



**City of West Palm Beach  
City Commission**

**PASS/FAIL AGENDA**

**December 14, 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:**

**PRESENTATION AND AWARDS OF MERIT (1):**

1. **Recognition of the City of West Palm Beach's perfect score in the 2020 Human Rights Campaign's Municipal Equality Index (MEI). Presentation by Robert Telford, Mayor's LGBTQ Liaison and Rand Hoch, President of the Palm Beach County Human Rights Council. PRESENTED**  
*Agenda Cover Memorandum No.: 23161*

**RECEIVED / FILED (2):**

2. **Receive and file the Parks and Recreation Advisory Committee report for November 2019 - October 2020. RECEIVED AND FILED**  
*Agenda Cover Memorandum No.: 23162*

**APPOINTMENT (3):**

3. **City Commission approval is requested for the Mayor's reappointment of Sean Bernardeau to the Sustainability Advisory Committee for a term of two years (2) to expire on November 6, 2022. Mr. Bernardeau's place of residence is outside City limits, and it is required that the City Commission confirms his reappointment. APPROVED**  
*Agenda Cover Memorandum No.: 23134*

**CONSENT CALENDAR (4-16): ALL CONSENT ITEMS (4-16) APPROVED**

4. **Minutes of the Regular City Commission Meeting of November 16, 2020.**  
*Agenda Cover Memorandum No.: 23135*

**Staff Recommended Motion:**

Approve the Minutes of the Regular City Commission Meeting of November 16, 2020.

5. **Minutes of the Regular City Commission Meeting of November 30, 2020.**  
*Agenda Cover Memorandum No.: 23160*

**Staff Recommended Motion:**

Approve the Minutes of the Regular City Commission Meeting of November 30, 2020.

6. **Resolution No. 318-20(F) accepts funding in the amount of \$500 from the American Library Association grant: "Resilient Communities: Libraries Respond to Climate Change", which supports libraries in efforts to engage their communities in programs and conversations that address the climate crisis.**

**RESOLUTION NO. 318-20(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 AMERICAN LIBRARY ASSOCIATION AND TO PROVIDE APPROPRIATIONS TO PROVIDE SERVICES TO SUPPORT PROGRAMMING TO ENGAGE THE COMMUNITY ON THE CLIMATE CRISIS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23136*

**Staff Recommended Motion:**

Approve Resolution No. 318-20(F).

**Background:**

Resilient Communities: Libraries Respond to Climate Change is an American Library Association (ALA) pilot program made possible by support from a private donor. The program supports public and academic libraries in efforts to engage their communities in programs and conversations that address the climate crisis.

The goals of this project include:

- Raising awareness and providing accurate information about the climate crisis to the public through libraries;
- Designating libraries as Climate Resilience Hubs, positioning them to provide ongoing public education and community support during extreme weather events;
- Engaging library staff in local partnerships and environmental justice efforts that emphasize bottom-up organizing, shared community leadership, and the centering of those most impacted by climate change, particularly communities of color and under-served communities;
- Creating space in libraries for communities to engage in conversation, mobilize for the initiation of sustainability policies and practices, and build more resilient communities; and
- Identifying and documenting relevant, replicable programming models for future national distribution.

The Library applied and received \$500, which will be used to provide programming related to sustainability. The programs, in partnership with the City of West Palm Beach's Office of Sustainability, will be held once a month from February through June 2021 covering a variety of topics including: Backyard Bioblitz; Less Meat, Less Heat; Energy/Water Home Audit; Climate Change Equity; and Sustainable Grocery Shopping. These topics are widely accessible and provide simple strategies for the patrons to enhance their sustainability at home. Additionally, the Library will use funding to purchase books that focus on climate issues, sustainability, and the environment, as well as start a seed library.

7. **Resolution No. 352-20 approving a funding interlocal agreement with the West Palm Beach Community Redevelopment Agency to fund refurbishment of the Martin Luther King Memorial wall.**

**RESOLUTION NO. 352-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PROJECT FUNDING AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR REFURBISHMENT OF THE MLK MEMORIAL WALL; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23137*

**Staff Recommended Motion:**

Approve Resolution No. 352-20.

**Background:**

The City Commission approved the Face of the City for the above ground features of the refurbishments to the Martin Luther King Memorial, by passing Resolution No. 90-19 on March 11, 2019.

The MLK Memorial Wall is located east of North Flagler Drive between Piccadilly Street and Butler Street in Currie Park, which is within the Northwood/Pleasant City CRA District. It was originally designed in 1998 built in the early 2000s.

The above ground improvements at the Memorial wall include repair/replacement of the fountain, replacement of the granite slabs to improve visibility, removal of the secondary wall to open up the wall's view to the water, relocating the writings to a more prominent location at the front of the wall, and addition of lighting features to improve safety and security. The scope of work also includes addressing the plumbing system of the fountain, improving of the visuals of the wall, re-grading the back of the removed wall for public use, and locating the writings and information stand about the specific design features of the wall and flags.

A contract was executed on August 27, 2020, between the City and all-Site Construction to perform the refurbishment work on the MLK memorial in the amount of \$292,123. The construction work is in progress and is expected to be completed by early 2021.

There was a discrepancy discovered in the contract documents such that the bid scope of work only requires replacement of wall panels that are observed to be damaged. Three (3) of the existing twenty-five (25) panels are actually damaged, and the Contract scope includes replacement of these. However, due to the age of the monument, the other existing panels have faded over the years, and when these three (3) new granite wall panels are installed, they will contrast with the rest of the wall dramatically.

To provide a more uniform color and texture to the refurbished wall, it is recommended to replace all of the wall panels. This results in an increased scope of work to the contract, which is estimated to be an additional \$62,146. The CRA has agreed to provide the supplemental funding to make this change, which will result in a more aesthetically uniform look to the new wall.

This Resolution is a companion to the resolution for the interlocal agreement with the CRA that is on the CRA Board agenda on this same date.

Resolution No. 352-20 approves a Project Funding Agreement with the CRA committing \$62,146 to the Refurbishing the MLK Memorial Landmark Wall project.

Companion CRA Resolution No. 20-66 approves a Project Funding Agreement with the City of West Palm Beach committing \$62,146 to Refurbishing the MLK Memorial Landmark Wall.

Commission District 1: Commissioner Kelly Shoaf.

8. **Resolution No. 353-20(F) accepting and appropriating funding in the amount of \$2,500 from The Breakers Palm Beach for the annual Share A Supper Thanksgiving Dinner.**

**RESOLUTION NO. 353-20(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 GENERAL FUND TO RECOGNIZE THE DONATION OF \$2,500 FROM THE BREAKERS HOTEL PALM BEACH FOR THE ANNUAL SHARE A SUPPER THANKSGIVING DINNER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23138*

**Staff Recommended Motion:**

Approve Resolution No. 353-20(F).

**Background:**

The Breakers Palm Beach has supported the annual "Share A Supper Thanksgiving Dinner" held in Pleasant City for over seven (7) years. They have generously donated \$2,500 to support this year's event. Due to COVID-19 restrictions, the staff and volunteers organized a drive-thru event, which was held at Blum Park on November 24th. Warm Thanksgiving meals were distributed to over 300 families from the community. It is with the Breakers support that the Youth Empowerment Center can fulfill their mission to provide the resource necessary to make this outreach effort successful, bringing a touch of joy to the Pleasant City community during this holiday of thanks-giving.

**Fiscal Note:**

Approval recognizes the receipt of a donation and provides appropriations for the "Share a Supper Thanksgiving Dinner" program.

9. **Resolution No. 360-20(F) amending the personnel detail of the Police Department's General Fund budget upgrading two (2) Police Officer positions to Police Sergeant positions.**

**RESOLUTION NO. 360-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FY 2020/2021 FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE POLICE DEPARTMENT AND THE GENERAL FUND BUDGET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23139*

**Staff Recommended Motion:**

Approve Resolution No. 360-20(F).

**Background:**

In August 2020, the West Palm Beach Police Department was awarded an additional thirty (30) officer positions through the Department of Justice COPS grant. In spite of citywide budget cuts resulting from reduced revenues, the Grant enabled the City to increase actual staffing by fifteen (15) sworn positions and avoid layoffs of another fifteen (15) officers. The additional positions, the filling of persistent vacancies, and a reorganization have resulted in the need for two (2) additional sergeant positions in order to comply with industry standards and meet organizational efficiency and effectiveness goals. The additional sergeant positions are being created by upgrading two (2) existing officer positions to sergeant positions, reducing the cost impact on the budget to only the difference between the salary and benefits of the officers to be promoted and their resulting promotional rates. The organizational changes and additional grant positions have been made or applied for in alignment with the City's strategic plan, in its goals of crime reduction, increased traffic safety, and effective emergency response programs.

The newly acquired sworn officers will require additional supervisory personnel for overall efficiency and effectiveness. The supervisor positions will provide more accountability and consistency throughout the police department, improving service to internal and external stakeholders.

