



WEST PALM BEACH

**City of West Palm Beach  
City Commission**

**AGENDA**

**June 14, 2021  
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 JOSEPH A. PEDUZZI**

**COMMISSIONER KELLY SHOAF  
COMMISSIONER CHRISTY FOX**

**COMMISSIONER SHALONDA WARREN  
COMMISSIONER CHRISTINA LAMBERT**

**ADMINISTRATION  
ADMINISTRATOR, FAYE W. JOHNSON  
CITY ATTORNEY, KIMBERLY ROTHENBURG  
CITY CLERK, HAZELINE CARSON**

**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**CIVILITY AND DECORUM:** The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

**ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:**

**PROCLAMATION (1):**

1. **Proclaiming June 2021 as Alzheimer’s Awareness Month. Proclamation to be accepted by the Alzheimer’s Association, Southeast Florida Chapter Board President Cris Martinez.**  
*Agenda Cover Memorandum No.: 23371*

**PRESENTATION (2):**

2. **Legislative update by Senator Bobby Powell, Jr.**

**CONSENT CALENDAR (3-16):**

3. **Resolution No. 109-21(F) recognizing unanticipated revenue in the amount of \$97,500 from unclaimed or found property and revenue for providing crash reports to insurance carriers; and providing appropriations for necessary improvements to Evidence and Records Section functions.**

**RESOLUTION NO. 109-21(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 REVENUES FROM UNCLAIMED/FOUND PROPERTY AND REVENUES FOR PROVIDING CRASH REPORTS TO INSURANCE CARRIERS AND TO PROVIDE APPROPRIATIONS FOR NECESSARY IMPROVEMENTS TO THE EVIDENCE AND RECORDS FUNCTIONS; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23355*

**Staff Recommended Motion:**

Approve Resolution No. 109-21(F).

**Background:**

**EVIDENCE**

The Police Department Evidence Section takes in property for a variety of reasons. Money deposited in this account comes from found property or unclaimed evidence that was lawfully seized by the Police Department. Seized money that is not claimed within sixty (60) days after the conclusion of court proceedings may be retained for the agency's use. Found US currency is held for ninety (90) days. The Police Department advertises or sends a letter to the owner, if known, and if no one claims the item, the money is deposited. This procedure is governed by Florida Statutes, Chapter 705 (Lost or Abandoned Property). Between October 1, 2020 and April 23, 2021, \$66,953 was deposited from these types of cases.

There have been many advancements in the field of evidence management over the last several decades, but due to competing needs and limited funding, our current Evidence Section is still a mostly manual operation. These funds can be used to improve the function of the Police Department and provide the City with enhanced protections in this high liability area with the addition of RFID Technology.

RFID can significantly reduce the human error rate and the amount of time spent locating misplaced items, because it can automatically identify objects, collect data about them, and enter that data into a computer system with little or no human intervention. Tasks where this technology could be directly applied, with immediate beneficial results, include inventories, audits, chain of custody, disposition, and storing. The system continuously monitors all tagged items; therefore, if an item is not in its assigned storage location, the system sends out an alert. It also alerts of items that have been out of the Evidence room for an extended amount of time, prompting the user to investigate why the item is still out. This technology also tracks the movement of an item when it leaves the Evidence Unit, and alerts by either email or text, of an unscheduled move. RFID also alerts when high liability items are not in their designated vault avoiding hours or days of searching. By using a wand, staff could locate a misplaced non-high liability item within minutes, as opposed to the hours and days the Evidence Unit currently spends performing this task.

RFID technology also addresses other issues regarding evidence. Seventy-one (71) of our evidence records had to be manually updated to show that the item had been disposed of. This was labor intensive as it entailed looking through years of records to confirm that items were on the court order for destruction and that Internal Affairs had signed off on them. Evidence staff also had to contact the 15th Judicial Circuit Court's Evidence Section to receive confirmation that items had been retained by them after trial. Staff also found seven narcotics items that were in the wrong location. If the Unit had the assistance of RFID technology, these human errors would be eliminated.

As previously stated, this technology eliminates errors associated with updating evidence dispositions and chain of custody. RFID technology eliminates wasted time searching for items that have been misfiled or misplaced and reduces the amount of time spent on conducting inventories. Purchasing and implementing this new technology will significantly improve inventory management, asset tracking, and general property tracking. This has been a pending budgetary request and utilizing this funding source will remove the request from the outstanding requested Capital Project list.

Upon appropriation of funding, the Police Department will work with the Procurement Division to purchase RFID technology for the Evidence Section. The cost of such technology is estimated at approximately \$70,000.

## RECORDS

In response to the COVID-19 outbreak in 2020, Police Department staff looked for ways to limit employee exposure while maintaining required services. Online reporting options had been sought for many years, but it was a Department of Justice grant award that made the implementation possible.

The grant covered the first-year cost of the online reporting system. As a result of the contract with Lexis Nexis for the online reporting tool, the City was able to opt into an additional agreement term allowing Lexis Nexis to provide our crash reports to insurance carriers directly. This reduces Records Personnel time in filling public records requests from LexisNexis on behalf of insurance carriers, which are often provided for free, but when provided by Lexis Nexis, the City receives twenty dollars (\$20) per crash report. In 2020, prior to the contract with Lexis Nexis for the online reporting tool, over 5,800 crash reports were ordered from the City, which would have resulted in \$116,000 revenue to the City if the contract were in place; however, almost all requests took less than fifteen (15) minutes of staff time and resulted in no revenue to the City. Previously revenue generated from crash reports was budgeted at \$25,000 per year. As this contract began mid-year, the City expects to receive at least an additional \$30,500 in the current fiscal year. The increased revenue will be used to offset the cost of the online reporting system and enhance required updates to the records management software and electronic submission modules; a flat or decreasing budget has prevented the City from adding or updating.

Recognizing this revenue and providing for appropriations from this revenue account to fund the online reporting system contract (\$21,000 annually) and the overdue software enhancements (\$7,100) will help to get the Police Department Records Section critical updates to enable better service provision to the citizens of West Palm Beach.

Total additional revenues will be \$97,500: (Traffic Crash Reports \$30,500) and (Unclaimed Found Property \$67,000).

**Fiscal Note:**

Additional revenues will be ongoing and will offset the annual costs for the two (2) software maintenance expenses.

4. **Resolution No. 111-21(F) accepting and appropriating funds in the amount of \$20,000 from the West Palm Beach Library Foundation for programming at the Mandel Public Library of West Palm Beach.**

**RESOLUTION NO. 111-21(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2020/2021 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF WEST PALM BEACH LIBRARY FOUNDATION FOR PROGRAMMING AT THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

***Agenda Cover Memorandum No.: 23356***

**Staff Recommended Motion:**

Approve Resolution No. 111-21(F).

**Background:**

In order to support fundraising activities to assist in funding enhanced services at the Mandel Public Library of West Palm Beach by Resolution No. 6-10, the City Commission approved an agreement between the City of West Palm Beach and the West Palm Beach Library Foundation Inc., allowing the Foundation to solicit donations for the Mandel Public Library of West Palm Beach. The Library strives to provide unique programming for citizens of all ages in West Palm Beach, such as health and fitness classes, art classes, computer workshops, homework help, and so much more.

The West Palm Beach Library Foundation recently raised, or was provided funding, in the total amount of \$20,000 to continue many of the Library's popular programming initiatives, including the below:

- Community Foundation for Palm Beach and Martin Counties, as well as private funders for \$12,500 to continue the library's "Summer Reading Program" for Elementary Age Children. Funding will cover teacher hours, supplies, materials, and books.
- \$6,500 raised by private donations for the library to continue creating the popular and creative "Grab and Go Kits" and in-house art, crafts, and lecture programs.
- Ibis Charity: \$1,000 to continue the library's Dog Tales program.

**Fiscal Note:**

Grant.

5. **Resolution No. 113-21 approving the provision of Child Care Services at Coleman, Gaines, Howard, and South Olive Community Centers and authorizing the Mayor to sign a State of Florida Statewide School Readiness Provider Contract and a Children's Services Provider Contract providing funding for the provision of said services.**

**RESOLUTION NO. 113-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PROVISION OF CHILD CARE SERVICES AT THE COLEMAN, GAINES, HOWARD, AND SOUTH OLIVE COMMUNITY CENTERS; APPROVING AND AUTHORIZING THE MAYOR TO SIGN A STATE OF FLORIDA STATEWIDE SCHOOL READINESS PROVIDER CONTRACT BETWEEN THE PALM BEACH COUNTY EARLY LEARNING COALITION AND THE CITY FOR APPROXIMATELY \$75,000 IN FUNDING FOR THE PROVISION OF SAID SERVICES; APPROVING AND AUTHORIZING THE MAYOR TO SIGN A CHILDREN'S SERVICES COUNCIL PROVIDER CONTRACT BETWEEN CHILDREN'S SERVICES COUNCIL AND THE CITY FOR ADDITIONAL FUNDING FOR THE PROVISION OF SAID SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23357*

**Staff Recommended Motion:**

Approve Resolution No. 113-21.

