



**City of West Palm Beach
City Commission**

AGENDA

**November 16, 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:

PROCLAMATION (1):

1. Proclaiming November 15-22, 2020 as: National Hunger and Homelessness Awareness Week. Proclamation to be accepted by Assistant City Administrator Armando Fana and Pamela Payne, CEO of Homeless Coalition of Palm Beach County.
Agenda Cover Memorandum No.: 23095

CONSENT CALENDAR (2-13):

2. **Resolution No. 288-20(F) accepting grant funding for the Mandel Public Library of West Palm Beach provided through a WPB Library Foundation Grant obtained through Wells Fargo and authorizing the appropriation of funds in the amount of \$4,402 for the "Get That Job" career assistance program.**

RESOLUTION NO. 288-20(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 A CONTRIBUTION FROM THE WEST PALM BEACH LIBRARY FOUNDATION AND TO PROVIDE APPROPRIATIONS FOR THE "GET THAT JOB" PROGRAMMING FOR ADULTS FOR ONE YEAR; AUTHORIZING EXECUTION OF ANY DOCUMENTATION REQUIRED IN CONNECTION WITH FUNDING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23096

Staff Recommended Motion:

Approve Resolution No. 288-20(F).

Background:

As a community anchor, the Mandel Public Library helps the unemployed hone their job-readiness skills to locate and land employment. During this unprecedented time, assistance with writing resumes and cover letters, searching for valid job opportunities, and mastering interviewing skills are more crucial than ever. Access to these services, whether virtual or in-person, are a critical component for financial stability. The effect of COVID-19 has intensified this need. The Mandel Public Library has been able to adapt its successful “Job Help” program to a virtual platform, while still providing personalized attention. The Mandel Public Library has worked with the West Palm Beach Library Foundation to secure a grant in the amount \$4,402 to provide career counselor class sessions obtained from Wells Fargo. This is the ninth year that Wells Fargo has supported the "Get That Job" programming initiative and has provided funding to provide resume help and classes from career professionals at no cost to our job seekers.

Get That Job- Job Help Sessions:

Resume help and career guidance are vital as unemployment benefits end for some and finding employment in a narrowed job market is challenging for most. Job Help Sessions will provide more opportunities for people to get professional career advice at no cost. Creating or polishing resumes, applying transitional job skills to seek alternative paths of employment, and adapting to the new way to work search are covered. Personalized sessions by phone, email or via Zoom provide unprecedented access to these services.

A career counselor will be available for weekly job help sessions scheduled throughout the year to provide personalized resume assistance. Current virtual appointments are made through an online form or by phone.

Fiscal Note:

Approval will recognize grant proceeds and provide appropriations for “Get That Job” programming.

3. **Resolution No. 294-20 approves a sponsorship agreement between Hierromat Development, LLC and the City of West Palm Beach for a contribution amount of \$5,000 to the City for the maintenance of the Rainbow Crosswalk in Northwood Village.**

RESOLUTION NO. 294-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPONSORSHIP AGREEMENT BETWEEN HIERROMAT DEVELOPMENT, LLC AND THE CITY OF WEST PALM BEACH FOR A CONTRIBUTION OF \$5,000 TO THE CITY FOR THE MAINTENANCE OF THE RAINBOW CROSSWALK IN NORTHWOOD VILLAGE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23097

Staff Recommended Motion:

Approve Resolution No. 294-20.

Background:

On September 8, 2020, the City Commission adopted Resolution No. 247-20 which approved the installation of a Rainbow (traditional Pride Flag) Crosswalk in Northwood Village. Hierromat Development, LLC, a WOSB (women-owned small business) and LGBTQ owned company, has offered to sponsor the maintenance of the Rainbow Crosswalk until October 31, 2026 through a one-time contribution in the amount of \$5,000. The funds will be submitted to the City in June 2021 to coincide and commemorate with Pride Month. Upon receipt, the funds will be deposited into the City's Art in Public Places' maintenance account to be used to maintain the Rainbow Crosswalk. After receipt of the contribution and as recognition for its sponsorship, the City will recognize Hierromat Development, LLC during the term of this Agreement, in all printed or digital media in which the Rainbow Crosswalk is displayed. Additionally, after receipt of the funds, the City will install a plaque near the Rainbow Crosswalk, which provides information about the Rainbow Crosswalk and acknowledges Hierromat Development, LLC for its contribution and sponsorship.

Resolution No. 294-20 authorizes receipt of the \$5,000 contribution and approves the sponsorship maintenance agreement for the Rainbow Crosswalk in District 1: Commissioner Kelly Shoaf.

Fiscal Note:

Approval allows for receipt of a \$5,000 contribution to be deposited in the AiPP maintenance account to be used for the upkeep of the Rainbow Crosswalk in Northwood Village.