The Chief of Police has determined the additional supervision at the sergeant level is necessary, due to the increased personnel and responsibilities.

Two (2) vacant police officer positions will be reallocated to two (2) sergeant positions to complete this change. The fiscal impact of both positions for the remainder of the fiscal year is \$9,221, and it can be absorbed from the funding of civilian personnel vacancies.

**Fiscal Note:**

Approval will add expense of approximately \$12,619, which will be offset by the first quarter available budget from civilian vacancies.

- 10. Resolution No. 319-20 granting a Revocable Permit and License to the City of Riviera Beach for an area within the M-Canal property for a 30" Force Main subaqueous crossing to the East Coast Regional Wastewater Treatment Facility.**

**RESOLUTION NO. 319-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A REVOCABLE LICENSE TO THE CITY OF RIVIERA BEACH FOR A SUBAQUEOUS FORCE MAIN CROSSING; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23141*

**Staff Recommended Motion:**

Approve Resolution No. 319-20.

**Background:**

As a member of the East Central Regional Wastewater Treatment Facility (ECR), the City of Riviera Beach was granted a Utility Easement in June of 1976 for the construction of its 30-inch force main across City owned property and the M-Canal. This existing aerial force main crossing the M-Canal needs to be replaced with a new subaqueous crossing. Since this portion of the M-Canal lies within the limits of the Water Catchment Area as defined by Special Act, an M-Canal license is required.

The new force main will be constructed alongside the existing main until such time as it is put into use and the old force main removed. The License area will cover the same width of the existing easement and will not encumber any additional area.

**Fiscal Note:**

No fiscal impact.

11. **Resolution No. 354-20 approving the fee schedule for the West Palm Beach Smart Loading Zone Pilot Program with Coord to evaluate the management of commercial flex zones/loading areas in the Rosemary Square vicinity.**

**RESOLUTION NO. 354-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A TEMPORARY FEE SCHEDULE FOR THE WEST PALM BEACH SMART LOADING ZONE PILOT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23146*

**Staff Recommended Motion:**

Approve Resolution No. 354-20.

**Background:**

The future in transportation (traffic) management is managing the demand at the curb. The curbsides, including parking and loading regulations, have traditionally been parking meters, loading zones, no parking, and unmetered parking residential areas. There is increasing concern for balancing the needs for all roadway users, the demand for curb pickups and drop offs, and the growth of transportation network companies (TNCs) like Uber and Lyft. A curbside management system is a way to make sure that a shift to sustainable citywide mobility does not come at the expense of quality public space or business needs.

Resolution No. 133-20 approved a Smart Loading Zone Pilot Program with Coord. The Smart Loading Zone Pilot Program leverages technology to provide fleet drivers with the information and incentives to load in locations where it is permitted. In these programs, loading space is designated a “smart loading zone” and dedicated for use by participating commercial vehicles. During the pilot period, the City will determine rules and regulations for the flex zones, such as which categories of commercial drivers may use zones, time



limits, and fees.

The limits for the pilot program are along Rosemary Avenue from Hibiscus Street to Okeechobee Boulevard and additional portion of Hibiscus Street. Signage will be erected along the smart zones to communicate the flex zone area and requirements. Users of the smart zones will have the ability to download the Coord Driver app, which will allow reservation of time slots for use of a flex zone area, and direction to the next available flex zone, if the flex zone remains occupied. New post mounted sensors technology will be installed along the smart zones to manage utilization. The Parking Division will utilize the Coord Inspector application to inspect the flex zones and for enforcement. City staff will have the ability to access the Coord WPB Dashboard to manage the smart zones. Additional information will be available on the City website, and a phone number will be available to enable a text to download the Coord Driver app.

As part of the pilot program, the City and Coord wish to charge fees for the use of the smart loading application. The following fee structure is designed to encourage utilization turnover along the smart zones:

Operating Hours: 7:00 AM – 12:00 AM (midnight) including holidays and weekends.

Peak Hour Up To - \$.50 increment per 15 minutes:

- 15 Minutes            \$1.00        \$2.50
- 30 Minutes           \$2.00        \$5.00
- 1 Hour                \$4.00        \$10.00
- 2 Hour (max)        \$8.00        \$15.00

	<u>Current Fee</u>	<u>Smart Zone</u>
• Expired Meter Violation or Non-Payment	\$27.00	\$50.00
• Parked in a Moving Lane	\$42.50	\$86.00

The project team will update the City Commission periodically throughout the Pilot Program. At the end of the Pilot Program, the temporary fee schedule shall expire, and all Pilot Program technology shall be removed. The City may then determine if it wishes to fully implement smart flex zones in various areas of the City and budget and procure the services and technology for such zones.

Resolution No. 354-20 authorize the temporary fee resolution for the Smart Loading Zone Pilot Program.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

Pursuant to the agreement with Coord, 70% of the fees collected for the Pilot Program will be used for marketing and outreach, equipment, and other costs of the Pilot Program. Coord will retain 30% of the fees.

12. **Resolution No. 356-20 approving the first amendment to the Qualified Target Industry Agreement between the City of West Palm Beach and Acsys, Inc. d/b/a Primacy Media Corporation.**

**RESOLUTION NO. 356-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE QUALIFIED TARGET INDUSTRY AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND “PROJECT CORN” A/K/A ACSYS, INC. D/B/A PRIMACY MEDIA CORPORATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23147*

**Staff Recommended Motion:**

Approve Resolution No. 356-20.

**Background:**

Project Corn, also known as Primacy, Inc., is a digital agency services firm with offices in Boston, MA; West Palm Beach, FL; and Farmington, CT. The company is relocating their headquarters (HQ) from Farmington, CT, to West Palm Beach. The company is leasing approximately 10,000 SF of office space in downtown West Palm Beach and plans to grow their HQ to fifty (50) employees over the next two (2) years. The company has invested approximately \$500,000 to renovate and equip their HQ facility. Primacy’s Qualified Target Industry Agreement was approved in 2016, and the company has asked to exercise their "push option" to extend the deadline for the 2019 job creation requirements. The State of Florida Department of Economic Opportunity is supportive of this time extension.

The Amendment extends the job creation deadlines, modifies the incentive payment schedule, and authorizes the Mayor to execute future time extensions if the request is approved by the Department of Economic Opportunity.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

13. **Resolution No. 357-20 approving the first amendment to the qualified target industry agreement between the City of West Palm Beach and Global Sticks Express, LLC.**

**RESOLUTION NO. 357-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE QUALIFIED TARGET INDUSTRY AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND “PROJECT WEDGE” A/K/A GLOBAL STICKS EXPRESS, LLC D/B/A SHIP STICKS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23148*

**Staff Recommended Motion:**

Approve Resolution No. 357-20.

**Background:**

Project Wedge, or Ship Sticks, is a firm located in downtown West Palm Beach that retained thirty-four (34) full-time jobs and has committed to creating thirty-five (35) new jobs with an average salary of \$50,675. Ship Sticks is an information and logistics business. The City entered into an agreement with Ship Sticks under the State of Florida's QTI program in 2017. Ship Sticks has requested to use their "push option" in the State agreement to extend the deadlines for the 2019 job creation and has also requested a push for the 2020 job creation commitment allowed in the force majeure provision in the state agreement due to the pandemic. The full incentive by the City totals \$35,000. The City has paid \$1,046 under the existing agreement today. The State of Florida Department of Economic Opportunity is supportive of this time extension.

The amendment extends the job creation deadlines, modifies the incentive payment schedule, and authorizes the Mayor to execute future time extensions, if the request is approved by the Department of Economic Opportunity.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

14. **Resolution No. 358-20 granting ad valorem tax exemption for completion of the rehabilitation of the historic property located at 134 Greymon Drive.**

**RESOLUTION NO. 358-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 134 GREYMON DRIVE, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23149*

**Staff Recommended Motion:**

Approve Resolution No. 358-20.

**Background:**

**Authority:**

The Florida Constitution, Article VII, Section 3, authorizes municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties, which are the result of the restoration, renovation, or rehabilitation of the historic properties. Section 196.1997, Florida Statutes, establishes the process by which such exemption may be granted. The City's Code of Ordinances, Section 94-51, sets forth the City's Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year ad valorem tax exemption on the value of improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within an historic district in the Local and/or National Register of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property, due to the improvements.

**Application:**

At the June 23, 2020 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (7-0) of the Completed Work Application for the property at 134 Greymon Drive. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new additions and construction were determined compatible. The subject property is listed as a one (1) story Mission Revival style residence constructed in 1925, and it is a contributing property in the Prospect Park/Southland Park Historic District.