**Background:**

The City's Parks and Recreation Department, in conjunction with the Palm Beach County Early Learning Coalition and the Children's Services Council, provides child care services for school age children at the City's four (4) licensed facilities at Coleman, Gaines, Howard, and South Olive Community Centers. The services are provided part-time for afterschool hours and full-time on days where there is no school and during the summer. The services provided include: child care, instructions and activities, and character development programs.

The City receives financial assistance for the provision of these services through Palm Beach County Early Learning Coalition (the "Coalition"). The terms and conditions for the receipt of this assistance are set forth in the State of Florida Statewide School Readiness Provider Contract (Form OEL-SR 20) between the City and the Coalition and the Children's Services Council ("CSC") Provider Contract, which is funded by the Coalition through the CSC. The School Readiness Provider Contract generally provides that the City will provide the facility, the services, and service personnel for the provision of the services; and the Coalition will provide the funds, training for City staff, and monitoring. Through the CSC Contract, scholarships are provided for eligible children participating in the School Readiness Program. The CSC Contract requires that City meet various obligations to receive funding, including the requirement that the City must be a member of Prime Time Afterschool QIS, exclusive to PBC. The City meets this requirement. Approximately thirty (30) children are funded directly through the Coalition and approximately twenty (20) children are funded directly through the CSC scholarship program. The City expects to receive approximately \$75,000.

The term of each agreement is one (1) year. Agreements are shown in Exhibit A and Exhibit B in Resolution No. 113-21. Staff recommends approval of the Resolution and the Agreements.

**Fiscal Note:**

No fiscal impact.

6. **Resolution No. 125-21(F) authorizing the use of General Fund discretionary fund balance in Fiscal Year 2020/21 to provide expenditure appropriations in the amount of \$171,117.95 for additional costs associated with vote by mail ballots for the March 9, 2021 Municipal Election services.**

**RESOLUTION NO. 125-21(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 CITY CLERK'S OFFICE BUDGET TO PROVIDE APPROPRIATIONS FOR ADDITIONAL MUNICIPAL ELECTION SERVICES COSTS; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23350*

**Staff Recommended Motion:**

Approve Resolution No. 125-21(F).

**Background:**

The City's Municipal Election was held on March 9, 2021. The invoice for this election requires a total payment of \$171,117.95 and includes an increase in the unit costs for the Municipal Package that services 65 precincts and additional costs for the vote-by-mail ballots and disposable forehead thermometers for the COVID-19 public health requirements.

The vote-by-mail ballots increased from 9,600 to 25,368.

The General Fund budget of the City Clerks' office has current budget appropriations based on prior election costs for a total available FY21 budget of \$74,910.

Additional budget appropriation is needed in the amount of \$96,210 to allow payment of Invoice # 2021-03-09-WPB to Palm Beach County Supervisor of Elections for a total payment of \$171,117.95.

General Fund Carryforward fund balance will be the revenue source to provide the expenditure appropriation of \$96,210, thereby reducing the available Carryforward fund balance.

**Fiscal Note:**

Approval will allow payment of invoice to Palm Beach County Supervisor of Elections.



7. **Resolution No. 127-21(F) authorizing the transfer and appropriation of City funds in Fiscal Year 2021 for the purpose of adding three (3) new positions for the Community Redevelopment Agency Division;**

**Resolution No. 128-21 amends the Salary Plan to create the job classification of Community Redevelopment Agency Deputy Director; and**

**Resolution No. 131-21(F) amends the General Fund full-time equivalents (FTEs) budget, adding three (3) new positions.**

**RESOLUTION NO. 127-21(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 2020/21 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 PROVIDE APPROPRIATIONS FOR THE ADDITION OF THREE (3) FULL-TIME POSITIONS WITHIN THE COMMUNITY REDEVELOPMENT AGENCY DIVISION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 128-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 250-20, APPROVED ON SEPTEMBER 21, 2020, AND AMENDED THEREAFTER, TO CREATE THE JOB CLASSIFICATION OF COMMUNITY REDEVELOPMENT AGENCY DEPUTY DIRECTOR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 131-21(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.) GENERAL FUND BUDGET FOR THE COMMUNITY REDEVELOPMENT AGENCY DIVISION; ADDING A COMMUNITY REDEVELOPMENT AGENCY DEPUTY DIRECTOR, FISCAL SERVICES MANAGER AND SENIOR ADMINISTRATIVE ASSISTANT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23358*

**Staff Recommended Motion:**

Approve Resolution No. 127-21(F), Resolution No. 128-21, and Resolution No. 131-21(F).

**Background:**

On April 12, 2021, at a work session for the Community Redevelopment Agency (CRA), the CRA Board heard a proposal for a new structure of the CRA staff. This proposal included internalizing two (2) existing positions and creating one (1) new position as City of West Palm Beach employees. The current CRA positions of Deputy Director and Administrative Assistant are part of the existing scope of services that are provide by an outside service provider. The Deputy Director and the Administrative Assistant of the CRA will become City employees. This is done as part of a larger effort to clearly separate contractor services and administrative/supervisory roles for the CRA. In addition, a Fiscal Services Manager will be added to help ensure process and budget transparency. This is part of the CRA's efforts to adopt and maintain the internal auditor's recommendation from the recent audits of the CRA budget, process, and procedures. The breakdown of these position is a follow:

- Community Redevelopment Agency Deputy Director: \$95,133-\$142,700
- Fiscal Services Manager: \$84,249-130,164
- Senior Administrative Assistant: \$48,872-\$70,317

As a result of these positions being internalized, there will be an estimated reduction in the CRA's outsourced services contract of approximately \$19,298.16 per month for the remainder of the 2020/2021 fiscal year. Beginning October 1, 2021, the CRA budget will reflect the positions being covered annually as part of the Administrative costs and removed from the scope of services for the outsourced CRA contract. These funds will assist in the budget reallocation of funding to help cover the new positions provided by the City of West Palm Beach. The internalizing of these positions is the first step in the developing the new structure of the CRA. Next, the CRA's contract for services will be advertised. Redevelopment Management Associates current contract with the CRA expires on September 30, 2021.

These position changes affect both CRAs including the Downtown/City Center and Northwood/Pleasant City/Broadway.

The Downtown/City Center CRA and the Northwood/Pleasant City/Broadway CRA are represented by Commission District 3: Commissioner Christy Fox and Commission District 1: Commissioner Kelly Shoaf, respectively.

Resolution No. 128-21 amends the City's Salary Plan by creating the job classification of Community Redevelopment Agency Deputy Director. This new job will be allocated to pay grade GM15 with a salary range of \$95,133 - \$142,700.

**Fiscal Note:**

Approval will amend the FTE budget and provide appropriations for three (3) new FTEs.

8. **Resolution No. 129-21 approving an interlocal agreement between the West Palm Beach Community Redevelopment Agency and the City of West Palm Beach to fund the mobility intelligence project with Florida Atlantic University of the second and third years totaling \$200,000.**

**RESOLUTION NO. 129-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH TO FUND THE MOBILITY INTELLIGENCE PROJECT WITH FLORIDA ATLANTIC UNIVERSITY FOR THE SECOND AND THIRD YEARS TOTALING \$200,000; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**  
*Agenda Cover Memorandum No.: 23359*

**Staff Recommended Motion:**

Approve Resolution No. 129-21.

**Background:**

The City of West Palm Beach has been collaborating with Florida Atlantic University (FAU), Knight Foundation, and Community Foundation in ways that improve our services and quality of life. The most recent effort has been in understanding how people are using the City from a mobility point of view. The Mobility Intelligence Project, proposed with FAU, will use technology and messaging to understand how people move around the downtown core using different modes of transportation.

The Mobility Intelligence Project was developed through a series of discussions with the City, Knight Foundation, and Community Foundation. FAU regularly approaches the City to understand needs and trends. Last year, prior to the 300 Block of Clematis Street renovation, the City met with FAU to determine if a potential sensor project could be an option. Under the direction of Mayor Muoio, the City conducted an ideation event with internal City staff to determine what is needed and could be addressed. The event included faculty from FAU who kept detailed analysis of the event. A series of themes were discovered including mobility. Follow-up discussions occurred with the Mayor and Knight Foundation about interest in pursuing a mobility sensor project, ultimately placing the Mobility Intelligence Project as a viable option.

FAU then developed the potential frame work for the Mobility Intelligence Project. The following is an excerpt from Dr. Jason Hallstrom, the professor spearheading the project:

"The proposed mobility intelligence system will serve three (3) objectives:

- (1) First, it will provide a foundation for understanding mobility patterns downtown and within other key areas. The focus will be on individual human mobility patterns, at population scales, with the capacity to disaggregate by population groups. The resulting time-series data will enable the City to continuously monitor mobility impacts resulting from specific development initiatives, and to adapt those initiatives to optimize accessibility for all residents.
- (2) Second, by fusing the observed mobility pathways with existing GIS content, the system will provide a foundation for understanding the types of destinations most frequently visited by individuals (e.g., coffee shops, pharmacies, food banks), the times at which those visits occur, and the most likely future pathways. The system might, for example, learn that coffee shop visits reach their peak on Tuesday mornings at 8:00 AM and that 35% of those visits are followed by visits to a nearby bagel shop.
- (3) Finally, as residents move from one area of the city to another, the system will provide individualized recommendations using public kiosks on nearby destinations that are likely to be of interest. The concept is to learn the connections between people and place, in the areas they most often frequent, and to use that knowledge to draw people to new places, and to establish new connections. The approach is designed to accelerate connectivity to the downtown, enhancing accessibility for residents."