4. **Resolution No. 308-20(F) appropriating funds in the amount of \$238,209 from the income generated by the West Palm Beach Library Foundation Mandel Endowment and additional funder distributions to support the Mandel Public Library's programs and operations.**

RESOLUTION NO. 308-20(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 PROVIDE APPROPRIATIONS FOR A CONTRIBUTION FROM THE WEST PALM BEACH LIBRARY FOUNDATION ENDOWMENT TO SUPPORT THE MANDEL PUBLIC LIBRARY'S PROGRAMS AND OPERATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23098

Staff Recommended Motion:

Approve Resolution No. 308-20(F).

Background:

Through Resolution No. 6-10 adopted on January 11, 2010, the City Commission authorized an agreement between the City of West Palm Beach and the West Palm Beach Library Foundation Inc. ("Foundation") allowing the Foundation to raise funds for the City of West Palm Beach Public Library ("Library") to enhance library programs and services in exchange for naming opportunities with certain conditions. Through Resolution No. 45-12 adopted on February 21, 2012, the City Commission ratified the acceptance of a \$5 million donation from the Mandel Foundation to the West Palm Beach Library Foundation Inc. in exchange for the naming rights to the Library and the garden east of the northern exterior entrance of the Library. In 2012, the Library was renamed the "Mandel Public Library of West Palm Beach."

On January 26, 2012, the Jack, Joseph and Morton Mandel Foundation, Mandel Supporting Foundations and the West Palm Beach Library Foundation executed a Capital Grant Term Sheet specifying the expenditure categories that includes a \$4 million endowment to support library programming in perpetuity. Additionally, on May 10, 2018, a First Amendment to the Mandel Foundation Capital Grant Term Sheet was executed to determine spending restrictions and revise terms relating to the management of the spendable income earned from the endowment. Pursuant to the Grant Term Sheet's First Amendment, endowments assets are distributed to the Mandel Public Library of West Palm Beach as a grant or contribution to support library programs and operations. Specifically, funding will cover the cost of the majority of the library's programming initiatives including but not limited to after-school homework centers, arts and cultural programs for all ages, outreach services and the purchase of digital collection resources.

For fiscal year 2020/2021 (FY20), the Mandel Public Library of West Palm Beach will receive funding in the amount of \$215,317 from the Mandel endowment through the West Palm Beach Library Foundation, as well as an additional \$22,892 from other funders for a total of \$238,209. Unspent funds from FY2021 will be carried forward into FY2022.

Fiscal Note:

Approval will recognize contribution/donation proceeds and provide appropriations for Library programming and operations.

5. **Resolution No. 309-20 authorizing the submission of an application to the Florida Department of Transportation for a grant in the amount of \$100,000 to fund the Police Department's Occupant Protection Program (seat belts and child restraint device usage); and**

Resolution No. 310-20(F) providing for the receipt and appropriation of \$100,000 in grant funding in FY 2020/2021.

RESOLUTION NO. 309-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR AN OCCUPANT PROTECTION AND CHILD PASSENGER SAFETY GRANT TO FUND THE WEST PALM BEACH POLICE DEPARTMENT OCCUPANT PROTECTION PROGRAM; AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

RESOLUTION NO. 310-20(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 RECOGNIZE RECEIPT OF FUNDS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR REIMBURSEMENT OF OVERTIME COSTS FOR TRAFFIC EDUCATION AND ENFORCEMENT OF OCCUPANT SAFETY LAWS AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23099

Staff Recommended Motion:

Approve Resolution No. 309-20 and Resolution No. 310-20(F).

Background:

In February 2020, the West Palm Beach Police Department submitted a concept paper to the Florida Department of Transportation (FDOT) regarding the proposed use of grant funds to be included in the State's Fiscal Year 2021 Highway Safety Plan. The paper used statistics on crash outcomes in the City of West Palm Beach and the rest of the State to help justify why this education and enforcement plan targeting occupant restraint usage, safety belts and child restraint devices, should be funded in the City of West Palm Beach.

On September 16, 2020, Chief Adderley was notified the FDOT agreed and has determined the City of West Palm Beach's plan merited inclusion in the Highway Safety Plan in the amount of \$100,000 in overtime reimbursement. The City must submit an electronic application to accept this subgrant and complete associated documents. The grant period began on October 1, 2020, but the program cannot be implemented until all documents are complete. This program supports the City's Vision Zero goal of zero traffic fatalities.

Resolution No. 309-20 authorizes the submittal for the grant and Resolution No. 310-20(F) accepts and appropriates the grant funding.

Fiscal Note:

Approval will provide \$100,000 to offset program costs for overtime and benefits.

6. **Resolution No. 311-20 authorizing the submission of an application to the Florida Department of Transportation for a grant in the amount of \$113,000 to fund an Aggressive Driving Program; and**

Resolution No. 312-20(F) providing for the receipt and appropriation of \$113,000 in grant funding in FY 2020/2021.