On August 28, 2018, Raimo Karvonen and Susan Mahoney filed an application and received preliminary approval from the HPB for an Ad Valorem Tax Exemption for an addition and related new construction on the property. Significant improvements to the property include: two (2) story rear addition of 897 square feet, replacement of all windows and doors, site and interior work. The applicant estimates the work to total \$510,381.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

15. **Resolution No. 359-20 granting ad valorem tax exemption for completion of the rehabilitation of the historic property located at 617 Claremore Drive.**

**RESOLUTION NO. 359-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 617 CLAREMORE DRIVE, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23150*

**Staff Recommended Motion:**

Approve Resolution No. 359-20.

**Background:**

Authority:

The Florida Constitution, Article VII, Section 3, authorizes municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties, which are the result of the restoration, renovation, or rehabilitation of the historic properties. Section 196.1997, Florida Statutes, establishes the process by which such exemption may be granted. The City's Code of Ordinances, Section 94-51, sets forth the City's Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year ad valorem tax exemption on the value of improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within an historic district in the Local and/or National Register of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Application:

At the September 22, 2020 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (6-0) of the Completed Work Application for the property at 617 Claremore Drive. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new additions and construction were determined compatible. The subject property is listed as a one (1) story Mission Revival style residence constructed in 1925, and it is a contributing property in the Flamingo Park Historic District.

On May 24, 2016, Kimberly and Thomas ODonnell filed an application and received preliminary approval from the HPB for an Ad Valorem Tax Exemption for an addition and related new construction on the property. Significant improvements to the property include: construct a rear two (2) story addition of approximately 893 square feet, build out of accessory structure, replacement of all windows and doors, site and interior work. The applicant estimates the work to total \$700,000.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

- 16. Resolution No. 361-20 granting an ad valorem tax exemption for completion of the rehabilitation of the historic property located at 2111 South Flagler Drive.**

**RESOLUTION NO. 361-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 2111 SOUTH FLAGLER DRIVE, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23151*

**Staff Recommended Motion:**

**Approve Resolution No. 361-20.**

**Background:**

Authority:

The Florida Constitution, Article VII, Section 3, authorizes municipalities to grant a partial ad valorem tax exemption to owners of historic properties for improvements to such properties, which are the result of the restoration, renovation, or rehabilitation of the historic properties. Section 196.1997, Florida Statutes, establishes the process by which such exemption may be granted. The City's Code of Ordinances, Section 94-51, sets forth the City's Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year ad valorem tax exemption on the value of improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within an historic district in the Local and/or National Register of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Application:

At the November 18, 2020 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (6-0) of the Completed Work Application for the property at 2111 South Flagler Drive. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new additions and construction were determined compatible. The subject property is listed as a two (2) story Art Modernel style residence constructed in 1938, and it is a contributing property in the El Cid Historic District.

On August 22, 2017, Anand Patel filed an application and received preliminary approval from the HPB for an Ad Valorem Tax Exemption for an addition and related new construction on the property. Significant improvements to the property include: new construction of a one-story garage structure, window and door replacement while preserving the front door, complete interior and site work. The applicant estimates the work to total \$2,200,000.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

**RESOLUTIONS (17-22):**

17. **Resolution No. 74-20 APPROVED** approving an agreement with the El Cid Historic Neighborhood Association regarding funding toward the El Cid Tree Planting Project and approving the "Face of the City" design features for the Project; and

**Resolution No. 75-20(F) APPROVED** providing the funding for the project.

**RESOLUTION NO. 74-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A NEIGHBORHOOD PROJECT PARTICIPATION AGREEMENT WITH THE EL CID HISTORIC NEIGHBORHOOD ASSOCIATION FOR THE PLANTING OF TREES; AND APPROVING THE LOCATION AND ABOVE GROUND CHANGES OF THE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 75-20(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 GENERAL FUND BUDGET TO RECOGNIZE A DONATION FROM EL CID HISTORIC NEIGHBORHOOD ASSOCIATION AND PROVIDE APPROPRIATIONS FOR A TREE PLANTING PROJECT IN THE EL CID NEIGHBORHOOD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 22928*

**Staff Recommended Motion:**

Approve Resolution No. 74-20 and Resolution No. 75-20(F).

**Background:**

The Parks Division team, Landscape Planner and Engineering staff have been collaborating to accomplish the planting of trees in the City right of way in the El Cid neighborhood at the request of the El Cid Historic Neighborhood Association. The total cost of the tree planting Project is estimated at \$95,000. The cost will be shared 50% with the El Cid Historic Neighborhood Association contributing \$47,500 and the City funding the remaining 50% through Reserves from the Landscape Management Division in the Development Services Department.

Appropriations for this project will be transferred to the Parks and Recreation Parks Maintenance Division General Fund budget for purchase and planting of the trees by a landscape contractor hired by the City. There will be nine (9) Live Oak Trees, five (5) Thatch Palms, two (2) Silver Buttonwood Trees, and forty-seven (47) Hurricane Palms. Trees will be cared for by the residents of the El Cid Historic Neighborhood Association.

Resolution No. 74-20 approves the Neighborhood Project Participation Agreement with the El Cid Historic Neighborhood Association committing funding for a portion of the project funds and approving the above-ground changes that will result from the Project.

**Fiscal Note:**

Approval will recognize a donation and utilize reserves to provide appropriations for the El Cid Tree Planting project in the amount of \$95,000.



18. **Resolution No. 190-20 APPROVED approving the Design-Build Contract for Coleman Park Gymnasium/Expansion and Community Center Renovation Project.**

**RESOLUTION NO. 190-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN-BUILD CONTRACT FOR COLEMAN PARK GYMNASIUM/EXPANSION AND COMMUNITY CENTER RENOVATION PROJECT BETWEEN ALL SITE CONSTRUCTION, INC. AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23140*

**Staff Recommended Motion:**

Approve Resolution No. 190-20.

**Background:**

The existing community center at Coleman Park was constructed in 2002 and needs several improvements to meet the needs of this busy community hub to better serve the surrounding neighborhood. For example, the licensed after school and camp programs are at capacity, based on facility size, and cannot serve additional youth who desire these programs.

Over a period of nearly a year, the design team held four (4) community meetings; ensuring each time that the programming elements discussed were incorporated into the design. It was determined that a new gymnasium building with the following amenities were the priorities: basketball court, small commercial kitchen, indoor and exterior access restrooms, a stage, and a programming/multipurpose room. In addition, the existing community center would be renovated and expanded to provide room for additional programming, including space designated for arts/crafts, computer lab, offices, game room, and storage. The main entry into the Community Center would be redesigned to be more welcoming and functional.

On January 10, 2019, the plans as presented for "Face of the City" were presented to the Coleman Park Neighborhood Association. The Association approved the plans. Subsequently, by Resolution 98-19, the City Commission approved the design for the Coleman Park Gymnasium Building Expansion and Community Center Renovation.

The City advertised the project through RFP 19-20-200 and All Site Construction, Inc. was the only bidder who responded to the bid request. After several months of negotiations with All Site Construction, we have reached agreement on an acceptable Guaranteed Maximum Price that is within the budget for this project. The total Guaranteed Maximum Price for this project is \$3,498,886.

Commissioner District 1: Commissioner Kelly Shoaf.

19. **Resolution No. 306-20 APPROVED approving the updates to the Public Art Master Plan.**

**RESOLUTION NO. 306-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND ADOPTING THE UPDATED PUBLIC ART MASTER PLAN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23142*

**Staff Recommended Motion:**

Approve Resolution No. 306-20 adopting the public art master plan for 2020-2025.

**Background:**

In late 2019, City staff and AiPP Committee members met to review progress at the end of its five (5) year plan. Citing significant headway on programming and operational goals, the next step forward was to update the goals and brand the Art in Public Places program to best serve the public and distinguish the program from other agencies.

The first Public Art Master Plan for West Palm Beach served an essential function; it established strategic priorities, policies, and procedures for a period of five (5) years. The plan inventoried the City's public art and established policies and procedures to support the program. Reflecting on five (5) years and the on-going success of the program, the plan was updated as well as its language and goals to better serve our community and align with the City's new strategic priorities.

The Public Art Master plan is a strategic framework for the next five (5) years.

The Art in Public Places Committee recommends the adoption of the updated plan and new name.

**Fiscal Note:**

No fiscal impact.