The Mobility Intelligence Project has an estimated cost of \$600,000 over a three (3) year period. The project will be paid for through a four (4) party partnership. Because of the cutting-edge nature of the project, Knight Foundation and the Community Foundation were approached as potential partners in the project. The Mobility Intelligence Project was first brought to the Knight Foundation for consideration. Knight has historically been a financial partner on many City projects that have prioritized attracting and nurturing talent, enhancing opportunity, and fostered civic engagement. By centering the project around understanding how people move around the City, Knight believes that the Mobility Intelligence Project will meet its priorities. Prior to the City Commission work session on April 15, 2019, Knight indicated that they would be interested in funding the Mobility Intelligence Project. Knight's support then leads to a conversation with the Community Foundation. The Community Foundation is the third entity committed to funding the project based on the nature and data collected from the effort. Lastly, as the executing partner of the effort, FAU will contribute to the project as the fourth partner. The funding breakdown is as follows:

- City of West Palm Beach: \$300,000
- Knight Foundation: \$225,000
- Community Foundation: \$75,000 (\$25,000 to be delivered in Year 2)
- Florida Atlantic University: \$15,000

The City executed a Mobility Intelligence Project with Florida Atlantic University, dated July 7, 2019, for participation in and partial funding of the Project in the amount of \$300,000 for the project to be funded in \$100,000 increments in 2019, 2020, and 2021.

Deliverables include hardware, software, data analysis, and a final report of the project. First, technical hardware will be installed in the City, which will be left behind and integrated into the City's information technology system. Second, software will be included to assist in the collection and transparency of the data collected. The software will be the front facing aspect to the public offering a type of dashboard or integration into the open data portal for the City. The data collected and shown through the software will be made available for the public to observe and use. Third, is the analytics of the data to understand how people are moving. The analytics will hold much of the value for the project. The analytics is believed to be where much of the discovery will occur in understanding mobility in the City. Last, a detailed report will be given to the funding partners and made available for the public that outlines what was discovered during the project.

Finally, the Mobility Intelligence Project was presented to the City Commission during a work session on April 15, 2019. Three (3) concerns were expressed at the work session by City Commissioners: (1) personal privacy, (2) intellectual property; and (3) how law enforcement may use the project. These same questions were also expressed by the Knight Foundation. Personal privacy will be maintained by anonymizing the data that is collected. FAU will use Bluetooth and wireless signals from devices carried by people to collect the mobility data. Each device has a unique way it can be identified. FAU intends to encrypt the unique number of each mobile device making it extremely difficult to identify with a single person. In addition, data will be shown in a way that makes it difficult to understand who is moving where throughout the City. Any intellectual property developed during the project will become property of the City of West Palm Beach. Law enforcement will have access to the data because the data will be made available to public at large. However, in order to pinpoint a devices location using the Mobility Intelligence Project, the law enforcement department would also need to have a subpoena along with the device that they want to pin point.

Florida Atlantic University has set a timeline to have the project initiated by Fall 2019. In order to meet this timeline, FAU will need to spend the next two (2) months getting organized with Ph.D. students, faculty, equipment, and City staff. The project is intended to coincide with the academic school year. This will be the sole project for the Ph.D. students. The Mobility Intelligence Project will center primarily on Clematis Street from the Tri-rail Station to the Waterfront, expanding out from the street in certain segments. The Mobility Intelligence Project is anticipated to conclude in the Spring of 2022.

The City and CRA worked together to complete the adopted Mobility Study in 2018. The need to identify and implement mobility improvements in the downtown is recognized in Amendment No. 15 to the Strategic Finance Plan for the Downtown/City Center CRA District.

The City of West Palm Beach has funded the initial year's cost totaling \$100,000. However, due to the nature of the project having a direct impact on transportation and understanding and the effect of CRA dollars spent, the CRA is requesting to fund a portion of the project for the second and third years, totaling \$200,000 or \$100,000 for each year.

This project is located in the CRA Downtown/City Center District.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

The funding will be provided by the CRA for the final two years of the project.

9. **Resolution No. 130-21(F) accepting and appropriating funds in the amount of \$5,853.40 from Prime Time of Palm Beach County funded by Children Services Council in recognition of the after-school programs at Gaines Park, Gaines Park Teens, Howard Park, Coleman Park, South Olive Park, and Vedado Park Teen achieving outstanding performance. These funds are solely to be used for program supplies and electronics.**

**RESOLUTION NO. 130-21(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 PROVIDE FOR THE RECEIPT AND APPROPRIATION OF THE PRIME TIME OST PROGRAM ENHANCEMENT GRANT AWARD FROM PRIME TIME OF PALM BEACH COUNTY TO PROVIDE AFTER SCHOOL PROGRAM SUPPLIES AND ELECTRONICS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23360*

**Staff Recommended Motion:**

Approve Resolution No. 130-21(F).

**Background:**

Prime Time offers QIS participating programs funding to support and enhance their program supplies as they kick-start summer camp activities and/or make plans for fall 2021 programming. Funds are generously provided by the Children's Services Council of Palm Beach County.

Palm Beach County QIS participating programs are eligible to receive up to \$1,000 per out-of-school time program (OST) as part of this one-time grant. Out of School Time programs may utilize funds for program supplies such as various recreational, educational, and functional program supplies as well as electronics for various technology needs. Prime Time stipulates that these funds must be expended by August 31, 2021.

Gaines Park, Howard Park, Coleman Park, South Olive Park (K-5th grade), and Gaines Park, Vedado Park (6th - 8th grade) programs have been recognized as leaders by Prime Time granting incentive awards as follows:

- Gaines Park: \$967.95
- Gaines Park Teens: \$995.93
- Howard Park: \$1,000
- Coleman Park: \$963.24
- South Olive Park: \$1,000
- Vedado Park Teens: \$926.28

**Fiscal Note:**

Upon approval, an additional \$5,855 will be added to the General Fund budget for out-of-school program enhancements at Coleman Park, Howard Park, Gaines Park, South Olive Park, and Vedado Park.

10. **Resolution No. 132-21(F) providing \$296,435 for the repair of the East and West parking garage elevators in the Evernia Parking Garage.**

**RESOLUTION NO. 132-21(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 PARKING SYSTEMS OPERATING FUND BUDGET TO PROVIDE APPROPRIATIONS FOR ELEVATOR REPAIRS AT THE EVERNIA PARKING GARAGE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23361*

**Staff Recommended Motion:**

Approve Resolution No. 132-21(F).

**Background:**

The City-owned Evernia Street parking garage was built in 1988. At the time of construction, the garage was built with two (2) elevator shafts on both the East and West ends of the structure. Each elevator shaft was built to accommodate two (2) elevator cars; however, only one (1) car was installed in each of the shafts. As the utilization of the garage increased over the years, the use of the elevators increased as well; ultimately causing wear and tear due to this maximum utilization. Over the years, there has been consistent routine scheduled maintenance performed as well as necessary repairs due to the periodic malfunctions.

The use and current age of the elevator cars have caused malfunctions to occur more frequently. The elevators are slow to respond when called, stop moving when carrying passengers, or the doors are slow to open or fail to open when they should. These failures create an unsafe environment for transporting customers from floor to floor and sometimes cause customers to panic when they feel trapped inside the cars when the doors are significantly slow to open. Although the current contracted elevator company provides

rapid responses to these malfunctions, these repairs and upgrades outlined in the attached proposals must be made immediately to ensure the safety of the public when utilizing the Evernia parking garage.

The Parking Department would like to use the Parking Systems Fund Balance to make the necessary repairs to the East and West Evernia elevators. The cost to repair the elevators is approximately \$296,435. The remaining Fund Balance after approval will be \$9,741,875.

**Fiscal Note:**

Approval provides appropriations for the repairs of the Evernia Parking Garage elevators.

11. **Resolution No. 135-21 ratifying a memorandum of agreement between the City of West Palm Beach and the Florida State Lodge, Fraternal Order of Police, Inc., Certified Unit 1985 and Certified Unit 1986 ("FOP"), pertaining to uniforms and equipment.**

**RESOLUTION NO. 135-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, INC., CERTIFIED UNIT NO. 1985 AND CERTIFIED UNIT NO. 1986, MODIFYING ARTICLE 25 OF THE COLLECTIVE BARGAINING AGREEMENT CURRENTLY IN EFFECT AND GOVERNING EMPLOYEES REPRESENTED BY THE FRATERNAL ORDER OF POLICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23362*

**Staff Recommended Motion:**

Approve Resolution No. 135-21.