RESOLUTION NO. 311-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR AN SPEED/AGGRESSIVE DRIVING SAFETY GRANT TO FUND THE WEST PALM BEACH POLICE DEPARTMENT SPEED AND AGGRESSIVE DRIVING CAMPAIGN; AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

RESOLUTION NO. 312-20(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 RECOGNIZE RECEIPT OF FUNDS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR REIMBURSEMENT OF OVERTIME COSTS FOR TRAFFIC EDUCATION AND ENFORCEMENT OF AGGRESSIVE DRIVING LAWS AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23100

Staff Recommended Motion:

Approve Resolution No. 311-20 and Resolution No. 312-20(F).

Background:

In February 2020, the West Palm Beach Police Department submitted a concept paper to the Florida Department of Transportation (FDOT) regarding the proposed use of grant funds to be included in the State's Fiscal Year 2021 Highway Safety Plan. The paper used statistics on crash outcomes in the City of West Palm Beach and the rest of the State to help justify why this education and enforcement plan focused on aggressive driving should be funded in the City of West Palm Beach.

On September 16, 2020, Chief Adderley was notified the FDOT agreed and has determined the City of West Palm Beach's plan merited inclusion in the Highway Safety Plan in the amount of \$113,000 in overtime reimbursement, speed measuring laser devices, and information cards. The City must submit an electronic application to accept this subgrant and complete associated documents. The grant period began on October 1, 2020, but the program cannot be implemented until all documents are complete. This program supports the City's Vision Zero goal of zero traffic fatalities.

Funding allocations: \$100,000 overtime reimbursement; \$13,000 operating (lasers (\$11,385); and print of safety tips cards (\$1,615).

Resolution No. 311-20 authorizes submittal of the documentation for the grant, and Resolution No. 312-20(F) accepts and appropriates the grant funds.

Fiscal Note:

Approval will accept and appropriate \$113,000 in grant funds for overtime and benefits and to purchase police lasers.

7. Resolution No. 313-20(F) providing appropriations from Federal Law Enforcement Forfeiture Funds of \$112,700 for law enforcement investigative expenses.

RESOLUTION NO. 313-20(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 MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE FEDERAL LAW ENFORCEMENT FORFEITURE RECEIPTS FOR LAW ENFORCEMENT INVESTIGATIVE EXPENSES OF THE WEST PALM BEACH POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23101

Staff Recommended Motion:

Approve Resolution No. 313-20(F).

Background:

The Federal Law Enforcement Trust Fund expenditure of \$112,700 will be used to achieve law enforcement objectives in accordance with the statutes and guidelines that govern the Federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing for State and Local Law Enforcement. An excerpt from the current Guide to Equitable Sharing explains the permissibility of the proposed use: "Law enforcement, public safety, and detention facilities--costs associated with the purchase, lease, construction, expansion, improvement, or operation of law enforcement, public safety, or detention facilities used or managed by the recipient agency. Examples include the costs of leasing, operating, and furnishing an off-site undercover narcotics facility. Improvements should not be made on leased property or space since the law enforcement agency will not benefit from the improvements upon termination of the lease. Agencies must contact MLARS prior to using Department of Justice equitable sharing funds for all improvement and expansion projects. For example, the construction of a new facility or minor renovations including drywall, electrical, HVAC replacements, and internal modifications to an existing facility. Expenditures such as lease payments or utilities do not require consultation."

The West Palm Beach Police Department continues to need additional space for investigative personnel. This request will cover the payments required for the leasing of space and continuing operational expenses: \$88,500 Lease Expenses; \$7,800 Electric; \$6,400 Contractual Services; and \$10,000 for maintenance, repairs and service agreements as required under the lease agreements.

8. **Resolution No. 314-20(F) amending the Fiscal Year 2020/21 Miscellaneous Trust Fund Budget to authorize appropriations of \$75,000 from State Law Enforcement Forfeiture Receipts for law enforcement equipment and legal expenses.**

RESOLUTION NO. 314-20(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 MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR LAW ENFORCEMENT EQUIPMENT, AND FOR SATISFACTION OF COURT COSTS, LEGAL FEES, AND OTHER COSTS INCURRED IN OR RELATED TO FORFEITURE PROCEEDINGS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23102

Staff Recommended Motion:

Approve Resolution No. 314-20(F).

Background:

Pursuant to the Florida Contraband Forfeiture Act, when a law enforcement agency obtains title to the forfeited property, the agency shall use the funds to pay for court costs incurred in the forfeiture proceedings. After that, the remaining funds shall be used for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles and providing matching funds to obtain federal grants. These funds may be expended upon request by the Chief of Police to the City Commission and upon appropriation to the police departments' miscellaneous trust fund as the municipality's governing body deems appropriate.

- 1) **FORFEITURE LITIGATION (\$25,000):** To provide the necessary funding for recurring forfeiture litigation, court filing fees, and costs related to the forfeiture proceedings.
- 2) **RIFLE PLATES: (\$50,000):** Active shooter incidents have become increasingly prevalent in the United States over the last decade, and uniform systems have been updated to afford officers additional protection for rapid response to such incidents. The new rifle plates will be more accessible for officers to take on and off quickly and have a longer life expectancy. This funding is for fifty percent (50%) of the vests needed for full deployment, but due to varying expiration dates of existing equipment, not all will be ordered simultaneously (\$350 per set).

