



WEST PALM BEACH

**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**August 23, 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:

PRESENTATION (1):

1. **Legislative session update from the City's legislative team to the Commission regarding the Mayor's priorities and the Commission from last Session.**

APPOINTMENTS (2-3):

2. **Commission approval is requested for the Mayor's reappointment of Ms. Beverly Elliott Morrison and Ms. Jennifer B. Loyless to the Criminal Justice Advisory Committee for a term of two years (2) to expire July 19, 2021 and August 16, 2021, respectively. Ms. Morrison and Ms. Loyless have served over the maximum allowed number of terms (3), and it is required that the City Commission confirms their reappointments.**

Agenda Cover Memorandum No.: 23444

Staff Recommended Motion:

Ms. Morrison is being recommended for reappointment based on her Law enforcement experience.

Ms. Loyless is being recommended for reappointment based on her experience with the Public Defender's Office.

3. **Commission approval is requested for the Mayor's reappointment of Jonathan "Jack" Frost to the Police Pension Board of Trustees for a term of four years (4) to expire October 1, 2025. Mr. Frost has served over the maximum allowed number of terms (3), and it is required that the City Commission confirms his reappointment.**
Agenda Cover Memorandum No.: 23445

Staff Recommended Motion:

Mr. Frost is recommended for reappointment for his institutional knowledge and experience as Chair of this board.

CONSENT CALENDAR (4-12):

4. **Minutes of the Regular City Commission Meeting of August 9, 2021.**
Agenda Cover Memorandum No.: 23460

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of August 9, 2021.

5. **Resolution No. 201-21 authorizing the assessment of city liens in the total amount of \$16,308.72 for unpaid water service, sewer service, and stormwater service charges for the month of May 2021.**

RESOLUTION NO. 201-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE FOR THE MONTH OF MAY 2021; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23446

Staff Recommended Motion:

Approve Resolution No. 201-21.

Background:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 201-21 are for unpaid water service, sewer service, and stormwater service charges for the month of May 2021. The list of properties to be assessed and the associated charges totaling \$16,308.72 are in Resolution No. 201-21 as EXHIBIT A - Utility Lien List - May 2021.

Fiscal Note:

No fiscal impact.

6. **Resolution No. 173-21(F) amending the FY 2020/21 full time equivalent (F.T.E.) personnel detail of the General Fund budget for the Finance Department to add one (1) Full-Time Accounting Supervisor to provide required financial compliance tasks for the \$24.5 Million American Rescue Plan Act Funding; and**

Resolution No. 174-21(F) to provide budget appropriations for the position.

RESOLUTION NO. 173-21(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 FINANCE DEPARTMENT FOR THE PURPOSE OF ADDING ONE (1) F.T.E. ACCOUNTING SUPERVISOR TO PROVIDE REQUIRED FINANCIAL COMPLIANCE TASKS FOR THE AMERICAN RESCUE PLAN ACT FUNDING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 174-21(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 PROVIDE APPROPRIATIONS TO ADD ONE (1) F.T.E. ACCOUNTING SUPERVISOR FOR THE FINANCE DEPARTMENT TO SUPPORT REQUIRED FINANCIAL COMPLIANCE TASKS FOR THE AMERICAN RESCUE PLAN ACT FUNDING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23447

Staff Recommended Motion:

Approve Resolution No. 173-21(F) and Resolution No. 174-21(F).

Background:

On May 10, 2021, the City was awarded \$24,530,823 in the American Rescue Plan Act (ARPA) Funding, payable to the City in two (2) tranches, the first half sixty (60) days after the enactment, the second half one (1) year later. On May 19, 2021, the City received the first tranche of funding in the amount of \$12,265,411.50.

The addition of a full-time Accounting Supervisor is needed in the Finance Department for the purpose of performing duties related to budgeting, tracking, and reporting for the ARPA Funding. Fiscal tasks require the ability to capture expenditure and revenue data and create detailed spreadsheets to support requests for funding and to maximize reimbursements.

The Accounting Supervisor position will be funded 100% with APRA funds for the duration of the grant period.

The ARPA Grant Fund revenue will be transferred to the General Fund to offset expenditure appropriations in the amount of \$112,000.

Fiscal Note:

Approval will transfer ARPA grant funds to the General Fund to provide budget for adding one (1) FTE Accounting Supervisor.