**Background:**

Resolution No. 135-21 modifies Article 25 (UNIFORMS AND EQUIPMENT) of the Fraternal Order of Police's ("FOP") predecessor, the Police Benevolent Association's October 1, 2017 to September 30, 2020, Collective Bargaining Agreement ("CBA"), which remains in effect and currently governs the terms and conditions of employment of employees represented by the FOP until such time as a successor Collective Bargaining Agreement between the City and the FOP is ratified and takes effect, by updating the current Article 25 - UNIFORMS AND EQUIPMENT, as follows:

Highlights of the changes are shown below; exact language of the Memorandum of Agreement ("MOA") is provided.



## Article 25 - UNIFORMS AND EQUIPMENT

1. Section 3 (A)(3): Modifies eligibility for take home vehicle based on distance from officer's residence to the City limits, instead of the current - officer's residence to Police headquarters requirement.
2. Section 3 (C): Adds language, which provides limited liability coverage for accidents with City take home vehicle, which may occur while the employee is traveling to and from their work assignment and under other specified uses and limitations.

The MOA was ratified by the FOP on May 21, 2021 by a vote of 198 - 1 in favor and requires ratification by the Commission in order for it to take effect.

### **Fiscal Note:**

Any costs incurred, have been fully budget in budget for FY2020-21.

12. **Resolution No. 139-21 granting a permit to MAS Environmental LLC, for the installation of two (2) monitoring wells within the Iris Street right-of-way South of and adjacent to 625 South Dixie Highway and approving and authorizing the Mayor to execute a Revocable Monitoring Well Permit Agreement.**

**RESOLUTION NO. 139-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING ISSUANCE OF A PERMIT FOR THE INSTALLATION OF TWO (2) MONITORING WELLS IN THE IRIS STREET RIGHT-OF-WAY DIRECTLY SOUTH OF AND ADJACENT TO 625 SOUTH DIXIE HIGHWAY; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE MONITORING WELL PERMIT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

***Agenda Cover Memorandum No.: 23363***

### **Staff Recommended Motion:**

Approve Resolution No. 139-21.

### **Background:**

625 S Dixie Hwy, West Palm Beach, Florida is the location of a former Fina gasoline service station. The property is currently a mixed-use high rise commercial and residential building known as the City Palms Condominium built in 2008. The site does not currently contain any underground storage tanks (USTs) or aboveground storage tanks (ASTs). The site previously contained four (4) 4,000-gallon USTs containing unleaded gas and two (2) 550-gallon capacity USTs containing waste oil. The USTs were reportedly installed in 1968 and removed in April 1989. MAS Environmental LLC was retained by the Florida Department of Environmental Protection to provide testing for the presence of contamination and a summary report to close out the removal.

Resolution No. 139-21 grants a permit to MAS Environmental permission to install two (2) monitoring wells in the northern right-of-way of Iris Street to check for the spread of any contamination, and it authorizes the Mayor to execute a Revocable Monitoring Well Permit Agreement between the City and MAS Environmental. The Agreement will have a five (5) year term and will require MAS Environmental to provide copies of the testing results and reports to the City and to indemnify the City from any claims, loss, or damages caused by installation of the Monitoring Wells by MAS Environmental.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

**13. Resolution No. 142-21 approving the Northwood Rainbow Crosswalk as a memorial for the City's LGBTQ Community.**

**RESOLUTION NO. 142-21: A RESOLUTION APPROVING NORTHWOOD RAINBOW CROSSWALK AS A MEMORIAL FOR THE CITY'S LGBTQ COMMUNITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23364*

**Staff Recommended Motion:**

Approve Resolution No. 142-21.

**Background:**

The Northwood Rainbow Crosswalk is a "Pride" crosswalk located in the heart of the City of West Palm Beach's (the "City") LGBTQ business district, Northwood Village. It is emblematic of the LGBTQ's community's struggle for equal rights, benefits, and protections. Section 806.13, Florida Statutes, makes it a third-degree felony to willfully and maliciously deface, injure, or otherwise damage, by any means, a memorial or historic property, as defined in 806.135, Florida Statutes. Section 806.135, Florida Statutes defines "memorial" to include paintings like the Northwood Rainbow Crosswalk, as it is dedicated to all individuals—past and present—who have struggled for equal rights for the LGBTQ community. To protect the Northwood Rainbow Crosswalk from possible defacement, injury, or other damage, it is being requested that the City Commission dedicate the Northwood Rainbow Crosswalk as a memorial for the City's LGBTQ community.

- 14. Resolution No. 138-21 allows for the term extension of temporary artworks currently exhibited as part of the Art Project entitled "The Commons: 15 Artists 15 Spaces A COVID-19 Artists Relief Initiative."**

**RESOLUTION NO. 138-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING TERM EXTENSIONS TO CERTAIN CITY AGREEMENTS FOR TEMPORARY ARTWORK EXHIBITS AS PART OF THE PROJECT ENTITLED "THE COMMONS: 15 ARTISTS 15 SPACES A COVID 19 ARTIST RELIEF INITIATIVE"; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23366*

**Staff Recommended Motion:**

Approve Resolution No. 138-21.

**Background:**

On September 21, 2020, the City Commission approved Resolution No. 246-20 authorizing execution of agreements between the City of West Palm Beach and fifteen (15) local artists for temporary art and creative projects as part of the Art Project entitled "The Commons: 15 Artists 15 Spaces A COVID-19 Relief Initiative." Also, on September 21, 2020, the City Commission authorized Resolution No. 123-20(F) to allocate funding for the Project.

Since the project was originally intended to be temporary in nature, Resolution No. 138-21 will allow for the exhibition extension for eight (8) of the art/creative projects as follows:

(The list below follows the following format: Artist Name: Artwork Title: Media: Location- Extended Date)

- 1) Emilio Aponte Sierra Paretti: Title: "Covida": Media: sculpture; Location: Urban Living Room at the Mandel Library - August 31, 2021
- 2) Dana Donaty: Title: "YES": Media: mixed media: Location: Jose Marti Park- June 3, 2022
- 3) Nicole Galluccio: Title: "Garden of Joy": Media: mixed media: Location: Mandel Public Library- June 3, 2022
- 4) Ates Isildak: Title: "Spaces" Media: video/film documentary on "The Commons: 15 Artists 15 Spaces project"- September 3, 2021
- 5) Ken Mullen Title: "Reclaiming the Distance": Media: a three-dimensional mural: Location: South Olive Park- November 1, 2021

- 6) Missy Pierce: Title: "Disconnected": Media: sculpture; Location: City Hall Plaza- August 31, 2021
- 7) Amauri Torezan: Title: "Place Like Paradise": Media: Abstract mural: Location: exterior walls of the Chamber of Commerce of the Palm Beaches- June 3, 2022

Resolution No. 138-21 approves the exhibition extension of the foregoing listed artworks and authorizes the Mayor execute the necessary amendment to the Agreements.

**Fiscal Note:**

No fiscal impact. Resolution No. 123-20(F) approved the funds.

15. **Resolution No. 149-21(F) authorizing the use of General Fund discretionary fund balance in Fiscal Year 2020/2021 to provide expenditure appropriations in the amount of \$279,000 for Police rental vehicles.**

**RESOLUTION NO. 149-21(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 APPROVE THE USE OF DISCRETIONARY FUND BALANCE TO PROVIDE EXPENDITURES APPROPRIATIONS FOR POLICE RENTAL VEHICLES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23372*

**Staff Recommended Motion:**

Approve Resolution No. 149-21(F).

**Background:**

Rental Vehicles (\$279,000): Rental vehicles are utilized by undercover Police Department personnel in the Narcotics and Criminal Investigation Units to further and pursue narcotics and other criminal investigations and to assist, where necessary, with the City's participation in certain special task forces. Participation in the rental program permits the Police Department to exchange vehicles more frequently, enabling undercover officers to perform their duties without being identified by the criminal suspects they are investigating. This program is a cost effective means of providing equipment necessary for special operations. All investigations by this unit require the ability to operate effectively and discreetly using unmarked vehicles. The department has thirty-six (36) rental vehicles at a cost of \$28,607 per month for a total annual cost of \$343,284. The General Fund current budget provides \$64,284, and the remaining amount needed is the requested \$279,000.

General Fund discretionary fund balance will be reduced by \$279,000, and Police rentals and leases budget will be increased.

16. **Resolution No. 144-21 approving a Railroad Reimbursement Agreement with FDOT and SFRTA for maintenance fees in the amount of \$2,260 per year for additional signals at the Banyan Boulevard crossing.**

**RESOLUTION NO. 144-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A RAILROAD REIMBURSEMENT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY FOR SIGNAL WORK AT BANYAN BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23373*

**Staff Recommended Motion:**

Approve Resolution No. 144-21.