Fiscal Note:

Approval will identify budget appropriations as specified.

9. **Resolution No. 316-20(F) appropriating \$43,440 for the State of Florida Department of Health Child Care Food Program to provide snacks during the City's after-school programs at four (4) community centers.**

RESOLUTION NO. 316-20(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 PROVIDE APPROPRIATIONS FOR THE PURCHASE OF SNACKS FOR THE CHILD CARE FOOD PROGRAM AND FOR RECOGNIZING REIMBURSEMENT THROUGH A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF HEALTH CHILD CARE FOOD PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23103

Staff Recommended Motion:

Approve Resolution No. 316-20(F).

Background:

In the City of West Palm Beach, many children only receive one (1) balanced meal a day and qualify for free meals at school. The State of Florida Department of Health (FDOH), in partnership with the U. S. Department of Agriculture (USDA), administers a reimbursement Child Care Food Program, whereby childcare providers such as the City, are reimbursed for snacks/food served, food program administration, and supplies.

By Resolution No. 181-15, the City Commission approved the City's participation in the FDOH Child Care Food Program and authorized the Mayor to sign the permanent contract with the State.

The Department of Parks and Recreation developed the City's after-school program to provide a healthy snack during after-school care at the following four (4) after-school program locations: Coleman Park Community Center, Gaines Park Community Center, Howard Park Community Center, and South Olive Community Center.

This Resolution authorizes City expenses for the Child Care Food Program, not to exceed \$43,440 in Fiscal Year 2020-21, which expenses will be reimbursed to the City by the State of Florida Department of Health.

Fiscal Note:

Approval will provide approximately \$43,440 in reimbursable expenditures providing snacks to children in the after-school program.

- 10. Resolution No. 322-20 authorizing submittal of an application to the United States Department of Homeland Security, Federal Emergency Management Agency for a Presidential Residence Protection Assistance Grant for the reimbursement of operational costs incurred in FY2020 while participating in the protection of the President of The United States of America while in Palm Beach County.**

RESOLUTION NO. 322-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING APPLICATION TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, FOR A PRESIDENTIAL RESIDENCE PROTECTION ASSISTANCE GRANT REQUESTING REIMBURSEMENT FOR EXPENDITURES INCURRED BY THE POLICE DEPARTMENT DURING FISCAL YEAR 2020 IN THE EFFORT TO PROTECT THE PRESIDENT OF THE UNITED STATES AND THE FIRST FAMILY WHILE IN PALM BEACH COUNTY; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Agenda Cover Memorandum No.: 23104

Staff Recommended Motion:

Approve Resolution No. 322-20.

Background:

The City of West Palm Beach, on behalf of its Police Department, wishes to submit an application to the United States Department of Homeland Security Federal Emergency Management Agency (FEMA) Presidential Residence Protection Assistance Grant (PPRAG) for the reimbursement of operational law enforcement overtime incurred in FY2020 while participating in the effort to protect the President of The United States of America. The City incurred law enforcement personnel overtime while working at the request of and in cooperation with the United States Secret Service while the President of The United States of America and the First Family visited and travelled to and from their home on Palm Beach in Fiscal Year 2020.

The City has previously received PPRAG grant funding reimbursement for expenses incurred in prior years.

The application is due by November 27, 2020. The City of West Palm Beach was advised to apply for reimbursement of overtime expenditures incurred between October 1, 2019 and September 30, 2020. Those calculations are currently being calculated but are estimated at \$75,000. The Intent To Apply was submitted to Finance in October 22, 2020 and is being forwarded through the City's approval process.

Resolution No. 322-20 authorizes submittal of the grant application.

11. **Resolution No. 325-20(F) appropriating \$1,230,000 from the Stormwater General Reserves Fund 484 to the Stormwater Operating Fund 481 budget for repairs on Third Street at North Flagler, 26th Street between Poinsettia Ave. and Ponce de Leon, and Spruce Street between 47th Street and 55th Street and to provide funding for possible additional repairs.**

RESOLUTION NO. 325-20(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 STORMWATER GENERAL RESERVE FUND AND THE STORMWATER UTILITY SYSTEM OPERATING FUND BUDGETS TO PROVIDE APPROPRIATION OF FUNDS FOR STORMWATER SYSTEM REPAIRS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
Agenda Cover Memorandum No.: 23105

Staff Recommended Motion:

Approve Resolution No. 325-20(F).

Background:

Staff identified three (3) locations which require stormwater drainage repairs at an estimated total cost of \$930,000.

The locations are:

1. Third Street at North Flagler Drive at an estimated cost of \$163,390 including 20% contingency because of the close proximity to the Lake Worth Lagoon;
2. 26th Street at an estimated cost of \$186,610; and
3. Spruce Street at an estimated cost of \$580,000, including 10% contingency.