7. **Resolution No. 216-21 ratifying submittal of a grant reimbursement application in an amount up to \$75,000 for the Federal Communications Commission's Emergency Connectivity Fund Program.**

RESOLUTION NO. 216-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING SUBMITTAL OF A GRANT REIMBURSEMENT APPLICATION IN AN AMOUNT UP TO \$75,000 FOR THE FEDERAL COMMUNICATIONS COMMISSION'S EMERGENCY CONNECTIVITY FUND PROGRAM FOR THE PURCHASE OF EQUIPMENT AND SERVICES NEEDED TO MEET THE REMOTE LEARNING NEEDS OF STUDENTS WHO WOULD OTHERWISE LACK SUFFICIENT ACCESS TO CONNECTED DEVICES AND/OR A BROADBAND INTERNET ACCESS CONNECTION WHILE OFF CAMPUS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23448

Staff Recommended Motion:

Approve Resolution No. 216-21.

Background:

On May 10, 2021, the Federal Communications Commission (“FCC”) unanimously adopted final rules in a Report and Order to implement the Emergency Connectivity Fund Program, which was created pursuant to Section 7402 of the American Rescue Plan. The \$7.17B program will enable schools and libraries to purchase laptop and tablet computers, Wi-Fi hotspots, and provide broadband connectivity for students, school staff, and library patrons in need during the COVID-19 pandemic. These rules set in motion a process for schools and libraries to receive funding for one hundred percent (100%) of purchases to provide remote learning and library services.

Due to application deadline constraints, on or about August 13, 2021, the Mandel Public Library of West Palm Beach submitted a grant application for reimbursement in an amount of up to \$75,000 for the purchase of connected devices (laptops and tablet computers) and Wi-Fi hotspots to assist students with remote learning who would otherwise lack sufficient access to connected devices and/or a broadband internet access connection while off campus.

If awarded, the Mandel Public Library of West Palm Beach would purchase the aforementioned connected devices and Wi-Fi hotspots and make them available to students through our City’s parks and community centers.

8. **Resolution No. 190-21 approving a Conditional Settlement Agreement in the amount of \$100,000 in the matter of Nicolas Pizarro, Jr. v. City of West Palm Beach.**

RESOLUTION NO. 190-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT IN THE AMOUNT OF \$100,000 IN THE MATTER OF NICHOLAS PISARRO, JR. V. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23449

Staff Recommended Motion:

Approve Resolution No. 190-21.

Background:

A claim has been brought by Nicholas Pizarro, Jr. v. City of West Palm Beach, for an accident that occurred on January 24, 2019. A settlement agreement has been reached with Mr. Pizarro and the City to resolve the matter for \$100,000. Mr. Pizarro will sign a general release that releases the City from all claims arising from this incident, which ends all of the claims for damages, including all attorney's fees and costs, against the City of West Palm Beach.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims over \$30,000 shall require the approval of the City Commission by formal resolution. Resolution No. 190-21 approves the conditional settlement agreement.

9. **Resolution No. 197-21 approving a new cooperation agreement between the City of West Palm Beach and Medical Career Academy, Inc. for student training in paramedic and emergency medical technician programs.**

RESOLUTION NO. 197-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND MEDICAL CAREER ACADEMY INC., FOR STUDENT TRAINING IN PARAMEDIC AND EMERGENCY MEDICAL TECHNICIAN PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23450

Staff Recommended Motion:

Approve Resolution No. 197-21.

Background:

The City of West Palm Beach, through its Fire Department, cooperates with local educational institutions, which provide education and training of students in paramedic and emergency medical technician (EMT) programs. The City participates by allowing students to ride on advanced life support transport unit, observe and perform a variety of life saving skills under the direct supervision of an assigned professional.

The City and Medical Career Academy (MCA) desire to enter into the Cooperation Agreement, which provides for the respective parties' responsibilities and obligations.

Resolution No. 197-21 approves and authorizes the Mayor to execute a new cooperation agreement between the City and MCA for students training in paramedic and EMT programs.

Fiscal Note:

No fiscal impact.