**Background:**

The Florida Department of Transportation (FDOT) and South Florida Regional Transit Authority (SFRTA) are assuming responsibility of the Tri Rail tracks from CSX railroad. Due to safety concerns identified by Palm Tran bus drivers, additional signals are being added at the Banyan Boulevard crossing. FDOT will be performing this work on behalf of SFRTA. The additional signal work being installed at this location will be paid for entirely by FDOT. Similar to what the City participates in for the maintenance of other railroad crossings in the City, this agreement obligates the City to contribute 50% of the signal maintenance costs for the new devices being installed at the Banyan Blvd railroad crossing. This is estimated to be \$2,260 per year, and the funds are budgeted.

**Fiscal Note:**

Estimated annual maintenance cost share of \$2,260. Currently have \$600,000 budgeted for multiple railroad crossing maintenance. This expense can be covered by this current budget.

**RESOLUTIONS (17-19):**

17. **Resolution No. 119-21 granting Face of the City approval for the Artwork entitled "The Metamorphosis" by local artist Michelle Drummond to be installed at the Mandel Public Library and approving an agreement for an amount not-to-exceed \$30,000 between the City of West Palm Beach and Michelle Drummond for the installation.**

**Resolution No. 118-21(F) authorizes the appropriation of \$30,000 from the ArtLife WPB Public Art Account to commission local artist Michelle Drummond to create an original artwork "The Metamorphosis" to be installed in the Urban Living Room of the Mandel Public Library.**

**RESOLUTION NO. 119-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE ARTWORK ENTITLED "THE METAMORPHOSIS" BY LOCAL ARTIST MICHELLE DRUMMOND TO BE INSTALLED IN THE URBAN LIVING ROOM OF THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH AND APPROVING AN AGREEMENT FOR AN AMOUNT NOT-TO-EXCEED \$30,000 BETWEEN THE CITY OF WEST PALM BEACH AND MICHELLE DRUMMOND FOR THE INSTALLATION OF THE ARTWORK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 118-21(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 ARTLIFE WPB CAPITAL PROJECT FUND BUDGET TO PROVIDE APPROPRIATIONS TO COMMISSION LOCAL ARTIST MICHELLE DRUMMOND TO CREATE AN ORIGINAL ARTWORK ENTITLED THE METAMORPHOSIS TO BE INSTALLED IN THE URBAN LIVING ROOM OF THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23365*

**Staff Recommended Motion:**

Approve Resolution No. 119-21 and Resolution No. 118-21(F).

**Background:**

The ArtLife WPB Committee, on May 5, 2021, voted unanimously to approve, "The Metamorphosis", an original artwork to be created by local artist Michelle Drummond and to be installed in the Urban Living Room at the Mandel Public Library of West Palm Beach. The artwork's total budget of \$30,000 will be funded by the ArtLife WPB Public Art Account.

## ABOUT THE ARTIST

Local artist, Michelle Drummond, is a mixed media fiber artist. Her practice involves using multi-colored, multi-weighted fiber (yarn), glue and acrylic paint on and off canvas. Like her contemporaries, Drummond is redefining the boundaries of fiber art by pushing the medium from being a flat 2-D piece to a sculptural 3-D work. Drummond makes each piece by hand--a laborious process.

## LOCATION

The site for the work will be in the Mandel Public Library's Urban Living Room and the identified wall is 12' X 18'.

## THE ARTWORK

Drummond's concept is inspired by the philosophy that knowledge and transformation align and empower change and rebirth. The large voluminous tree is a metaphor for knowledge (the tree of life), which symbolizes growth, strength, and beauty. Drummond states "as one's breadth of knowledge expands you become more enlightened about your environment and empowered to effectuate change." The work honors the City's Mandel Public Library as a resource for all with the goal of advancing society. The butterflies represent optimism and the unlimited possibilities that emerge through an organic transformation from one form to another. Her work has a touch of whimsy and carries an underlying message of hope and optimism.

The piece (width: 5 feet; height: 7 feet; depth: 3 feet) will entail the use of multicolored, multi weighted yarn, and glue on an acrylic panel. "The Metamorphosis" will take six to nine months for the artist to create.

## THE CRITERIA

The ArtLife WPB Committee reviewed the art concept by Michelle Drummond based on Section 78-125 of the City Code which sets forth the following criteria:

1. Art: The proposed art work conforms to the definition of art contained in this article and will be created by a professional artist as defined in this article.
2. Master Plan: The proposed artwork complies with the public art master plan.
3. Historic Significance: Not applicable as the proposed art is contemporary.
4. Cultural Significance: The proposed artwork is culturally significant and reflects the aesthetic and cultural traditions and diversity of the city or the surrounding neighborhood.

5. Visual Accessibility: The proposed artwork will be readily visible to the public and meet the location requirements of this article.
6. Quality: The artist is professionally recognized in multiple mediums and the proposed sculpture demonstrates a strong aesthetic quality and enduring value.
7. Appropriateness to Site: The proposed sculpture's design, scale and materials are appropriate for the site.
8. Diversity: The artwork brings diversity to the public art program in terms of media, cultural, and/or historical significance, innovation and creativity.
9. Public Welfare: The proposed sculpture reflects an enduring artistic concept and is not detrimental to the public welfare and will not constitute a safety hazard.
10. Maintenance: The sculpture will require only minimum maintenance.
11. Valuation: Not applicable. Funds were allocated from the Public Art Account.
12. Location: The identified location in the Urban Living Room complies with the public art master plan and as defined in the code.
13. Artist Qualifications: The artist meets the definition of artist under this article; has demonstrated ability for work in her chosen media, has demonstrated good workmanship in prior artwork, and has the ability to complete this project in a timely manner.
14. Budget: The project budget meets the allocated funds for the project and a budget breakdown was part of the artist's proposal.

Resolution No. 119-21 grants Face of the City approval of the Artwork and approves an agreement between the City of West Palm Beach and local artist Michelle Drummond.

Resolution No. 118-21(F) approves \$30,000 from the Public Art Account to be allocated for the project.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

Approval will recognize transfer of funds to provide appropriations for the Michelle Drummond Metamorphosis project.



- 18. Resolution No. 134-21 relating to the ratification of a successor collective bargaining agreement between the City of West Palm Beach and the Florida State Lodge, Fraternal Order of Police, Inc., Certified Unit No. 1985 and Certified Unit No. 1986, for the period of October 1, 2021 to September 30, 2024.**

**RESOLUTION NO. 134-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA TO RATIFY A CERTAIN UNION-RATIFIED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, INC., CERTIFIED UNIT NO. 1985 AND CERTIFIED UNIT NO. 1986 FOR THE PERIOD OCTOBER 1, 2021 TO SEPTEMBER 30, 2024; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23367*

**Staff Recommended Motion:**

Approve Resolution No. 134-21.

**Background:**

The City and the Fraternal Order of Police ("FOP") have reached a tentative three (3) year Collective Bargaining Agreement. If ratified by the Commission, the Agreement will be effective for the period of October 1, 2021 – September 30, 2024. The FOP was certified by the Public Employees Relations Commission on October 16, 2020 as the exclusive representative for Police Officers and related civilian classifications in the Police Department. Negotiations began on November 13, 2020.

Attached for the Commission's consideration is Resolution No. 134- 21 ratifying the Collective Bargaining Agreement (CBA) between the City of West Palm Beach and the Florida State Lodge, Fraternal Order of Police, Inc., Certified Unit No. 1985 and Certified Unit No. 1986. The FOP unit members ratified the attached Collective Bargaining Agreement on May 21, 2021 by a vote of 194 to 5 in favor of ratification for Certified Unit 1985 (Officers unit); and by a vote of 11 to 0 in favor of ratification for Certified Unit 1986 (Lieutenants unit).

Key provisions of the Agreement's Article 30 - Salary Plan - provide the following:

- Market adjustment increases for Step 1 of the Step Plan to bring the Police Officer classification from 13th place in the Palm Beach/Broward regional market to 2nd place.
- Market adjustment increases for Police Sergeants to bring the classification from 6th in the Palm Beach/Broward regional market to 2nd place.
- Market adjustment increases for Lieutenants to bring the classification from 5th in the Palm Beach/Broward regional market to 3rd place.

- A provision to allow hiring of officers who have prior law enforcement experience at a higher step pay commensurate with their prior years of law enforcement experience. This provision, along with the new Step Plan, will aid significantly in the City's police recruitment efforts.
- Market adjustment increases to non-sworn FOP civilian job classifications of: Community Service Aide, Crime Scene Investigator, Latent Print Examiner, and Sr. Latent Print Examiner. The proposed market adjustment for the civilian positions brings them from 6th place in the Palm Beach/Broward regional market to 5th place or better.

In addition to the market adjustments increases, the Agreement also provides for the 5% annual step raise for all FOP employees to receive on their employment anniversary date as part of their progression through their respective step plans. With the combined market adjustment increase and the 5% annual step raise, the majority of Police Officers will receive a total increase in their compensation from approximately 15% to as high as 29% in FY22. Similarly, the combined salary increase for FOP civilian employees will vary from approximately 10% to 15% in FY22.