The adopted Stormwater Utility Fund 481 Operating Budget includes \$210,000 for repairs in fiscal year 2021. City Commission is requested to approve Resolution No. 325-20(F) authorizing the transfer of \$1,230,000 from Stormwater General Reserve Fund 484 to the Stormwater Utility Operating Fund 481 fiscal year 2021 budget for the specific purpose of appropriating additional funding for stormwater drainage repairs: \$930,000 for the specified locations and an additional \$300,000 for possible additional repairs.

Post approval, the Stormwater General Reserve Fund 484 budget will have an approximate balance of \$12.6 million.

Fiscal Note:

Post approval, Stormwater Fund 484 General Reserves balance will be approximately \$12.6 million.

12. Resolution No. 326-20 accepting the donation of four (4) police dogs from the West Palm Beach Police Foundation.

RESOLUTION NO. 326-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A DONATION OF FOUR POLICE DOGS FROM THE WEST PALM BEACH POLICE FOUNDATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23106

Staff Recommended Motion:

Approve Resolution No. 326-20.

Background:

The West Palm Beach Police Foundation has received several directed donations to support the Police Department Canine Unit. Three (3) current working dogs are approaching retirement condition/age and must be replaced in advance to keep the unit fully functional. One (1) dog is being added to be assigned to the Canine Unit Sergeant and increase the responsiveness and capabilities of the Canine Unit. The Police Canine Trainer will select the dogs from a reputable kennel, and the West Palm Beach Police Foundation will pay for the dogs and their delivery, as well as transportation and lodging costs of staff to travel to the Kennel for dog selection. The approximate value of the donation is: \$45,000.

It is notable the three (3) replacement dogs will not result in increased care expenses, except for the overlap of time when the new dogs are in training and the retiring dogs are still in service. The additional canine will require additional expense regarding upfitting of a police car (existing or ordered) to specifically transport the dogs during workdays with proper care and safety measures (costs exceeding typical patrol vehicle), veterinary insurance, veterinary care, boarding fees, and employee compensation (1 hour per day contractually for canine care).

Additional upfitting costs:

- \$3,500 vs. standard patrol car;
- \$6,350 to convert an existing car;
- Veterinary expenses (combination of insurance and uncovered annual expenses): \$2,100;
- Boarding fees (annual average): \$1,300;
- Food and treats, shampoo, beds, raingear, grooming (annual average): \$1,200;
- Training aids and supplies: \$550; and
- Pest control (annual): \$780.

Total required for first year (non-compensation): \$8,230 - \$11,080; and year two and beyond: \$4,730 (annual for additional dog).

Fiscal Note:

Total required for first year (non-compensation): \$8,230 - \$11,080; year two and beyond:

- \$4,730 (annual for additional dog). Current police budget appropriations will be used for immediate costs, and additional budget will be provided in a future FY21 budget amendment item to be presented.

13. Resolution No. 320-20 amending the rates for bulk/wholesale water and wastewater services.

RESOLUTION 320-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING UPDATED RATES AND CAPACITY CHARGES FOR BULK / WHOLESALE WATER AND WASTEWATER SERVICE; AMENDING AND REPLACING RESOLUTION NO. 270-15; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23107

Staff Recommended Motion:

Approve Resolution No. 320-20.

Background:

Chapter 90, Section 2, of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the City Commission may establish by resolution reasonable fees and charges to be charged to the consumers of the water and wastewater services based on the cost of providing such services.

On June 28, 2010, the City Commission approved Resolution No. 245-10 establishing bulk/wholesale water and wastewater rates for the City of West Palm Beach. Those rates were a result of a bulk/wholesale rate analysis performed by the City's rate consultant Public Resources Management Group, Inc. (PRMG) completed in March of 2010. In 2015, the Public Utilities Department had PRMG update the bulk/wholesale rate analysis, which was completed in June of 2015. Resolution No. 270-15 adjusted the bulk/wholesale rates in accordance with the June 2015 study and replaced the prior rate Resolution No. 245-10.

The Public Utilities Department recently requested PRMG, now Raftelis, to prepare an updated bulk/wholesale rate analysis. The Fiscal Year 2021 Wholesale Rate Evaluation was completed on October 15, 2020. In accordance with the rates recommended in the Fiscal Year 2021 Wholesale Rate Evaluation study, Resolution No. 320-20 will establish updated bulk/wholesale rates to become effective January 1, 2021 and replace the existing Resolution No. 270-15.

Based on the Fiscal Year 2021 Wholesale Rate Evaluation study, dated October 15, 2020, the proposed wholesale charges (per 1,000 gallons) are:

	<u>Water</u>	<u>Wastewater</u>
Proposed Wholesale Rate (per 1,000 Gallons)	\$3.86	\$3.67
Existing Wholesale Rate (per 1,000 Gallons)	\$3.81	\$3.43
Increase/(Decrease) – Amount	0.05	0.24
Increase/(Decrease) – Percent	1.3%	7.0%

The City presently has only two (2) bulk/wholesale customers. Palm Beach County purchases bulk/wholesale water for the purpose of providing water to their retail customers in Bayhill Estates off of Northlake Boulevard, and the Solid Waste Authority purchases bulk/wholesale water for use by their pelletizer facility. The changes in the bulk/wholesale rates will not materially change the total revenue received from these two (2) customers. The revenue received from these two customers in fiscal year 2020 was approximately \$570,000. The estimated revenue from these two (2) customers, under the proposed rates, would be approximately \$577,000.