- 10. Resolution No. 203-21 approving Amendment No. 3 to the Construction Manager at Risk Contract with The Whiting-Turner Construction Company for the Banyan Blvd Streetscape project to increase the Guaranteed Maximum Price by \$600,000 and Contract Time by 110 days.**

RESOLUTION NO. 203-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE BANYAN BOULEVARD STREETScape BETWEEN THE CITY OF WEST PALM BEACH AND WHITING-TURNER CONTRACTING COMPANY TO ESTABLISH A REVISED GUARANTEED MAXIMUM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23451

Staff Recommended Motion:

Approve Resolution No. 203-21.

Background:

Banyan Boulevard is a major collector road, with over 14,000 Annual Daily Trips, for Downtown West Palm Beach connecting Australian Avenue to Flagler Drive. In 2013, the City prioritized paving on Banyan Blvd. as part of the Public Works Bond to improve deteriorated road conditions.

The City issued its Request for Qualifications No. 17-18-402 for Construction Manager At Risk services for Downtown Streetscapes and Alleyways. Whiting-Turner Construction Company was awarded a Construction Manager at Risk Contract for Banyan Blvd Streetscape on May 17, 2019.

The West Palm Beach Community Redevelopment Agency (CRA) and the City of West Palm Beach are partnering with Engineering Services to implement complete streets, enhance safety, and efficiency of the corridor. The City retained Wantman Group (WGI) to perform a traffic study, investigate road conditions, and recommend a sustainable typical section. The scope of work includes, but is not limited to: drainage improvements, street lighting, ADA access, landscaped median, mid-block crosswalk enhancement, traffic signalization, smart city technology, and sidewalk and bike access.

Whiting-Turner (WT), a contracting firm, was retained as the Construction Manager at Risk (CMAR) to build the project.

With the proposed improvements, Banyan Blvd will be transformed into a highly visible Gateway into the downtown district.

On July 12, 2021, the City Commission approved an additional funds of \$600,000 to replace the existing Water Main at the FEC Railroad Tracks (Phase 1A) via Resolution No. 159-21(F). The Banyan Avenue Streetscape - Phase 1 construction project is currently underway and is 50% complete. Included in this change order, is a request of 110 additional days extending the project substantial completion date to June 23, 2022 and Final Completion date August 6, 2022.

Resolution No. 57-20 established the original Guaranteed Maximum Price ("GMP") at \$15,461,731.56.

Resolution No. 203-21 approves a \$600,000 increase to the Guaranteed Maximum Price ("GMP") for the Banyan Blvd Streetscape as directed through Resolution No. 159-21(F), adjusting the GMP to \$16,061,731.56, adding 110 days to the contract time, and authorizes execution of the Third Amendment to the Contract establishing the revised GMP.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Approval revised the Banyan Blvd Streetscape GMP to a new total of 16,061,731.56.

11. **Resolution No. 205-21 authorizing the execution of a quit claim reverter deed for a four (4) foot strip of land at 2119 South Dixie Highway.**

RESOLUTION NO. 205-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A QUIT CLAIM REVERTER DEED REGARDING THE CONVEYANCE OF A FOUR (4) FOOT STRIP OF LAND ALONG THE EAST SIDE OF LOTS 10 AND 11, BLOCK 20, LOCATED AT 2119 SOUTH DIXIE HIGHWAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23452

Staff Recommended Motion:

Approve Resolution No. 205-21.

Background:

The building at 2119 S. Dixie Highway, currently Todd's Restaurant, was formerly a Cadillac and Ragtops car dealership and was built in 1927. Prior to that in 1926, Palm Beach Cadillac deeded a four (4) foot strip along Dixie Highway for street and sidewalk purposes, which contained a reverter clause if the City failed to use the property for the intended purposes. The building was built up to the right-of-way line and over the four (4) foot strip, and the City was never able to use the property for street and sidewalk purposes. The current owner is selling the property, and the encroachment has created a cloud on the title. The owner has notified the City that it desires to enforce the reverter clause in the original deed, because the property was never used for street or sidewalk purposes. Execution of a quit claim deed by the City will resolve the title issue.

The property is located in Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

12. **Resolution No. 214-21 granting an easement to Florida Power & Light (FPL) at 1014 10th Street as part of the Tamarind Avenue Improvements Phase 1 project.**

RESOLUTION NO. 214-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A UTILITY EASEMENT TO FLORIDA POWER & LIGHT ON CITY PROPERTY LOCATED AT 1014 10TH STREET FOR UNDERGROUNDING EXISTING FACILITIES ALONG TAMARIND AVE.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23453

Staff Recommended Motion:

Approve Resolution No. 214-21.