The estimated FY22 cost of implementing this Agreement is approximately \$5,241,000. It will be included in the proposed FY22 budget for the Commission's consideration as part of the annual budget review and approval process. Funding for the Agreement is in large part predicated on the reallocation of the \$2.2M budgeted overtime in the Police Department's operating budget and projected General Fund operating revenue increases for FY22. Alternative measures for funding potential overtime will be explored as part of the budget process.

Due to the use of the overtime dollars and the significant loss of general fund operating revenue in the current fiscal year, Administration was not in a position to negotiate a retroactive Agreement. Therefore, the new Step Plan provided for under this Agreement will be in effect for FY22, FY23, and FY24. The full language of the Tentative Agreement is attached for more comprehensive review. Staff recommends Board approval of Resolution No. 134-21.

**Fiscal Note:**

The estimated FY22 cost of implementing this agreement is approximately \$5,241,000 and will be included in the proposed FY22 budget for the Commission's consideration as part of the annual budget review and approval process.

19. **Resolution No. 81-21 authorizing a Right-of-Way Maintenance Agreement and a Transportation Demand Management Agreement with CityPlace North II, LLC, and granting an aerial easement related to the construction of the 360 Rosemary office project.**

**RESOLUTION NO. 81-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A RIGHT-OF-WAY MAINTENANCE AGREEMENT BETWEEN CITYPLACE NORTH II, LLC, AND THE CITY OF WEST PALM BEACH FOR MAINTENANCE OF PORTIONS OF THE CITY RIGHTS-OF-WAY ADJACENT TO 360 S ROSEMARY AVENUE; APPROVING A TRANSPORTATION DEMAND MANAGEMENT AGREEMENT BETWEEN CITYPLACE NORTH II, LLC, AND THE CITY OF WEST PALM BEACH; GRANTING AN AERIAL EASEMENT OVER A PORTION OF CITY RIGHT-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23354*

**Staff Recommended Motion:**

Approve Resolution No. 81-21.

**Background:**

On December 14, 2018, the City approved the site plan submitted by CityPlace North II, LLC, ("Developer") for the construction of a new 18-story, 258,449 sq. ft. class A office building with 21,167 sq. ft. of retail space on the ground floor. The project, located on the east side of Rosemary Avenue between Fern Street and Evernia Street, started construction in 2019 and is near completion.

**ROW MAINTENANCE AGREEMENT**

As part of the project, the Developer installed hardscape and landscape improvements within the City rights-of-way along Evernia Street, Rosemary Avenue, and Fern Street. The City desires to enter into a Right-of-Way Maintenance agreement with CityPlace North II, LLC, by which the Developer will assume the maintenance responsibilities of all hardscape and landscape elements installed by the developer in the rights-of-way.

**TRANSPORTATION DEMAND MANAGEMENT AGREEMENT**

In addition, due to the traffic impact generated by the new office project, the City and the Developer agreed to implement certain transportation demand management strategies directed to promote alternative transportation options for the office tenants. The City and the Developer desire to enter into an agreement to formalize the transportation demand management strategies to be implemented by the Developer and its monitoring requirements.

## AERIAL EASEMENT

Finally, the project will have a 340 sq. ft. canopy over its Evernia Street entrance, which will project into the Evernia Street right-of-way. The Developer has requested an aerial easement to allow the canopy. Section 78-423 of the Code of Ordinances of the City of West Palm Beach, Florida, provides the minimum requirements for air rights easements. The Aerial Easement meets the requirements of the City Code.

Resolution No. 81-21 approves: (1) the Right-of-Way Maintenance Agreement; (2) the Transportation Demand Management Agreement; and (3) the Aerial Easement.

Commission District 3: Commissioner Christy Fox.

## PUBLIC HEARING (20):

20. **Public Hearing and First Reading of Ordinance No. 4953-21 amending the Code of Ordinances at Chapter 62 (Personnel and Retirement), Article II (Personnel Policies), Division 2 (Compensation and Leave Policies) to amend various sections regarding employee leave policies to provide consistent policies among the various employee groups.**

**ORDINANCE NO. 4953-21: 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 62 (PERSONNEL AND RETIREMENT), ARTICLE II (PERSONNEL POLICIES), DIVISION 2 (COMPENSATION AND LEAVE POLICIES), SECTIONS 62-57, 62-58, 62-59, 62-62, AND 62-63 REGARDING EMPLOYEE LEAVE POLICIES, TO PROVIDE CONSISTENT POLICIES AMONG THE VARIOUS EMPLOYEE GROUPS; PROVIDING A SEVERABILITY AND CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23368*

### **Staff Recommended Motion:**

Approve Ordinance No. 4953-21 on First Reading and schedule a Second Reading on June 28, 2021.

### **Background:**

Historically, the City Commission has expressed the desire to generally strive for equity in policies among the various represented and non-represented employee groups. From time to time, the City Commission has adopted amendments to the City's regulations regarding personnel policies to provide for consistent policies for City employees.

The City Commission is considering amendments to policies for certain represented employees. The City desires to amend certain sections of the City Code of Ordinances, at Chapter 62 (Personnel and Retirement), Division 2 (Compensation and Leave Policies) to provide consistent policies for City employees;

Ordinance No. 4953-21 provides for the following changes:

- 1) Section 62-57 - Holidays: Deleting obsolete process regarding how holiday pay is processed.
- 2) Section 62-58 - Vacation or Annual Leave: Updating the carry over limit before “Use it or Lose It” provision applies from 2 years to 3 years’ worth of carry-over for consistency and to match the similar changes granted in the new collective bargaining agreements.
- 3) Section 62-62 - Military Leave: Removing obsolete language regarding “supplemental pay”, which sunset on September 1, 2016 and is no longer applicable.
- 4) Section 62-63 - Other Leaves: Updating the Bereavement leave “immediate family” definitions to match current language updated in various collective bargaining agreements and clarifying the amount of bereavement leave granted (i.e. 40 hours vs. the prior language of “5 Days”).

**Fiscal Note:**

No fiscal impact.

**PUBLIC HEARING – QUASI JUDICIAL (21-23):  
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY\*  
SWEARING IN OF WITNESSES**

21. **Public Hearing and Second Reading of Ordinance No. 4939-21 approving the Local Landmark district designation of 310 North Olive Avenue, also known as St. Ann's Catholic Church, on the West Palm Beach Local Register of Historic Places.**

**ORDINANCE NO. 4939-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 310 NORTH OLIVE AVENUE AS A HISTORIC LANDMARK PROPERTY ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING FOR THE TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23287*

APPLICANT REQUESTED CONTINUANCE TO JULY 26, 2021 AGENDA.

22. **Public Hearing and First Reading of Ordinance No. 4944-21 regarding the annexation of two (2) parcels totaling approximately 27.4 acres located at 8304 and 8350 Okeechobee Boulevard.**

**Public Hearing and First Reading of Ordinance No. 4945-21 regarding a Future Land Use Map Amendment to assign a Community Service (CS) Future Land Use designation to approximately 24.5 acres of the parcels annexed by Ordinance No. 4944-21.**

**Public Hearing and First Reading of Ordinance No. 4946-21 regarding a Future Land Use Map Amendment to assign a Commercial (C) Future Land Use designation to approximately 2.9 acres of the parcels annexed by Ordinance No. 4944-21.**

**Public Hearing and First Reading of Ordinance No. 4947-21 regarding a Rezoning to assign a Community Service (CS) zoning designation to approximately 24.5 acres of the parcels annexed by Ordinance No. 4944-21.**

**Public Hearing and First Reading of Ordinance No. 4948-21 regarding a Rezoning to assign a General Commercial (GC) zoning designation to approximately 2.9 acres of the parcels annexed by Ordinance No. 4944-21.**

**The requests are being made by Josh Nichols of Schmidt Nichols, on behalf of Grace Fellowship of West Palm Beach, Inc.**

**ORDINANCE NO. 4944-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A VOLUNTARY ANNEXATION OF APPROXIMATELY 27.4 ACRES OF LAND LOCATED AT 8304 AND 8350 OKEECHOBEE BOULEVARD; DECLARING THAT ALL LEGAL PREREQUISITES AND REQUIREMENTS HAVE BEEN MET; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**ORDINANCE NO. 4945-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY ASSIGNING A FUTURE LAND USE DESIGNATION OF COMMUNITY SERVICE TO APPROXIMATELY 24.5 ACRES OF LAND ANNEXED INTO THE CITY, LOCATED AT 8304 AND 8350 OKEECHOBEE BOULEVARD; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**ORDINANCE NO. 4946-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY ASSIGNING A FUTURE LAND USE DESIGNATION OF COMMERCIAL TO APPROXIMATELY 2.9 ACRES OF LAND ANNEXED INTO THE CITY, LOCATED AT 8304 OKEECHOBEE BOULEVARD; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**ORDINANCE NO. 4947-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY ASSIGNING A ZONING DESIGNATION OF COMMUNITY SERVICE TO APPROXIMATELY 24.5 ACRES OF LAND ANNEXED INTO THE CITY, LOCATED AT 8304 AND 8350 OKEECHOBEE BOULEVARD; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**ORDINANCE NO. 4948-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY ASSIGNING A ZONING DESIGNATION OF GENERAL COMMERCIAL TO APPROXIMATELY 2.9 ACRES OF LAND ANNEXED INTO THE CITY, LOCATED AT 8304 OKEECHOBEE BOULEVARD; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23369*

**Staff Recommended Motion:**

Approve Ordinance No. 4944-21, approving a voluntary annexation request for approximately 27.4 acres of land located at 8304 and 8350 Okeechobee Boulevard. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the request meets the criteria set forth in Section 171.044, Florida Statutes.

