlantic University campus, the legal description and survey did not include the South Flagler Drive portion of the parcels. The portion of South Flagler Drive at this location was never deeded to the City, but rather was only granted as an easement for the construction of the roadway. The full acreage of the property being assigned a MF Future Land Use designation is approximately 3.4 acres. The Flagler Tower contains 48 dwelling units and the Lakeview Apartment contains 35 dwelling units. The overall density for the site will be 24.4 dwelling units per acre, which is less than the MF Future Land Use maximum density of 32.27 dwelling units per acre. Approving this request returns the two residential buildings to their original Future Land Use designation.

Ordinance No. 4913-20: Flagler and Lakeview Rezoning:

As previously stated, both the Flagler Tower and the Lakeview Apartments had an MF32 zoning designation before being absorbed into the Palm Beach Atlantic University campus and getting assigned the current CSPD zoning designation. The rezoning acreage had the same issue as listed in the Future Land Use analysis section and as stated there the density is less than the 32.27 dwelling units per acre permitted by the MF32 zoning designation.

Even though there are elements of the Flagler Tower parcel that do not conform to the current MF32 requirements, such as the southern buffer and the number of parking spaces in a row, the site is in the same configuration as when it was incorporated into the Palm Beach Atlantic University CSPD. The City Attorney reviewed the Zoning and Land Development Regulations and determined that these site nonconformities did not need to be brought into compliance with the current City requirements as part of the rezoning application since they existed prior to the site being brought into the CSPD.

The Lakeview Apartments building is in the same configuration as when it was brought into the Palm Beach Atlantic University CSPD; however, the parking lot for the building was constructed while the building was in the CSPD. Because Palm Beach Atlantic University had owned both parcels and they were both within the CSPD when the parking lot was constructed, an MF32 code compliant buffer was not installed between the two parcels. Palm Beach Atlantic University recorded a Unity of Title for the 3.4 acre Flagler and Lakeview site, which eliminates the shared property line and therefore the nonconforming buffer.

Palm Beach Atlantic University provided letters of support from the Bristol, Family Church, Memorial Presbyterian Church, the Norton Museum, and Sara and Jim McCann, owners of McCann Design Group and Hive Collective.

Resolution No. 277-20: CSPD Reduction Major PD Amendment:

The current Palm Beach Atlantic University Master Plan covers approximately 22.14 acres. The Flagler and Lakeview site contained within the Palm Beach Atlantic University CSPD

totals approximately 3.04 acres. The Flagler Drive portion of the Flagler and Lakeview site was never brought into the CSPD, so it does not need to be removed from the CSPD and is the reason there is a slight difference in the acreage removed and the acreage subject to the Future Land Use and Rezoning requests. After the removal of these parcels, the Master Plan will cover approximately 19.11 acres. Not only were both buildings already constructed when they were incorporated into the CSPD, but they are separated from the rest of the campus by City rights-of-way. Because of this, most site design features such as setbacks, drainage facilities, and landscape buffers will not become non-conforming for the properties remaining in the CSPD.

The one zoning requirement that is impacted by the removal of the property from the campus is the amount of parking provided for Palm Beach Atlantic University students, faculty, staff, and guests. The Flagler and Lakeview site contains 178 parking spaces. Since Palm Beach Atlantic University will be maintaining the same number of students and staff after the removal of these parking spaces, staff identified that the removal of the 178 parking spaces could cause a negative impact on the surrounding area. It should be noted that throughout the approval history of Palm Beach Atlantic University, no minimum number of parking spaces for the campus was established on the Master Plan; instead, the Master Plan has shown how much parking was provided on campus. Additionally, Palm Beach Atlantic University has agreements with multiple off-site property owners, including the Family Church, Esperante, Memorial Presbyterian, the First Evangelical Lutheran Church, and the First Church of Christ Scientist, to utilize their parking lots. There are 80 on-street parking spaces within the public rights-of-way adjacent to the Palm Beach Atlantic University campus that help to provide temporary parking for students and faculty that do not have parking passes for one of the monitored lots.

Kimley-Horn and Associates provided a Campus Parking Study to staff, which confirmed that the removal of the 178 parking spaces, without any replacement, would create a parking deficiency based on the number of parking passes Palm Beach Atlantic University currently distributes to students and staff. The Campus Parking Study included some strategies that could replace the removed parking, but due to the start of this school year will not be able to be implemented to address the parking shortage with the removal of the 178 parking spaces. Palm Beach Atlantic University has agreed to continue to utilize the 178 parking spaces throughout this school year, which then does not create a reduction in the parking provision from previous school years. Palm Beach Atlantic University recorded a deed restriction to ensure that the 178 parking spaces will be available for the entire 20/21 school year regardless of the property owner of the Flagler and Lakeview site.