20. **Resolution No. 342-20 APPROVED approving amendments to the Henrietta Townhomes loan agreement between the City of West Palm Beach and New Urban Community Development Corporation, Inc.**

**RESOLUTION NO. 342-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AMENDMENTS TO THE TOWNHOMES AT HENRIETTA CHDO PROJECT DOCUMENTS BETWEEN THE CITY AND NEW URBAN COMMUNITY DEVELOPMENT CORPORATION, INC. TO CONVERT THE DEFERRED PAYMENT LOAN TO A FORGIVABLE LOAN, EXTEND THE TERM OF THE AGREEMENT, AND SUBORDINATE THE LOAN TO PALM BEACH COUNTY; PROVIDING AN**

**EFFECTIVE DATE; AND FOR OTHER PURPOSES.**  
***Agenda Cover Memorandum No.: 23143***

**Staff Recommended Motion:**  
Approve Resolution No. 342-20.

**Background:**

On March 29, 2005, utilizing HOME Investments Partnerships Program (HOME) funds provided through annual appropriations from the U.S. Department of Housing and Urban Development (HUD), the City of West Palm Beach entered into a loan agreement with New Urban Community Development Corporation, Inc. (NUCDC) for the development of eleven (11) townhomes located on Henrietta Avenue in the Coleman Park Neighborhood of the City. The initial agreement provided that the City would hold a promissory note on a deferred payment, zero interest loan in the amount of \$250,000. The promissory note was modified and increased on October 31, 2005, November 20, 2006, and September 3, 2009, in the amounts of \$110,000, \$257,853, and \$350,000, respectively. On March 22, 2010, Resolution No. 129-10 allowed for the outstanding principal balance on the note to be increased by \$10,906.67, bringing the total outstanding Principal to \$978,759.67.

In addition to the City's investment, Palm Beach County provided a HOME grant in the amount of \$337,096.

The project, which began operating in 2010, is experiencing a severe deficit in its operating budget. The current debt service consumes 41% of the gross revenues which, when coupled with operating costs, has resulted in NUCDC having to seek operating subsidy from the Urban League of Palm Beach County. Although the Urban League has been providing funds to cover the costs for several years, they are no longer in a position to do so, and the project is at risk of failure.

In order to stabilize the project, HUD has permitted Palm Beach County to utilize additional HOME funds to pay off the project's first mortgage loan with Florida Community Loan Fund and provide additional dollars for much needed rehabilitation. Although HOME Program requirements prohibit participating jurisdictions from providing additional assistance to a HOME project within its period of affordability, HUD has reviewed the information submitted by Palm Beach County and determined that the Henrietta Project meets the exception criteria for a "troubled property" detailed under 24 CFR 92.210.

In these efforts, HUD will enter into a memorandum of agreement with Palm Beach County outlining specific provisions for the use of such funds in accordance with the requirements of the HOME Program. As a condition of this waiver and as detailed in the memorandum of agreement between HUD and Palm Beach County, HUD has requested for the City to:

- Convert the Henrietta's Townhomes deferred payment loan to a forgivable loan;
- Subordinate HOME loan to the Palm Beach County's new HOME loan; and
- Extended the period of affordability to end in 2055.

The County will assume all responsibility for monitoring, compliance, and expenses for the restructuring of the Henrietta project which includes the City's loan.

City staff recommends approval of the proposed terms as it will assist in assuring a financially viable project at the Henrietta Townhomes. Resolution No. 342-20 approves the above-mentioned modifications to the mortgage agreement and promissory note with New Urban Community Development Corporation, Inc. and authorizes the Mayor to execute all agreements and related documents necessary.

Commission District 1: Commissioner Kelly Shoaf.

21. **Resolution No. 355-20 APPROVED authorizing the issuance of an Invitation to Negotiate ("ITN") for the purchase and development of property located at 8111 South Dixie Highway.**

**RESOLUTION NO. 355-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH AUTHORIZING THE ISSUANCE OF AN INVITATION TO NEGOTIATE FOR THE PURCHASE AND DEVELOPMENT OF PROMINENT SITE LOCATED AT 8111 SOUTH DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23144*

**Staff Recommended Motion:**

Approve Resolution No. 355-20.

**Background:**

On October 5, 2020, by Resolution No. 220-20, the City Commission made a determination of surplus of property located at 8111 South Dixie Highway and authorized City staff to develop an invitation to negotiate proposals for the lease/purchase of the property.

Considering the input from the City Commissioners and members of the public, staff has drafted an Invitation to Negotiate (ITN) to solicit proposals that will maximize the development potential of the site and meet the following project goals:

- Fulfills the highest and best use for the site, which shall emphasize quality of place;
- Provide a robust mix of uses, which may include but are not limited to commercial and retail, office, entertainment, community oriented uses, such as public open space or cultural, recreational or entertainment uses;
- Provides economic impact and creates opportunities for permanent employment, entrepreneurial enterprise, and the growth of established industries or businesses;

- Considers and incorporates the waterfront location of the property on the C-51 canal;
- Creates an architectural “landmark” on Dixie Highway with a visually exciting signature building(s);
- Provides a noticeable gateway to the City;
- Enhances the South-end’s unique identity and sense of place;
- Contributes to the overall quality and appeal of the surrounding neighborhoods;
- Incorporates art or other visually appealing elements into the design;
- Considers the redevelopment of the golf course;
- Considers potential redevelopment of the adjacent shopping center; and
- Generates return to the City through the purchase and/or lease price and new tax revenue attributable to the project.

The ITN highly encourages proposers to present a mix-use project that incorporates connectivity to the C-51 canal and considers the potential redevelopment of the adjacent shopping center known as Palm Coast Plaza. The ITN also includes parameters providing for a transparent review and selection process. In accordance with solicitation document, the City will establish two (2) review committees to review and rank the proposals. One (1) review committee will be internal City staff and the other will be a citizen’s review committee consisting of seven (7) members as follows:

- One (1) resident from each of the five (5) Commission Districts selected by the respective City Commissioner (5 committee members);
- One (1) South-end resident of the City selected by the Mayor; and
- One (1) business owner in South-end of the City selected by the Mayor.

In addition, short listed proposals by the City Commission will be available online for review by all residents of the City of West Palm Beach. Residents will have the ability to evaluate the short-listed proposals and provide feedback via an online survey or other method.

In accordance with Section 2-31(27)(b) of the Code of Ordinances of the City of West Palm Beach, Florida, it is required, prior to the issuance of the ITN, for the City Commission to approve the issuance of the invitation to negotiate, which shall include the criteria for the selection and award as detailed above. In these efforts, City staff seeks authorization to issue the solicitation.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

22. **Resolution No. 344-20 **APPROVED** approving the Guaranteed Maximum Price for Tamarind Avenue Streetscape project under the Construction Management at Risk Contract with Whiting-Turner; and**

**Resolution No. 341-20 approving the Project Funding Interlocal Agreement with the West Palm Beach CR **APPROVED** A for partial funding of the Tamarind Avenue Streetscape Project.**

**RESOLUTION NO. 344-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE TAMARIND AVENUE STREETScape PROJECT BETWEEN THE CITY OF WEST PALM BEACH AND WHITING-TURNER TO ESTABLISH A GUARANTEED MAXIMUM PRICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 341-20: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF WEST PALM BEACH APPROVING A PROJECT FUNDING INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE FUNDING OF THE TAMARIND AVENUE STREETScape PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23145*

**Staff Recommended Motion:**

Approve Resolution No. 344-20 and Resolution No. 341-20.

**Background:**

The CRA's Strategic Finance Plans for the Downtown/City Center District identifies target project areas and specific redevelopment activities and funding mechanisms for such projects. Amendment No. 15 identifies the downtown core as a target area with focus on Tamarind Avenue. The Plan states that the beautification of Tamarind Avenue will address all modes of transportation through the Historic Northwest.

Design and Construction for the Tamarind Avenue Improvements is funded utilizing Water and Sewer Renewal and Replacement Fund 454, Water Sewer Construction Fund 456, Water and Sewer Series 2017A Construction Fund 45A, Stormwater Series 2008C Revenue Bond Construction Fund 488, and CRA Bond funds.

In accordance with its contract, Whiting-Turner Construction Company submitted a

Guaranteed Maximum Price for the Tamarind Avenue Streetscape, last revised November 3, 2020, in the amount of \$21,896,876.85. The City desires to approve the GMP and proceed with the Tamarind Avenue Streetscape Project.

Resolution No. 344-20 approves the Guaranteed Maximum Price (“GMP”) for the Tamarind Avenue Streetscape Project at \$21,896,876.85 and authorizes execution of the Third Amendment to the Contract establishing the GMP.

Resolution No. 341-20 approves the interlocal Funding Agreement between the City and CRA, accepting \$16,500,000 of CRA funding toward the Project.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

Funding for the Tamarind Avenue Improvements is funded utilizing Water and Sewer Renewal and Replacement Fund 454, Water Sewer Construction Fund 456, Water and Sewer Series 2017A Construction Fund 45A, Stormwater Series 2008C Revenue Bond Construction Fund 488, and CRA Bond funds.