Approve Ordinance No. 4945-21, approving a Future Land Use Map Amendment to assign a Community Service Future Land Use designation to approximately 24.5 acres of the parcels annexed by Ordinance No. 4944-21 and located at 8304 and 8350 Okeechobee Boulevard. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the request complies with the provisions of Chapter 163, Florida Statutes and meets the "New Issues" standard of Future Land Use Policy 1.1.5 of the City's Comprehensive Plan.

Approve Ordinance No. 4946-21, approving a Future Land Use Map Amendment to assign a Commercial Future Land Use designation to approximately 2.9 acres of the parcels annexed by Ordinance No. 4944-21 and located at 8304 Okeechobee Boulevard. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the request complies with the provisions of Chapter 163, Florida Statutes and meets the "New Issues" standard of Future Land Use Policy 1.1.5 of the City's Comprehensive Plan.

Approve Ordinance No. 4947-21, approving a rezoning to assign a Community Service zoning designation to approximately 24.5 acres of the parcels annexed by Ordinance No. 4944-21 and located at 8304 and 8350 Okeechobee Boulevard. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the rezoning is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Approve Ordinance No. 4947-21, a Rezoning to assign a General Commercial (GC) zoning designation to approximately 2.9 acres of the parcels annexed by Ordinance No. 4944-21 and located at 8304 Okeechobee Boulevard. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the rezoning is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background:**

Grace Fellowship of West Palm Beach, Inc. (Grace Fellowship), owns two (2) parcels within unincorporated Palm Beach County with the addresses of 8304 and 8350 Okeechobee Boulevard. The parcels house the Grace Fellowship Church and the Berean Christian School. Grace Fellowship has requested a voluntary annexation into the City in order to expand both the church and the school, as well as establish an approximately 2.9-acre portion of the 27.4-acre site for future commercial use. This application is for the annexation and the assignment of the City Future Land Use and Zoning designations for the site. The future expansion of the church or school, the development of the commercial site, and the platting of the property will occur as future applications.

ANNEXATION

Grace Fellowship is requesting that the City annex their approximately 27.4-acre site. The site consists of two (2) parcels located on the south side of Okeechobee Boulevard and bounded on the north and east sides by the City's boundary. The parcels are separated by a platted road right-of-way, which will automatically be incorporated as part of the annexation. Additionally, the south half of Okeechobee Boulevard will also become part of the City's jurisdiction.



While Palm Beach County found no inconsistencies with Chapter 171, Florida Statutes, for the proposed annexation and thus issued no objections thereto; they included the condition that the City work with Palm Beach County Engineering staff and FPL to transfer operation and maintenance responsibilities of the street lights from the County to the City upon completion of the annexation. Planning staff spoke with Mr. Al-Turk with the Palm Beach County Street Lighting Section of the Engineering Department, and since the lights are on a State roadway, FPL will bill the City for the lights and then FDOT will reimburse the City for the FPL charges. According to Mr. Al-Turk, the City currently has this arrangement for the other Okeechobee Boulevard street lights that are adjacent to the City's boundary.

#### FUTURE LAND USE MAP DESIGNATION

Upon annexation into the City, the property must be assigned a City FLU designation. Grace Fellowship is requesting that their site be assigned two (2) FLU designations. The first request is for a Large Scale FLU Map amendment to assign a Community Service (CS) FLU designation to an approximately 24.5 acre portion of the site. The second request is for a Small Scale FLU Map Amendment to assign a Commercial (C) FLU designation to an approximately 2.9 acre portion of the site.

Pursuant to Chapter 163 of the Florida Statutes, each level of service (LOS) element (i.e. drainage, potable water, wastewater, solid waste, school and traffic) for any proposed FLU map amendment shall be reviewed and analyzed by the City to determine if the new FLU designation, utilizing the maximum development potential, would cause any increase in impact, and if so, whether or not each public facility has the reserved capacity to accommodate the additional demand. The Level of Service analysis prepared by the applicant indicated an increase in water, wastewater, solid waste and traffic based on the additional intensity from the proposed City FLU designations as compared to the existing Palm Beach County FLU designations. Due to existing service agreements, the Palm Beach County Water Utilities Department (PBCWUD) will continue to provide water and wastewater service after the annexation and has provided a letter to the City that they have capacity to serve the additional demand. The applicant provided a letter from their solid waste provider, Waste Pro, that they can accommodate the increase in solid waste generation.

The Comprehensive Plan Amendment Transportation Analysis prepared by Pinder Troutman Consulting, Inc., showed that in the long range (Year 2040) time frame, the roadway network level of service is deficient if the site was built out at the maximum City FLU development intensity. The applicant has proposed to limit the maximum permitted development based on the maximum number of daily vehicle trips that are supported in the long range time frame as stated below:

- a. The 24.5-acre portion of the site with the Community Service (CS) Future Land Use designation may be developed to a maximum of 6,947 daily vehicle trips.

- b. The 2.9-acre portion of the site with the Commercial (C) Future Land Use designation may be developed to a maximum of 3,455 daily vehicle trips.

#### ZONING MAP DESIGNATION

Upon annexation into the City and the assignment of a City FLU designation, the property must be assigned a City zoning designation. The appropriate zoning designation for the 24.5-acre CS FLU portion of the site is Community Service (CS). Due to its location fronting Okeechobee Boulevard, General Commercial (GC) is the most appropriate commercial zoning designation for the 2.9-acre C FLU portion of the site. Any future development of the site will need to comply with the requirements for each district as provided in the Zoning and Development Regulations.

#### STANDARDS

Staff has determined that the annexation and FLU and Zoning designation assignments meet the requirements of Chapter 171 of the Florida Statutes, the Comprehensive Plan and the Zoning and Land Development Regulations. It is staff's professional opinion that:

- a. The proposed voluntary annexation (Ordinance No. 4944-21) has met the criteria for voluntary annexation, pursuant to Chapter 171, Florida Statutes;
- b. The proposed Future Land Use assignments (Ordinance Nos. 4945-21 and 4946-21) each meet at least one of the Future Land Use Amendment Standards found in Future Land Use Element Policy 1.1.5 of the City's Comprehensive Plan; and
- c. The proposed Rezoning assignment (Ordinance Nos. 4947-21 and 4948-21) each comply with all eight (8) rezoning standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

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

#### PLANNING BOARD

The Planning Board recommended approval (6-0) of the request to the City Commission after a Public Hearing on April 20, 2021.

#### NOTICE

Individual notices were mailed to all property owners within 500 feet of the Grace Fellowship Church parcels. Signs for the Major Amendment were posted on the property on April 2, 2021.

One neighboring household expressed opposition to the annexation request at the Planning Board meeting and provided a letter of opposition.

COMMISSION DISTRICT

Upon completion of the annexation, the subject property will be located within Commission District 4: Commissioner Joseph Peduzzi.

**Fiscal Note:**

FPL will charge the City for the street light maintenance, with FDOT reimbursing the City.

Until the property is developed with a commercial use, it is not anticipated to generate Ad Valorem taxes, as it will still be part of the Grace Fellowship Church.

23. **Public Hearing and First Reading of Ordinance No. 4949-21 approving the voluntary annexation of a 0.17-acre parcel, located at 4449 12th Street into the City of West Palm Beach.**

**Public Hearing and First Reading of Ordinance No. 4950-21 approving a Future Land Use map amendment changing the Future Land Use designation of a 0.17-acre parcel located at 4449 12th Street from a Palm Beach County Commercial High (CH/8) designation to a City of West Palm Beach Commercial designation.**

**Public Hearing and First Reading of Ordinance No. 4951-21 regarding a rezoning to change the zoning designation of a 0.17-acre parcel located at 4449 12th Street from a Palm Beach County General Commercial zoning designation to a City of West Palm Beach General Commercial zoning designation.**

**Discussion of Resolution No. 116-21 regarding the abandonment of a 20-foot wide by 125-foot long portion of a platted alley right-of-way, located on the north side of 12th Street and approximately 273 feet east of North Military Trail, and consisting of approximately 0.06-acres (2,500 square feet).**

**The above referenced requests are being made by Kevin McGinley of LRMI, on behalf of Military Brake and Alignment Services, Inc.**

**ORDINANCE NO. 4949-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 0.17 ACRES OF LAND LOCATED AT 4449 12TH STREET; DECLARING THAT ALL LEGAL PREREQUISITES AND REQUIREMENTS HAVE BEEN MET; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**ORDINANCE NO. 4950-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF AN APPROXIMATELY 0.17-ACRE PARCEL LOCATED AT 4449 12TH STREET FROM A PALM BEACH COUNTY COMMERCIAL HIGH DESIGNATION TO A CITY OF WEST PALM BEACH COMMERCIAL DESIGNATION; DECLARING THE PROPOSED AMENDMENT TO FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**ORDINANCE NO. 4951-21: 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 AN APPROXIMATELY 0.17 ACRE PARCEL LOCATED AT 4449 12TH STREET FROM A PALM BEACH COUNTY GENERAL COMMERCIAL ZONING DESIGNATION TO A CITY OF WEST PALM BEACH GENERAL COMMERCIAL ZONING DESIGNATION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 116-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING AN APPROXIMATELY 0.06 ACRE (2,500 SQUARE FEET) PORTION OF A PLATTED RIGHT-OF-WAY LOCATED ON THE NORTH SIDE OF 12TH STREET AND APPROXIMATELY 273 FEET EAST OF NORTH MILITARY TRAIL; RESERVING A UTILITY EASEMENT; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23370*

**Staff Recommended Motion:**

Approve Ordinance No. 4949-21 approving a voluntarily annexing a 0.17-acre parcel located at 4449 12th Street into the City of West Palm Beach. 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 annexation meets the criteria set forth in Section 171.044, Florida Statutes.