Resolution No. 320-20 approves the updated rates and charges for bulk/wholesale water and wastewater services.

RESOLUTIONS (14-17):

14. **Resolution No. 323-20 approving a Services Contract for Security Services with Professional Security Consultants at an annual fee of \$1,809,017.30, which is fully budgeted in the FY 2020-21 budget.**

RESOLUTION NO. 323-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SERVICES CONTRACT FOR SECURITY SERVICES WITH PROFESSIONAL SECURITY CONSULTANTS AND AUTHORIZING EXECUTION OF THE AGREEMENT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23108

Staff Recommended Motion:

Approve Resolution No. 323-20.

Background:

The City issued Request for Proposals (RFP) No. 19-20-203, Security Guard Services, requesting proposals from qualified, responsible and experienced security firms to provide security services for the City of West Palm Beach at the various City facilities. Also, the firm will provide mobile/roving security services in Northwood Village and several City parks and parking garages. The City identified the ability to provide “ambassador” type services in the downtown and Northwood Village areas; and seamless communications between the security service provider, the West Palm Beach Police Department, and the downtown areas security firm(s) as significant factors for selection of the security firm.

The City received a total of 17 proposals. Each firm was required to have a Small Business participation of 15% and an MWBE participation of 9.92% from an African-American firm. Two firms were disqualified for failure to meet the required Small Business and Minority/Women Business Enterprise participation requirements.

An evaluation committee of representatives from City departments that utilize security services evaluated the qualified proposals and short-listed five firms:

1. Allied Universal Consultants;
2. G4S Secure Solutions (USA) Inc.;
3. Giddens Security Corporation;
4. PSC (Professional Security Consultants); and
5. Security Alliance, LLC.

The five firms made presentations to the City Commission. The City Commission selected Professional Security Consultants as the most responsive proposal providing the best value, which will be in the best interest of the City.

City staff negotiated the scope and hours of service, rates, and equipment to comply with the requirements of the user departments and the approved City budget. The Services Contract for Security Services with Professional Security Consultants provides for security services for City Hall, the City Complex, the Water Treatment Plant, the ECR Wastewater Treatment Facility, and Currie Park, with roving services for the City Parking Garages, City Parks, and the Northwood district. The City Commission applied the City's Living Wage requirements to the procurement. Accordingly, the contract provides that no security officer providing services under the Contract will be paid less than \$15 per hour. The contract also requires MWBE participation of 9.92% and Small Business participation of 15%. The contract term is 3 fiscal years, with an option to renew for up to 2 additional fiscal years. The total annual cost of security services under the contract is \$1,809,017.30, which is fully budgeted in the FY 2020-21 budget.

Resolution No. 323-20 approves the Services Contract for Security Services with Professional Security Consultants.

Fiscal Note:

Annual cost of \$1,809,017.30 is fully-budgeted in fiscal year 2020-21. Cost over 3-year term will be \$5,427,051.90.

15. **Resolution No. 324-20 granting Face of the City approval relating to the location change for one (1) of the temporary artworks previously approved as part of the project entitled: "The Commons: 15 Artists 15 Spaces COVID-19 Artists Relief Initiative".**

RESOLUTION NO. 324-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE LOCATION CHANGE OF ONE (1) OF THE TEMPORARY ARTWORKS PREVIOUSLY APPROVED AS PART OF THE COMMONS: 15 ARTISTS 15 SPACES COVID-19 ARTISTS RELIEF INITIATIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23109

Staff Recommended Motion:

Approve Resolution No. 324-20.

Background:

Resolution No. 123-20(F) approved funds for "The Commons: 15 Artists 15 Spaces, COVID-19 Artists Relief Initiative" for local artists. By adopting Resolution No. 246-20 on September 21, 2020, the City Commission approved the City's agreements for temporary artworks with 15 of the selected artists. Each approved agreement's proposal included both the design and location information relating to each artwork. Artist Robert Fehre's artwork titled "Bhadrasana" (The Gracious Pose) was to be installed at Monceaux Park; however, due to the Washington Road improvement projects, the City will need to close the road south of the park. City staff, after consulting with the Artist, is suggesting a City-owned parcel located at 1450 South Olive as a feasible location for the sculpture. The artwork will be temporarily installed at the east end of the green space closest to Flagler Drive.

Approval of Resolution No. 324-20 amends Contract No. 26196 to provide for the new location at 1450 South Olive for the temporary artwork by Artist Robert Fehre as part of the project entitled: "The Commons: 15 Artist 15 Spaces COVID-19 Artists Relief Initiative."