**PUBLIC HEARINGS (23-26):**

23. **Public Hearing and Second Reading of Ordinance No. 4891-20 APPROVED amending Chapter 54, ARTICLE X, of the City's Code of Ordinances providing for repeal of an ordinance that is no longer enforced due to current case law.**

**ORDINANCE NO. 4891-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REPEALING IN ITS ENTIRETY ARTICLE X OF CHAPTER 54 (LOITERING WITH THE INTENT TO COMMIT PROSTITUTION) WHICH MAKES CERTAIN OFFENSES INVOLVING LOITERING WITH THE INTENT TO COMMIT PROSTITUTION UNLAWFUL; DECLARING ANY SPECIFIC PROVISION OF ANY CITY OF WEST PALM BEACH ORDINANCE, RESOLUTION, RULE OR POLICY IN CONFLICT WITH THE THIS ORDINANCE NULL, VOID, AND REPEALED TO THE EXTENT OF SUCH CONFLICT; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23152*

**Staff Recommended Motion:**

Approve Ordinance No. 4891-20.

**Background:**

The City of West Palm Beach codified an ordinance in the 1979 Code of Ordinances at Section 20-175 et. seq. (renumbered 54-331, 54-332, and 54-333), which made it unlawful to loiter with the intent to commit prostitution. In March of 2011, a motion to dismiss a municipal ordinance violation citing defendant for violation of 54-332 of the City of West Palm Beach Code of Ordinance and issued a certificate to the Fourth District Court of Appeal stating that its order is one of great public importance. Following the dismissal, the City of West Palm Beach Police Department stopped enforcing this section of the City of West Palm Beach Code of Ordinances and the Fourth District Court of Appeal in City of West Palm Beach v. Chatman, 112 So. 3d 723 (Fla. 4th DCA 2013), declared Section 54-332 (Prohibited Acts) of Article X (Loitering with the Intent to Commit Prostitution), unconstitutional as overbroad and vague. The City desires to repeal its ordinance in its entirety to be consistent with its practice and current case law. Adoption of Ordinance No. 4891-20 after two (2) readings will repeal Sections 54-331, 54-332 and 54-333.

**Fiscal Note:**

No fiscal impact.

24. **Public Hearing and Second Reading of Ordinance No. 4917-20 APPROVED amending Chapter 94, Article IV, Downtown Master Plan, Section 94-104 prior development approvals to extend the length of time granted to replace a nonconforming structure destroyed by windstorm, flood, fire, or other natural disaster.**

**ORDINANCE NO. 4917-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING AND LAND DEVELOPMENT REGULATIONS CHAPTER 94, ARTICLE IV, DOWNTOWN MASTER PLAN, SECTION 94-104, PRIOR DEVELOPMENT APPROVALS, TO MODIFY THE LANGUAGE REGARDING THE LENGTH OF TIME GRANTED TO REPLACE A NONCONFORMING STRUCTURE DESTROYED BY WINDSTORM, FLOOD, FIRE, OR OTHER NATURAL DISASTER; DECLARING THIS TEXT AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE; A CODIFICATION CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23153*

**Staff Recommended Motion:**

Approve Ordinance No. 4917-20 amending Chapter 94, Article IV, Downtown Master Plan, Section 94-104 prior development approvals, to modify the language regarding the length of time granted to replace a nonconforming structure destroyed by windstorm, flood, fire, or other natural disaster.



**Background:**

As the City was working towards the redevelopment of the West Palm Beach Municipal Golf Course, it was discovered that a total of forty-five (45) lots within the boundaries of the golf course were titled in the name of Palm Beach County. Neither the City nor Palm Beach County were aware of this until title work was done as part of the due diligence for the course. For the City to clear title and to move forward with the redevelopment of the golf course, the title to these lots must be conveyed to the City.

After this discovery, the City and County engaged in a 164 conflict resolution process, which resulted in working on an Interlocal Agreement to address several issues between the two governing bodies. These included the Transfer of Development Rights for the future development of the County's Block D, and a proposed change to the Downtown Master Plan (DMP) to provide additional time to reconstruct Palm Beach County's Administrative Complex should it be destroyed by a natural disaster. The Interlocal Agreement between the City of West Palm Beach was approved by Palm Beach County on September 15, 2020 and by the City of West Palm Beach on September 21, 2020. The Agreement focuses on the disposition of the forty-five (45) golf course lots, the transfer of 110,000 square feet of TDRs to the County for the Lot D property, and an amendment to the DMP to reflect the provision of an additional six (6) months to repair or rebuild a legal, nonconforming structure. Ordinance No. 4917-20 would satisfy the third item contained in the Agreement.

**GOVERNMENTAL CENTER:**

The Palm Beach Governmental Center was built in 1972 and is located immediately south of 3rd Street on North Olive Avenue. The building has twelve (12) stories, stands at 176 feet tall, and has a zoning of Quadrille Garden District - 10 (QGD-10). Given the QGD-10's height of ten (10) stories and 128 feet, the structure is considered a legal, nonconforming, grandfathered structure as the height exceeds what is permitted by today's Zoning Code. The County has expressed concern that in the event of significant damage to the structure, they would not be permitted to repair or rebuild the complex. The hurricane building codes have been significantly upgraded since that time and particularly post-Hurricane Andrew in 1992. While the likelihood of this building being razed as a result of a catastrophic event is probably slim, City staff understands the concern raised by Palm Beach County and supports its desire to maximize the time required to initiate a partial of full reconstruction if necessary. Section 94-104 a. of the Downtown Master Plan reads as follows:

**Sec. 94-104 - Prior development approvals:**

- a. Existing buildings and uses within the DMP area which were legally established but do not conform to provisions of the urban regulations as of the effective date of these regulations shall be considered nonconforming, may not be replaced, restored or modified, except in conformity with the urban regulations, and shall follow the

regulations for nonconformities contained in ARTICLE XVI of this chapter. When a nonconforming structure is destroyed by windstorm, flood, or natural disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within eighteen (18) months of destruction.

While the City has assured the County it would certainly not interfere with their desire to rebuild its structure, the County has indicated that due to their strict procurement and contracting regulations that must be followed, eighteen (18) months will not be sufficient time to design and submit a building permit to conduct the repairs necessary to meet the requirements stated within the DMP. Therefore, City staff is suggesting a slight amendment to this section, which would provide for an additional six (6) month administrative extension beyond the eighteen (18) months currently stated in the DMP and adds fire to the type of disasters that would qualify as an event triggering reconstruction.

#### PROPOSED CHANGES AND ANALYSIS:

The suggested language would read as follows:

- a. Existing building and uses within the DMP area, which were legally established but do not conform to provisions of the urban regulations as of the effective date of these regulations, shall be considered nonconforming, may not be replaced, restored or modified, except in conformity with the urban regulations, and shall follow the regulations for nonconformities contained in ARTICLE XVI of this chapter. When a nonconforming structure is destroyed by windstorm, flood, fire, or other natural disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within eighteen (18) months of destruction. The owner of a public facility destroyed by windstorm, flood, fire, or other natural disaster may apply for a building permit for reconstruction, so long as it is submitted to the Building Division within eighteen (18) months after the date of destruction, with the right to obtain a six (6) month administrative time extension from the Planning and Zoning Administrator.

#### SUMMARY:

The Code Revision Case No. 20-05 amendment, Ordinance No. 4917-20, meets all of the standards of Section 94-32 a. of the Zoning and Land Development Regulations and was approved by the Downtown Action Committee at their October 14, 2020 meeting by a (6-0) vote. The Planning Board approved the amendment at their November 17, 2020 meeting (6-0).

25. **Public Hearing and First Reading of Ordinance No. 4915-20 APPROVED which amends and replaces Chapter 78, Article V of the Code of Ordinances regarding Public Art.**

**ORDINANCE NO. 4915-20: AN ORDINANCE OF THE CITY COMMISSION OF**

**THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, AT CHAPTER 78 - STREETS, SIDEWALKS AND PUBLIC PLACES, TO AMEND AND RESTATE ARTICLE V - ART IN PUBLIC PLACES AS ARTICLE V – PUBLIC ART; AND TO AMEND AND RESTATE ARTICLE I – IN GENERAL, SECTION 78-10 – MONUMENTS; PROVIDING A SEVERABILITY AND CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**  
*Agenda Cover Memorandum No.: 23154*

**Staff Recommended Motion:**

Approve Ordinance No. 4915-20 on First Reading and schedule a Public Hearing and Second Reading for December 28, 2020.

**Background:**

City Commission adopted Ordinance No. 1913-85 on December 2, 1985 creating the Art in Public Places Committee consisting of seven members. City Commission adopted Ordinance No. 4504-14 on March 31, 2014 amending and restating the Art in Public Places program. Ordinance No. 4504-14 directed that this Ordinance be reviewed after one (1) year of implementation and that a report on the implementation along with any suggested revisions to the program and ordinance be brought back to City Commission. City Commission adopted Ordinance No. 4754-17 to adopt revisions to the Ordinance recommended by the consultant retained for the Art in Public Places Master Plan.