Approve Ordinance No. 4950-21 to change the Future Land Use designation of a 0.17-acre parcel located at 4449 12th Street from a Palm Beach County Commercial High (CH/8) to a City of West Palm Beach Commercial Future Land Use designation. 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 the provisions of Chapter 163, Florida Statue and the Future Land Use Amendment Standards found in Policy 1.1.5 of the Future Land Use Element of the City's Comprehensive Plan.

Approve Ordinance No. 4951-21 to rezone a 0.17-acre parcel located at 4449 12th Street changing the zoning designation from Palm Beach County General Commercial to City of West Palm Beach General Commercial. This motion is based upon the application submitted, the staff report, the testimony given, the recommendation of the Planning Board, along with the findings that the rezoning is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Discuss Resolution No. 116-21 to consider the abandonment of a 20-foot wide by 125-foot long platted portion of an alley right-of-way, located on the north side of 12th Street and approximately 273-feet east of North Military Trail, and consisting of 0.06-acres (2,500 square feet).

**Background:**

(The information provided below is a general summary on the proposed annexation, Future Land Use map amendment and rezoning. A full analysis is included in the Staff Report).

The 0.17-acre subject property is located on the north side of 12th Street, and approximately 213-feet east of North Military Trail, with an address of 4449 12th Street in unincorporated Palm Beach County. The property, which is bordered by the Peggy Adams Animal Rescue Facility, except for a 20-foot wide platted public alley right-of-way immediately east, is comprised of a one (1) story, 2,662 square foot automotive repair shop, Military Brake and Alignment Services, Inc., that has been in operation on the property since 1964.

Over the years, the property has been subject to a number of code enforcement violations in the County for signage, use of the adjacent alley right-of-way for the existing operation, parking and other minor infractions. In the course of addressing those complaints, it was determined by the applicant that annexing the property into the City of West Palm Beach would offer a more practical approach to resolving the code violations. It is the applicant's desire for voluntary annexation into the City, along with a request for a Future Land Use (FLU) Map Amendment and rezoning for consistency with the City's FLU and Zoning designations. The applicant has also submitted a request for the abandonment of the portion of the adjacent 20-foot wide by 125-foot long alley right-of-way to allow the existing operation additional area to operate.

On October 13, 2020, Planning Staff received a letter from the Palm Beach County Department of Planning, Zoning and Building, stating that County Staff has not identified any inconsistencies with Chapter 171, Florida Statutes and that there are no County-owned or maintained roads affected by the proposed annexation, and therefore, the County would not object to the annexation request. The letter has been included in the attached Staff Report as an exhibit.

Staff's analysis of the proposed annexation, FLU map amendment and rezoning of the subject property, and the analysis for the abandonment of the subject 20-foot wide by 125-foot long portion of the platted public alley immediately east of the subject property, are summarized below:

#### ANNEXATION

Staff has found that the proposed annexation of the subject property has met the criteria for voluntary annexation, pursuant to Chapter 171, Section 171.044, Florida Statutes. Staff's analysis of the applicable annexation criteria, as set forth in Section 171.044, Florida Statutes is provided in the Staff Report.

#### FUTURE LAND USE (FLU) MAP AMENDMENT

Under statutory law, once the subject property is annexed into the City, the property is required to possess a City land use designation. Therefore, in conjunction with the voluntary annexation request, the applicant is requesting a Future Land Use (FLU) change of the subject property from a Palm Beach County Commercial High (CH/8) FLU designation to a City of West Palm Beach Commercial (C) FLU designation.

Staff does not anticipate any issues with the proposed FLU amendment. As part of any proposed FLU amendment, a level of service (LOS) analysis was conducted to determine if the proposed FLU designation for the subject property would cause any increase in impacts to the public facilities servicing the site and the surrounding area and if there is reserved capacity to accommodate any increase in demand (i.e. potable water, wastewater, solid waste, roadway, etc.). Since the maximum allowable development is reduced with the proposed FLU change to City Commercial, the demand on public facilities is also expected to decrease and not cause any capacity issues.

In terms of land use compatibility, the existing automotive repair shop is a commercial use that has been in existence on the subject property for many years, operating harmoniously with the automotive use to the south and the commercial uses along Military Trail. According to the applicant, the auto repair shop use is expected to continue on the property.

## REZONING

In conjunction with the request to change the FLU, the applicant is also seeking approval to change the zoning designation of the subject property from Palm Beach County General Commercial (CG) to City of West Palm Beach General Commercial (GC) for consistency with the annexation and the FLU map amendment applications.

Based on Staff's review of the rezoning request, Staff has no objection. The rezoning to GC is consistent with the proposed FLU designation of C. It is also Staff's professional opinion that the application for the rezoning meets the Rezoning Standards of Section 94-32 of the City's Zoning and Land Development Regulations (ZLDRs) and therefore, Staff has no objection to the rezoning request.

## ABANDONMENT OF ALLEY RIGHT-OF-WAY (ROW)

The platted portion of the alley right-of-way considered for abandonment is located immediately east of the parcel located at 4449 12th Street. The subject portion of the alley is 20-foot wide by 125-foot long and consist of approximately 0.06-acres (2,500 square feet). There is a survey of the right-of-way.

The applicant, who is also the property owner of the adjacent parcel at 4449 12th Street, is requesting approval for the vacation of the subject right-of-way for assemblage with the property at 4449 12th Street.

The abandonment of the subject portion of the alley right-of-way will not result in any negative impact to the surrounding area since the subject portion of the alley dead-ends into the private property with no immediate access from the right-of-way.

A portion of the right-of-way is also encumbered by utility lines, and a utility easement reservation will be required if the abandonment is approved.

An appraisal for the abandonment of the subject portion of the alley was prepared by Anderson & Carr, Inc., on April 26, 2021. According to the appraisal report, the market value for the subject area with a utility easement reservation is \$22,500. The applicant has agreed to pay the City the appraised value for the abandonment.

## CONCLUSION

**STANDARDS:** It is in Staff's professional opinion that the annexation, Future Land Use map amendment and rezoning satisfy all the standards required by Chapters 171 and 163, Florida Statutes, the City's Comprehensive Plan and the City's Zoning and Land Development Regulations. It is also in Staff's professional opinion that the requested abandonment complies with the abandonment criteria in Section 78-217 of the City's Code of Ordinances. Therefore, Staff is recommending approval of all requests.

**PLANNING BOARD:** After a Public Hearing on March 16, 2021, the Planning Board voted unanimously to recommend approval (6-0) of the annexation, Future Land Use map amendment and the rezoning. The request for the right-of-way abandonment was not required to go before the Planning Board.

**PUBLIC NOTICE (Annexation, FLU amendment and Rezoning):** Individual notices were mailed to all property owners within 500 feet of the subject property on May 14, 2021, and the site has been posted since February 26, 2021. Per Statutory requirement, the First Reading of Ordinance Nos. 4949-21 and 4950-21 were advertised in the Palm Beach Post on May 31, 2021 and June 7, 2021.

**PUBLIC NOTICE (ROW Abandonment):** Pursuant to the requirement of Section 78-215(b) of the City's Code of Ordinances, individual notices were mailed to all property owners within 400 feet of the subject right-of-way on May 14, 2021 and the site has been posted since May 14, 2021. At the time of this report, the City has received no inquiries regarding the general nature of the abandonment request.

**COMMISSION DISTRICT:** The 0.17-acre subject property considered for the annexation, Future Land Use map amendment, and rezoning is located at 4449 12th Street, and upon the approval of the annexation, the parcel will be located within Commission District 2:: Commissioner Shalonda Warren.

The 0.06-acre portion of the alley considered for the abandonment is located within Commission District 2: Commissioner Shalonda Warren.

**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.**