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

16. Resolution No. 337-20 approving a Second Amendment to the Palm Beach International Boat Show Agreement with Yachting Promotions, Inc., and the Marine Industries Association of Palm Beach County.

RESOLUTION NO. 337-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THE PALM BEACH INTERNATIONAL BOAT SHOW AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23110

Staff Recommended Motion:

Approve Resolution No. 337-20.

Background:

By Resolution No. 178-17, the City Commission of the City of West Palm Beach approved a ten (10) year agreement with Yachting Promotions, Inc. and the Marine Industries Association of Palm Beach County to produce the Palm Beach International Boat Show. By Resolution No. 93-19, the City Commission approved an Amendment to the Palm Beach International Boat Show Agreement which established the show as a four (4) day event and to provide that the northbound lanes of Flagler Drive from Lakeview Avenue to Fern Street must re-open by 6:00 p.m. on the next Monday (8 days) following the event.

Yachting Promotions, Inc. and the Marine Industries Association of Palm Beach County have requested a Second Amendment to the Palm Beach International Boat Show Agreement to:

- (1) Extend the Term of the Agreement for an additional five (5) years, through the 2032 event;
- (2) To remove the cap on the annual increase for the License Fee during the five (5) year extension, allowing the License Fee to be adjusted in accordance with the CPI during the five (5) year period; and
- (3) To provide exclusivity provisions providing that the Palm Beach International Boat Show will be the only boat show authorized on City property during the term of the Agreement.

Resolution No. 337-20 approves the Second Amendment to the Palm Beach International Boat Show Agreement.

Fiscal Note:

Additional City revenue, the License fee, will result from the 5-year term extension.

17. Resolution No. 346-20 approving the Term Sheet with West Palm Golf Community Trust, Inc. for Redevelopment of the West Palm Beach Golf Course.

RESOLUTION NO. 346-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE TERM SHEET FOR LEASE AND REDEVELOPMENT OF THE WEST PALM BEACH GOLF COURSE BETWEEN WEST PALM GOLF COMMUNITY TRUST, INC. AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23115

Staff Recommended Motion:

Approve Resolution No. 346-20, which provides evidence that West Palm Community Trust has obtained sufficient funding to complete the redevelopment of the Golf Course shall be presented to the City Commission no later than November 30, 2021.

Background:

The City originally issued Request for Proposals (RFP) No. 16-17-405 seeking proposals for the Lease and Development of up to 196 Acres of Property, including the West Palm Beach Municipal Golf Course.

At the time of issuance of the RFP, the irrigation system was in need of repair estimated at \$500,000. Because renovation of the Golf Course will require the complete replacement of the irrigation system, it was determined not to spend the funds to make the repairs. At that time, total daily rounds average approximately 25 rounds per day. By Resolution No. 287-18, the City Commission approved the temporary closure of the Golf Course as of September 30, 2018, until the Golf Course is renovated.

In response to the RFP, the Golf Commission selected WPB Golf Links, LLC, d/b/a American Links - West Palm Beach, as the proposer with whom to negotiate a development agreement. In October 2018, negotiations with WPB Golf Links came to an impasse regarding financing of the development.

On November 5, 2018, at a special meeting, the City Commission voted to terminate negotiations, withdraw the RFP, and allow the City to accept new proposals that meet the requirements of the original RFP.

After new proposals were solicited and received, the City Commission evaluated proposals and presentations made from the proposers and selected WPB Golf Links for negotiation of a development agreement. After several negotiation meetings, City staff and WPB Golf Links came to an impasse as to significant terms of the transaction. On June 3, 2019, the City Commission directed staff to cease negotiations with WPB Golf Links.

South Florida PGA:

Thereafter, the South Florida Professional Golf Association (SFPGA) contacted the City and expressed interest in redevelopment of the Golf Course. Upon the Mayor's direction, City staff and SFPGA have negotiated a Term Sheet establishing material terms for the redevelopment and lease of the Golf Course property.

The material terms provide:

- SFPGA created a non-profit foundation, West Palm Community Trust, Inc. (the "Foundation"), which will lease and redevelop the property. This will allow SFPGA to solicitation donations toward funding of the redevelopment.
- The Golf Course will be fully redeveloped, and a new Clubhouse constructed. The estimated total development costs for the Golf Course Redevelopment are approximately Ten (10) Million Dollars. The City will contribute toward certain infrastructure costs in an amount not to exceed Three (3) Million Dollars. Construction of the Golf Course is planned to be completed by March 2023.
- The Foundation will be responsible for all operating and maintenance costs of the Golf Course. City shall have no obligation for an operating deficit. As part of the Lease negotiations, Foundation and City agree to negotiate a revenue sharing arrangement by which the City would share in a portion of the net revenues generated by the Golf Course. Resident rates shall be available to residents of the City of West Palm Beach.
- For construction of the Golf Course, the Foundation will engage no less than 15% contractors and subcontractors from Small Businesses and Minority/Women owned businesses certified by the City. Additionally, the Foundation will use its best good faith efforts to have local workforce participation of 5% of the value of the Golf Course redevelopment construction work.
- The Foundation may also construct a performance center and related facilities, which may include indoor/outdoor hitting bays, a teaching facility, fitness facility, club fitting, and putting studio with computer technology and training aids. Additionally, a short course may be constructed. The Performance Center may be operated by the Foundation or sub-leased to a third party for-profit entity.
- Also constructed, will be the South Florida PGA (SFPGA) office headquarters, which may also house the memorabilia collection of PGA of America.
- The Lease shall have a lease term of Fifty (50) years, with an option to renew for an additional twenty (20) years.