The ArtLife WPB Committee and city staff reviewed the progress at the end of the five (5) year Art in Public Places Master Plan including programming, operational goals, and branding of ArtLife WPB and Master Plan have been updated to best serve the public and distinguish it from other municipalities. Also, as part of the branding of the program, it is proposed that Art in Public Places be renamed as ArtLife WPB. The ArtLife WPB Committee recommends additional revisions to the Ordinance to support the updated Public Art Master Plan.

REVISIONS: Ordinance No. 4915-20 proposes the following significant additions, clarifications or revisions.

Sec. 78-121 - Purpose and intent:  
Additional language.

Sec. 78-122 - Definitions:  
Removal of the following:

1. Housing payments do not exceed 35 percent.
2. Artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist.
3. The incremental costs of infrastructure elements.

Ineligible Artwork - Additional:

1. Commercial expression.
2. Revision definition of Artist.
3. Removal Private art program.

Revision:

4. Public art assessment \$500,000.
5. Temporary artwork not to exceed 18 months.

Sec. 78-123 - ArtLife WPB committee; membership and organization:

1. Members shall have demonstrated a knowledge of the arts.
2. Term of office four years.

Sec. 78-124 - Powers, duties and functions:

1. Site is appropriate for public art.
2. Remove separate mural review.
3. Report to the city commission on an annual basis - account.
4. Removal of art in public places committee to the city commission shall be advisory only and may or may not be consistent with similar recommendations made other departments.

Sec. 78-125 - Criteria for art and elements:

1. Compatibility.
2. Diversity.
3. Artist qualifications.

Sec. 78-126 - Public Art Account:

1. A separate art in public places account. The funds kept separate from any other city funds.
2. City acceptance of gifts, grants, and donations for public art.

Sec. 78-128 - Applicability:

1. Private development projects as set forth in section 78-129.
2. Public construction projects as set forth in section 78-133.
3. Projects by a non-profit entity as set forth in section 78-129.
4. Projects on premises owned or leased solely by a non-profit 501(c)(3)/ total construction costs are less than two million dollars. Other not-for-profit are subject to the public art assessment.

Sec. 78-129 - Public art assessment for private development:

1. Removal of within 90 days of the issuance of the first building permit.
2. Revision: Before the issuance of the first building permit for the project, the developer must select one of the following options.
3. Option 1: Install and artwork on the development site valued in an amount no less than

one percent of the total construction costs.

4. Option 2: Contribute an amount equal to 75 percent of the total construction costs for deposit to the public art account.

REMOVE: Option 3 and 4

1. Valuation of artwork. The following costs shall not be included site preparation costs, landscaping and hardscaping costs, artist events, promotional materials, future costs for the operation, conservation or maintenance of the artwork.
2. Definition of "distinct" artwork.

Sec. 78-130 - Inclusion of art in the project:

1. Option 1 art application shall be submitted with the application for a building permit.
2. Option 2 The public art assessment shall be paid in full at the time of payment of the building permit fees.
3. An Application for approval of the public artwork shall be made to the ArtLife WPB committee within 30 days of the issuance of the first building permit for the project.
  1. Public art application, on the city's forms, completed and signed.
  2. Construction cost valuation of the project.
  3. Art budget, itemized.
  4. Value of proposed artwork.
  5. Artist's qualifications
  6. Detailed description and depiction of the artwork.
  7. Drawings and renderings of the proposed artwork.
  8. Appraisal of the value of the art or element.
  9. Proposed materials and installation methods.
  10. Copies of artist contract.
  11. Copy of the escrow agreement.

12. Maintenance plan.
13. Community outreach.
14. Proposed project schedule.
15. Committee review scheduled at least 20 days from application submittal.
16. City commission approval. The developer/owner or commissioned artist will present the proposed artwork to the city commission.
17. The city's administrator of public art and culture will advise the city commission of the recommendation of the committee.
18. If not approved by the city commission escrowed public art assessment deposited into the public art account.
19. Artwork shall be clearly demonstrated on all site-plans submitted for city approvals.
20. Copies of invoices evidencing the cost of the artwork.
21. Plaque or marker.
22. Identifies the artwork as a public benefit created under the city's public art program.

Sec. 78-134:

1. Public art. Permanent, temporary or rotating installations, exhibitions or performative art.
2. Public art installed as part of a private development, provided title and rights transferred to the city and accepted by the city commission.
3. Donations of artwork shall be formally accepted by the city commission.
4. If development is unable to accommodate artwork, a developer may offer to commission and install a privately funded artwork on city, or a city agency owned property. title and rights to artwork transferred to the city.
5. Commission of proposals for city owned public art shall be by call to artists, request for qualifications, request for proposals or other form of competitive selection, or direct invitation.

Sec. 78-134:

Removal of Artist grant of license.

Sec. 78-135:  
Removal of Mural Art.

Sec. 78-137:  
Unsolicited public art proposals - Revision of language.

Amend and restate Article I (In General), Section 78-10 (Monuments)  
Sec. 78-10 - Monuments:

1. Definition.
2. Authority.
3. Standards.
4. City commission may determine to honor a deceased person/significant historical contribution to the city and deceased at least ten years. No monument may honor any person convicted of a crime of moral turpitude or found by a competent authority to have violated ethics laws or regulations.
5. Must reflect the image and values of the city.
6. May not endorse or advocate any religion or specific religious belief, nor have an obscene connotation, or malevolently portray or demean any race, ethnicity or other protected group.
7. A privately-funded monument shall have all funding for design, fabrication and installation secured in advance.
8. A monument shall be located only where sufficient space, utilities and other elements to accommodate the monument exist, as determined by engineering and planning staff, and approved by the city commission.
9. All monuments maintained with reasonable effort and cost.

Application:

10. Citizens may petition for approval of a monument by submittal of an application and include information demonstrating that it meets the standards in subsection (c).
11. City-sponsored application may be submitted at the request of a city commissioner or by direction of the mayor.
12. Approval of the monument concept must first be approved by the city commission.
13. Conceptual approval for a monument shall be by super-majority of the city

commission.

14. Such approval shall establish a deadline for the applicant to obtain a design and develop a budget, which timeline shall not exceed 6 months.

Design & Budget:

15. If concept approval is granted to a citizen-sponsored monument, the applicant shall have a period, not to exceed 6 months, in which to obtain a professional design, drawings, materials listing, and detailed budget for completion of design, fabrication, permitting, site preparation, installation and maintenance of the proposed monument.
16. City-sponsored monument/ city commission shall establish a budget and funding source for the monument. Budget shall consider the cost relative to other city monuments and maintenance requirements.
17. City to obtain professional design, drawings, materials listing, and budget for completion of design, fabrication, permitting, site preparation, installation and maintenance of the proposed monument.
18. The ArtLife WPB advisory committee shall review the proposed monument based on the standards and criteria established in this article.
19. The ArtLife WPB committee may, but is not obligated to, recommend funding of a portion of the monument costs from ArtLife WPB funds, not to exceed \$40,000 or fifty percent of the total cost of design, fabrication and installation, whichever is less.
20. Full Funding. If the ArtLife WPB recommends approval of the monument, the applicant shall have twelve months in which to raise all funding necessary and to submit to the City evidence that such funds have been obtained and are immediately available.
21. The applicant or commissioned artist will present the proposed monument to the city commission.
22. City commission approval shall be by a super-majority of the city commission.
23. Ownership and legal rights. All monuments located on city property shall be titled in the name of the city and the city shall have all rights regarding the ability to repair, restore, relocate or remove a monument and to utilize images or reproductions of such monument without notice to or consent of the designer.
24. If the monument is to be maintained by the applicant or other citizen group or private entity, a formal written agreement detailing these obligations and defining the rights and responsibilities of all parties shall be approved for legal sufficiency by the city attorney's office and approved by the city commission prior to commencement of installation of the monument on city property.



25. Maintenance may include care of the public property immediately surrounding the monument, depending on the location.
26. The City may require the escrow of maintenance funds or other arrangement to ensure the availability of future maintenance funds.

Ordinance No. 4915-20 will become the ordinance governing the City's public art program.

**Fiscal Note:**

No fiscal impact.

26. **Public Hearing and First Reading of Ordinance No. 4919-20 APPROVED amending the City's Code of Ordinances to prohibit certain conduct that threatens the aesthetic beauty and public health and safety in the City's Downtown and Northwood Area.**

**ORDINANCE NO. 4919-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 54 – OFFENSES, ARTICLE IV –OFFENSES AGAINST PUBLIC PEACE, DIVISION 3, SECTIONS 54-146 AND 54-147, REGARDING PROHIBITED CONDUCT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

*Agenda Cover Memorandum No.: 23155*

**Staff Recommended Motion:**

Approve Ordinance No. 4919-20 on first reading and schedule second reading for December 28, 2020.

**Background:**

The City's Downtown and Northwood Areas have experienced conduct threatening the aesthetic beauty and public health and safety in those areas. Such conduct includes panhandling and soliciting, camping/sleeping in public areas, and public indecency, urination, and defecation. This has become a systemic problem that threatens the use of the Downtown and Northwood Areas by the City's citizens and visitors, placing the profitability of businesses in those areas at risk and threatening the individual well-being of citizens and visitors.