It is anticipated that the 178 parking spaces will no longer be available for the 21/22 school year. Additionally, the First Church of Christ, Scientist, lot, containing 70 parking spaces for staff, is the site of the future 1 Flagler project and Palm Beach Atlantic University only has a lease for the lot through the end of the current school year. This is a potential loss of 248 parking spaces. In order to verify that Palm Beach Atlantic University does not issue parking passes for these spaces when they no longer exist for use, staff has included a requirement that on August 1 of every year, Palm Beach Atlantic University will provide a parking report that enumerates the number of parking passes that will be issued and their

location, the number of parking spaces available and their location, provides the agreements/leases for off-site parking spaces and information on how students and staff utilizing the off-site parking lots will get to campus and back to their vehicles. If the parking supply exceeds the parking demand, staff will certify that there is adequate parking. If there is insufficient parking supply, then Palm Beach Atlantic University will need to show how the deficiency will be corrected. Palm Beach Atlantic University has agreed to the annual parking report requirement.

STANDARDS: Staff has determined that removing the Flagler and Lakeview site from the Palm Beach Atlantic University CSPD meets the Comprehensive Plan and the Zoning and Land Development Regulations. It is staff's professional opinion that:

- a. The proposed Major PD Amendment (Resolution No. 277-20) complies with all eight (8) amendment standards found in Section 94-32 of the City's Zoning and Land Development Regulations;
- b. The proposed Future Land Use Amendment (Ordinance No. 4912-20) meets at least one (1) Future Land Use Amendment Standards found in Future Land Use Element Policy 1.1.5 of the City's Comprehensive Plan; and
- c. The proposed Rezoning (Ordinance No. 4913-20) complies with all eight rezoning standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Compliance with the above referenced standards is detailed in the Planning Board Staff Report.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the request to the City Commission after a Public Hearing on September 15, 2020.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the Palm Beach Atlantic University CSPD. Signs for the Major Amendment were posted on the property on August 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 First Reading of Ordinance No. 4911-20 **APPROVED** regarding a City-initiated rezoning to change the zoning designation for ten parcels on the east side of North Australian Avenue between 2508 and 2808 North Australian Avenue totaling approximately 2.56 acres from Office Commercial to Neighborhood Commercial.**

ORDINANCE NO. 4911-20: 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 TEN PARCELS ON THE EAST SIDE OF NORTH AUSTRALIAN AVENUE, AT THE INTERSECTION OF 25TH STREET, BETWEEN 2508 AND 2808 NORTH AUSTRALIAN AVENUE, FROM AN OFFICE COMMERCIAL TO NEIGHBORHOOD COMMERCIAL ZONING DESIGNATION; 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.

Agenda Cover Memorandum No.: 23091

Staff Recommended Motion:

Approve Ordinance No. 4911-20 changing the zoning designation for ten parcels on the east side of North Australian Avenue between 2508 and 2808 North Australian Avenue totaling approximately 2.56 acres from Office Commercial to Neighborhood Commercial. This motion is based upon the factual testimony presented, the staff report, the recommendation of the Planning Board, and the finding that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

From time to time, the City examines certain areas to ensure that the current zoning is appropriate for the long-term viability of the area. An applicant recently sought a rezoning of the property located at 2624 North Australian Avenue to Industrial with the intent to establish a gas station and convenience store through a Special Use Permit. After receiving the application, staff carefully looked at all of the properties on the east side of Australian Avenue between 2508 and 2808 North Australian (see properties highlighted in yellow in the aerial) to determine the practicality of the existing Office Commercial (OC) zoning district in this area.

The Planning Division determined that the current zoning of OC is not the most compatible zoning designation for the properties mentioned above given the proximity of several residential neighborhoods. This determination was based on the narrow nature of office uses in the OC zoning district and the inability to provide neighborhood services to the surrounding residential neighborhoods. Therefore, the Planning Division is proposing to rezone these properties to Neighborhood Commercial (NC). The Future Land Use designation of these properties will remain Commercial (C), so a Future Land Use Map amendment is not required. This rezoning will be advantageous because it will allow the property owners approximately 28 additional uses which, in turn, will provide additional supportive commercial services to the surrounding neighborhoods. The proposed rezoning will not impact current licensed businesses or tenants in the area.

CONCLUSION: The rezoning of the affected properties to NC will increase the development potential and economic activity in this area and will not cause an

inconsistency with the Comprehensive Plan. Both the OC and the NC zoning districts are permitted under the Commercial (C) Future Land Use designation. Based upon the compatibility with the surrounding zoning districts, current and future land uses, the City's Planning Division has found that the request complies with the required Rezoning Standards found in Section 94-32 of the Zoning and Land Development Regulations.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the request to the City Commission after a Public Hearing on September 15, 2020.

PUBLIC NOTICE: Individual notices were mailed to owners of the affected parcels on May 28, 2020. To date, the City has received two (2) inquiries about the rezoning. Additionally, notices were mailed to property owners within 500 feet of the affected parcels on October 2, 2020. Ordinance No. 4911-20 was also advertised in the Palm Beach Post on October 26, 2020.

COMMISSION DISTRICT: The subject properties are located within Commission District No. 1: Commissioner Kelly Shoaf.

Fiscal Note:

No fiscal impact.

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.