The Foundation will have a period of twelve (12) months from the date of the Term Sheet to exclusively negotiate a Lease with the City and to raise the necessary funding for the Golf Course redevelopment.

Resolution No. 346-20 approves the proposed Term Sheet with West Palm Community Trust, authorizes the Mayor to negotiate a lease, and establishes a 12-month period for the Foundation to obtain its funding for the Golf Course construction.

Provided funding is obtained and lease terms negotiated, the proposed lease will be brought back to the City Commission for approval.

Commission District: The Golf Course is located in Commission District No. 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact until a Lease is executed.

PUBLIC HEARING – QUASI JUDICIAL (18-21):

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

18. **Public Hearing and Second Reading of Ordinance No. 4911-20 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.: 23111

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.

- 19. Public Hearing and Second Reading of Ordinance No. 4912-20 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 Second Reading of Ordinance No. 4913-20 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.

Public Hearing of Resolution No. 277-20 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.: 23112

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.

Approve 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. 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 amendment 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.

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 (8) 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.

20. **Public Hearing of Resolution No. 297-20 approving a minor subdivision to create the plat entitled "303 Banyan Boulevard" associated with the construction of the new mixed-use building located at 303 Banyan Boulevard.**

RESOLUTION NO. 297-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION TO CREATE THE PLAT ENTITLED "303 BANYAN BOULEVARD" CONSISTING OF APPROXIMATELY 1.66 ACRES, AND GENERALLY LOCATED ON THE NORTH SIDE OF BANYAN BOULEVARD BETWEEN DIXIE HIGHWAY AND OLIVE AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23113

Staff Recommended Motion:

Approve Resolution No. 297-20 approving a minor subdivision of real property to create the plat entitled "303 Banyan Boulevard". This motion is based on the findings that the plat is consistent with the Comprehensive Plan, complies with the requirements set forth in Sections 94-44 and 94-342 of the Zoning and Land Development Regulations, and complies with all applicable provisions of Chapter 177, Florida Statutes.

Background:

On August 21, 2020, the City granted approval of FSPR 19-05, which includes a new 15-story 227,099 square foot building with 3,132 square feet of retail and 223 residential units, and the existing 44,296 square foot office building all located at 303 Banyan Boulevard. As part of the site plan approval, it was a requirement that the applicant replat the property.

Resolution No. 297-20 will replat the property entitled "303 Banyan Boulevard" consisting of two parcels containing a total of approximately 1.66 acres.

PUBLIC NOTICE: Notification of the public hearing was provided by mail to all property owners within 500 feet of the subject site 30 days in advance of the meeting. The site was posted with a notice of the hearing on November 1, 2020. Resolution No. 297-20 was advertised in the Palm Beach Post on November 6, 2020.

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

21. Public Hearing of Resolution No. 305-20 approving a minor subdivision to create the plat entitled "360 Rosemary" associated with the construction of the new office building located at 360 Rosemary Avenue.

RESOLUTION NO. 305-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION TO CREATE THE PLAT ENTITLED "360 ROSEMARY" CONSISTING OF APPROXIMATELY 1.44 ACRES, AND GENERALLY LOCATED ON THE EAST SIDE OF ROSEMARY AVENUE BETWEEN FERN STREET AND EVERNIA STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23114

Staff Recommended Motion:

Approve Resolution No. 305-20 approving a minor subdivision of real property to create the plat entitled "360 Rosemary". This motion is based on the findings that the plat is consistent with the Comprehensive Plan, complies with the requirements set forth in Sections 94-44 and 94-342 of the Zoning and Land Development Regulations and complies with all applicable provisions of Chapter 177, Florida Statutes.

Background:

On December 14, 2018, the City granted approval of FSPR 18-02 for a new 18-story 308,078 square foot building, including 21,167 square feet of retail and 258,449 square feet of office space, located at 360 Rosemary Avenue. As part of the site plan approval, it was a requirement that the applicant replat the property.

Resolution No. 305-20 will replat the property entitled "360 Rosemary" consisting of two parcels containing a total of approximately 1.66 acres.

PUBLIC NOTICE: Notification of the public hearing was provided by mail to all property owners within 500 feet of the subject site 30 days in advance of the meeting. The site was posted with a notice of the hearing on November 1, 2020. Resolution No. 305-20 was advertised in the Palm Beach Post on November 6, 2020.

COMMISSION DISTRICT: The subject property 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.