In accordance with *Joel v. City of Orlando*, 232 F.3d 1353 (11th Cir. 2000), the City has a legitimate government purpose in promoting aesthetics, sanitation, public health, and safety. Pursuant thereto, the City wishes to preserve the aesthetic beauty, as well as promote the health, sanitation, and public safety of the City's Downtown and Northwood Areas for all of the City's citizens and visitors. To that end, Ordinance No. 4919-20 regulates and prohibits certain conduct that would negatively affect the aesthetic beauty and the health, sanitation, and public safety of the City's Downtown and Northwood Areas.

It does this by: (1) prohibiting panhandling or soliciting in the Downtown and Northwood Areas; (2) regulating sleeping and “camping” in those areas; and (3) prohibiting public indecency, public urination, and public defecation.

**PUBLIC HEARING – QUASI JUDICIAL (27-30):  
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY\*  
SWEARING IN OF WITNESSES**

27. **Public Hearing and Second Reading of Ordinance No. 4914-20 **APPROVED** transferring the site plan approvals and development regulations for One Clearlake Centre Downtown Planned Development to a separate Resolution; and**

**Public Hearing of Resolution No. 286-20 **APPROVED** approving a Major Amendment to the One Clearlake Centre Downtown Planned Development to create a Master Sign Program.**

**ORDINANCE NO. 4914-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE 3753-04, RELATING TO ONE CLEARLAKE CENTRE DOWNTOWN PLANNED DEVELOPMENT (DPUD), AS AMENDED, LOCATED AT 250 SOUTH AUSTRALIAN AVENUE; TO TRANSFER THE SITE PLAN APPROVAL AND RELATED CONDITIONS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION 286-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE ONE CLEARLAKE CENTRE DOWNTOWN PLANNED DEVELOPMENT (DPUD), LOCATED AT 250 SOUTH AUSTRALIAN AVENUE, TO CREATE A MASTER SIGN PROGRAM; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23156*

**Staff Recommended Motion:**

Approve Ordinance No. 4914-20 transferring the site plan approvals and development regulations for One Clearlake Centre Downtown Planned Development to a separate Resolution. This motion is based upon the factual testimony presented, the application submitted, the recommendation of the Planning Board, and the findings that the request 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. 286-20 approving a Major Amendment to the One Clearlake Centre Downtown Planned Development to create a Master Sign Program.

**Background:**

The One Clearlake Centre Downtown Planned Development (DPUD) was originally

approved through Ordinance No. 1714-83 for two (2) 18-story office buildings, a stand-alone restaurant, two (2) parking garages and one (1) surface parking lot consisting of a total of approximately 1,773 parking spaces, and a 21-story hotel. At that time, the DPD was 7.53 acres. Only one (1) of the 18-story office towers were built with a five (5) story parking deck consisting of approximately 650 parking spaces.

In 2004, through PB Case Number 658 G, H, and I, the DPUD was subdivided into two (2) parcels through Ordinance No. 3753-04. Parcel one (Lot 1 of Clear Lake Park Plat 2), containing the office building and parking garage, remained under the DPUD zoning; the second parcel, consisting of approximately 4.63 acres, was rezoned from DPUD to the Downtown Master Plan (DMP) through Ordinance No. 3754-04; and Resolution No. 143-04, zoning with the intention of developing as Building Type-IV under the old DMP (this site is now developed as the Edge Residential Building Phase I, with Phase II not yet completed).

The DPUD has never had an official sign program. In early 2020, an owner's representative approached the City with a request to permit a building tenant identification sign on the south façade, as well as a sign band on the 5th floor on the south façade that exceeded the maximum permitted height of sign bands within the DMP. As no Sign Program exists for the DPUD, the DMP regulations govern (per Section 94-103(e)). As the existing DMP regulations did not allow for the type and placement of all signage that the applicant wished to have on their building, the applicant submitted a Major PD Amendment to create a sign program for the DPUD.

#### ANALYSIS:

Staff analyzed the proposed Master Sign program for consistency with the Downtown Master Plan sign regulations, as well as the signage on surrounding properties. Staff utilized the applicant's justification statement to understand the request for signage that differs from DMP regulations and for the proposal for two signs on the same facade.

The building identity, monument, instructional signs, and window signage regulations, as proposed within the Master Sign Program, do not vary much from DMP regulations. Any modifications to the language for these signs were carefully considered to meet the exact specifications for existing signage on site; however, no modifications permit any additional height or total square footage above the maximum that is allowed within the City's ZLDRs for these types of signs. The tenant sign was analyzed in comparison to the "sign band", as permitted within the DMP. Although the height exceeds what DMP allows for sign bands, the applicant is overall limiting the total amount of signage on the building. Staff's professional opinion is that the limitation of maximum signage on the building facade justifies the additional height and additional flexibility for location. Staff is comfortable with both signs proposed on the same facade, due to the unique architecture and orientation of the building facade. Full analysis can be found in the Planning Board staff report.

It is staff's professional opinion that the proposed Master Sign Program meets the applicant's needs while keeping compatibility with DMP regulations.

**STANDARDS:**

Staff has found the Major Amendment to be consistent with the City's Comprehensive Plan. Although new Planned Developments are not permitted within the DMP, the One Clearlake Centre is an existing PD and has the right to establish regulations that are different from DMP regulations, with staff being able to review and provide recommendation for consistency with DMP requirements. The City Commission is the final authority for new regulations within PDs in the DMP.

Staff has found that the Major Amendment complies with the amendment standards of Section 94-32 of the ZLDRs. Specifically, staff found that the Amendment complies with Policy 2.2.2 of Objective 2.2, Goal 2 of the DMP Element of the Comprehensive Plan, which references the proper design and display of signage to support businesses to promote the growth of the downtown employment base. There are no direct impacts to the natural environment, development capacity, or property value of surrounding areas from this Amendment. Compliance with the above referenced standards is detailed in the Planning Board Staff Report.

**ORDINANCE NO. 4914-20:** This Ordinance transfers the site plan approvals and development regulations (Ordinance Nos. 1714-83, 3753-04) of the One Clearlake Centre DPUD to Resolution No. 286-20. Resolution No. 286-20 was approved by City Commission at the November 30, 2020 public hearing.

**RESOLUTION NO. 286-30:** This Resolution is for a Major Amendment to the One Clearlake Centre DPUD to create a Master Sign Program to include existing signage and proposed signage types.

**PLANNING BOARD:** The proposed amendment was approved by the Planning Board during its October 20, 2020 meeting by a 7-0 vote.

**CITY COMMISSION:** The proposed Ordinance No. 4914-20 was approved (7-0) by City Commission at first reading at the November 30, 2020 City Commission hearing.

**NOTICE:** Evidence of compliance with all publication and notice requirements are found in the Planning Division's files. A notification to all property owners within 500 feet of the subject property was sent October 6, 2020, and a sign was posted on October 5, 2020.

Commission District No. 3: Commissioner Christy Fox.

- 28. Public Hearing and First Reading of Ordinance No. 4916-20 **APPROVED** regarding a rezoning to change the zoning designation of ±5.97 acres located at 1301 Belvedere Road from Office Commercial to Office Commercial Planned Development;**

**Discussion of Resolution No. 338-20 **DISCUSSED** approving the development regulations and conditions for the Holiday Inn PBI Office Commercial Planned**

**Development and granting waivers of the Zoning and Land Development Regulations; and**

**Discussion of Resolution No. 339-20 **DISCUSSED** approving the plat entitled “Holiday Inn PBI” dividing the subject property located at 1301 Belvedere Road into two (2) separate parcels (Parcels “A” and “B”) within the Holiday Inn PBI Office Commercial Planned Development.**

**The above referenced requests are being made by Ele Zachariades of Dunay, Miskel and Backman, LLP, on behalf of AD1 PB Airport Hotels, LLC, to provide for the construction of a four (4) story, 112-room hotel.**

**ORDINANCE NO. 4916-20: 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, FLORIDA, BY REZONING ±5.97 ACRES LOCATED AT 1301 BELVEDERE ROAD FROM OFFICE COMMERCIAL TO OFFICE COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 338-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS AND CONDITIONS FOR THE HOLIDAY INN PBI OFFICE COMMERCIAL PLANNED DEVELOPMENT; GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 339-20: 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 “HOLIDAY INN PBI” CONSISTING OF TWO (2) SEPARATE PARCELS, AND CONTAINING A TOTAL OF 5.97 ACRES LOCATED AT 1301 BELVEDERE ROAD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23157*

**Staff Recommended Motion:**

Approve Ordinance No. 4916-20, changing the zoning designation of ±5.97 acres located at 1301 Belvedere Road from Office Commercial to Office Commercial Planned Development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with Section 94-32 of the City’s Zoning and Land Development Regulations.

Discuss Resolution No. 338-20, which will approve the development regulations and

conditions for the Holiday Inn PBI Office Commercial Planned Development (OCPD) and granting waivers of the Zoning and Land Development Regulations.

Discuss Resolution No. 339-20, which will approve the plat entitled “Holiday Inn PBI” creating two separate parcels (Parcels “A” and “B”) within the Holiday Inn PBI Office Commercial Planned Development (OCPD).

**Background:**

The subject property is located at 1301 Belvedere Road and is developed with an existing 136,600 square foot, 11-story, 199-room hotel with associated parking. Immediately east of the hotel building, is a vacant sodded area that was previously developed with a restaurant building (demolished in 2016). The subject property lies in close proximity to the Palm Beach International Airport (1.3 miles away), Downtown (2.5 miles away) and is accessible to a variety of local and county roads, and Interstate-95. The area surrounding the property is characterized by a mix of fast-food restaurants, and a variety of office, commercial, and entertainment uses.

The applicant is seeking approval to rezone the property from Office Commercial (OC) to an Office Commercial Planned Development (OCPD) to allow for the redevelopment of the subject property with a second hotel and seek waivers from the requirements of the City’s Zoning and Land Development Regulations (ZLDRs). The proposed secondary hotel is a four (4) story building with 112 rooms. The purpose of the second hotel is to provide additional lodging options in the City that will serve the Airport and Downtown submarkets.

As part of the proposed OCPD, the applicant is requesting waivers from the following requirements of the ZLDRs:

- Front building setback;
- Interior side building setback;
- Required parking;
- Landscape buffer – South property line; and
- Landscape buffer – along the subdivision line dividing Parcels A and B.

**CONCLUSION:** It is Staff’s professional opinion that the proposed redevelopment plan is a significant improvement to the property that will also have a positive effect on future redevelopment in the area. Staff does not object to the waiver requests, as the waivers are necessary in order to provide for an attractive and cohesive development. The proposed development project complies with all of the required standards found in Sections 94-32 of the City’s Zoning and Land Development Regulations. Therefore, Staff is recommending approval subject to the conditions contained in Resolution No. 338-20.

**PLANNING BOARD:** After a Public Hearing on October 20, 2020, the Planning Board recommended approval (7-0) of the requests, subject to the conditions contained in Resolution No. 338-20.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs had also been posted on the subject property. In accordance with the advertising requirements of the Florida Statutes and the ZLDRs, Ordinance No. 4916-20, and Resolution Nos. 338-20 and 3339-20 will be advertised prior to Second Reading.

Commission District 5: Commissioner Christina Lambert.

29. **Public Hearing of Resolution No. 328-20 **APPROVED** approving the re-plat entitled "ROSARIAN ACADEMY" containing approximately 5.66 acres associated with the Rosarian Academy located generally at 807 North Flagler Drive, south of 8th Street, north of 7th Street, west of North Flagler Drive, and east of North Olive Avenue.**

**RESOLUTION 328-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REPLAT OF APPROXIMATELY 5.66 ACRES OF LAND IN ORDER TO CREATE THE PLAT ENTITLED "ROSARIAN ACADEMY"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23158*

**Staff Recommended Motion:**

Approve Resolution No. 328-20 based on the findings that the Plat is consistent with the Comprehensive Plan, complies with the requirements set forth in Section 94-44 of the Code of Ordinances, and complies with all applicable provisions of Ch. 177, Florida Statutes.

**Background:**

Rosarian Academy has been an existing educational facility, since its origination in the 1920's. Originally zoned Public Semi-Public Planned Development, and later rezoned to Community Service Planned Development, the site has gone through various Major and Minor Amendments that included the construction of a new gymnasium building and most recently, through Resolution No. 351-19, a Major Amendment approving a site plan modification with a Class A Special Use for the installation of an artificial turf athletic field on the property. This Amendment also approved a two (2) foot variance for the athletic field fence height, for a ten (10) foot fence. The City Commission approved Resolution No. 351-19 for the Major Amendment at its December 16, 2019 meeting.

As part of the Major Amendment and Condition No. 19 of Resolution No. 351-19, the site is required to be re-platted.

RESOLUTION 328-20: This Resolution will replat the properties to create a plat entitled "Rosarian Academy" to include properties within the Rosarian Academy CSPD, as well as the two (2) properties with the addresses of 250--8th Street and 800 North Olive Avenue, that are outside the CSPD boundaries, but are owned by Rosarian Academy, Inc.

PUBLIC NOTICE: Resolution No. 328-20 was advertised in the Palm Beach Post on December 4, 2020. The property was posted with signs on November 29, 2020. Public mailers were sent out to all properties within 500 feet on November 14, 2020

Commission District 3: Commissioner Christy Fox.

30. **Public Hearing of Resolution No. 332-20 **APPROVED** regarding a request by Andrea Keiser, of Keiser Legal, on behalf of Everglades College, Inc., for the approval of a Major Planned Development Amendment to the Keiser University Community Service Planned Development to revise the campus master plan and the development regulations to: (1) expand the existing stadium bleacher seating by 790 seats; (2) change the location of future uses on the undeveloped areas of the campus; and (3) extend the timing for the removal of exotic vegetation on the campus.**

**RESOLUTION NO. 332-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE KEISER UNIVERSITY COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED GENERALLY AT 2600 NORTH MILITARY TRAIL, REVISING THE MASTER PLAN AND MODIFYING THE DEVELOPMENT REGULATIONS TO REFLECT 1) THE EXPANSION OF THE EXISTING STADIUM BLEACHER SEATING BY 790 SEATS, 2) CHANGES TO THE LOCATION OF FUTURE USES ON THE UNDEVELOPED AREAS OF THE CAMPUS, AND 3) AN EXTENSION TO THE TIMING FOR THE REMOVAL OF EXOTIC VEGETATION ON THE CAMPUS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23159*

**Staff Recommended Motion:**

Approve Resolution No. 332-20 regarding a Major Planned Development Amendment to the Keiser University Community Service Planned Development. 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 Sections 94-32 and 94-35 of the City's Zoning and Land Development Regulations.

**Background:**

The original university on the site was known as the Northwood Institute, which has become Keiser University. Over the past two (2) years, the City Commission has approved the construction of a 534-seat stadium and an additional 208 dormitory rooms as part of the Keiser University expansion.

The application submitted for this Major Amendment to the Keiser University Community Service Planned Development ("CSPD") includes three (3) requests, which will be discussed in three (3) sections below. The requests include expanding the bleachers at the stadium, amending the campus master plan to rearrange the locations for future uses, and modifying the timeline for the removal of the exotic vegetation across the campus.

Bleacher Expansion:



The Keiser University stadium is in the southwest quadrant of the campus and currently consists of 534 bleacher seats, with a press box, and a lighted artificial turf field. The Keiser University football program had its inaugural season in 2018. Due to the success of the team over the last two seasons, Keiser University would like to increase the seating capacity to 1,324 seats. The increase in seating is required to be approved by the City Commission as a Major Planned Development Amendment. The proposed expansion would add an equal number of bleacher seats to the north and the south of the existing bleachers. The expansion would continue to maintain the required 100-foot setback from the west property line and is no taller than the existing bleachers. The applicant provided the required Noise Analysis and Light Mitigation Report studies to verify that there is no negative impact from the bleacher expansion. The City's Fire Department has reviewed the proposed layout and determined that it complies with life safety egress requirements.

**Master Plan Update:**

Since the Keiser University campus is not fully developed, the campus master plan is a combination of the existing development and bubbles where future development is intended to take place. As part of this amendment, Keiser University is proposing to relocate some of their future uses on the campus master plan. No development of the future bubbles has been submitted for review.

**Exotic Removal:**

The existing Keiser University development regulations require that all the exotic vegetation located on the campus needs to be removed by December 31, 2020. Keiser University is not able to meet this deadline and is requesting to extend the deadline. Staff was open to the extension request; however, staff required that Keiser University provide a concrete plan to remove the exotic vegetation on the site. Staff has reviewed and finds the exotic vegetation plan acceptable, with the removal timeline incorporated into Resolution No. 332-20. Keiser University has started the exotic removal program, with the extended final removal date of December 31, 2024.

**STANDARDS:** The Planning Division has determined that the Major Planned Development Amendment to the Keiser University CSPD meets all eight (8) of the required amendment standards found in Section 94-32 and all of the site design qualitative development standards found in Section 94-35 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above referenced standards, as well a full description of the requests, 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 October 20, 2020.

Two (2) letters of opposition were submitted to the Planning Board. The City received letters from the Seminole Colony Association and a neighboring resident.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the Keiser University CSPD. Signs for the Major Amendment were posted on the property on August 28, 2020.

Commission District 2: Commissioner Cory Neering.

**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.**