Background:

As part of the Tamarind Avenue Improvements Project, a portion of the overhead electrical facilities are to be relocated underground between Banyan Boulevard and Palm Beach Lakes Boulevard. Due to the many side streets and alleys, additional transformer locations were required. The City currently owns the vacant property located at 1014 10th Street. FPL has requested a ten (10) foot square easement in the Northwest corner of the property to relocate its facilities.

This project is located in Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

RESOLUTION (13):

13. **Resolution No. 202-21 approving a Construction Agreement with the Florida Department of Transportation related to the FDOT right of way at Quadrille Blvd. and Clematis Street.**

RESOLUTION NO. 202-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONSTRUCTION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ALLOWING THE CITY TO CONSTRUCT CERTAIN IMPROVEMENTS WITHIN THE FDOT RIGHT-OF-WAY LOCATED AT QUADRILLE BOULEVARD AND CLEMATIS STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23454

Staff Recommended Motion:

Approve Resolution No. 202-21.

Background:

The City and CRA worked together on the design and construction of the Clematis Streetscape. Phase 1 of the project was completed in October 2018 on the 300 block of Clematis. The design that features a curbless street, wider sidewalks, and more tree canopy was continued through Phase 2 on the 100 and 200 Blocks of Clematis that was completed in December 2019. Phase 3 is the final phase of construction that will include similar improvements to the 400 and 500 Blocks of Clematis and will also include some aesthetic improvements to the 600 Block of Clematis including the Clematis Street and Quadrille Boulevard intersection.

The Intersection is under FDOT jurisdiction. In order to complete the project, the City needs to execute this agreement to allow Burkhardt Construction to make the needed improvements at the above mentioned intersection, as per the approved design.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

PUBLIC HEARINGS (14-15):

- 14. Public Hearing of Resolution No. 199-21 adopting the assessment roll for the Chronic Nuisance Assessment for fiscal year 2021/22, which includes properties with unpaid charges for the abatement of code violations and chronic nuisance.**

RESOLUTION NO. 199-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATED TO THOSE NON-AD VALOREM ASSESSMENTS, WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT MOWING AND DEBRIS REMOVAL SERVICES, BOARDING AND SECURING OF VACANT OR UNSAFE STRUCTURES, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES, CALLS FOR SERVICE AND INSPECTIONS TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY, AND OTHER PROPERTY MAINTENANCE SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY; APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2021/22; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23455

Staff Recommended Motion:

Approve Resolution No. 199-21.

Background:

In September 2011, the City of West Palm Beach adopted a series of new Ordinances intended to change the way the City deals with chronic nuisance properties and chronic nuisances in general. These ordinances were intended to recognize that the work that City staff provides to chronic nuisance properties is of direct benefit to the affected property. Through the adoption of Ordinance Nos. 4350-11, 4361-11, and 4362-11, the City Commission declared that any unpaid chronic nuisance service charges, unpaid Code Enforcement re-inspection assessment charges, or unpaid costs incurred for the abatement of code violations that remained delinquent and unpaid should become a special assessment against these properties as a non-ad valorem assessment equal in rank and dignity to a lien for ad valorem taxes.

In order to satisfy the statutory requirements for the implementation of special assessments contained in Section 197.3632 Florida Statutes, the City Commission also adopted Resolution No. 17-13, which declared the City's intent to utilize the uniform method of collecting these non-ad valorem assessments.

By Resolution No. 161-21, the City Commission directed the Finance Director to prepare an assessment roll for the chronic nuisance service assessments for fiscal year 2021/22, and set August 23, 2021 as the date for the public hearing to adopt a final assessment roll as required by statute. Written notification by first class mail was sent to each affected property owner advising of the total amount to be levied against each parcel of assessed

real property; that failure to pay the assessment will cause a tax certificate to be issued against the property; that the property owners have a right to appear at the public hearing and to file written objections with the City Commission within twenty (20) days of the date of the notice; and providing the date, time, and place of the public hearing. Notice of the assessment was also published in the Palm Beach Post.

Fiscal Note:

No fiscal impact, as revenue generated from the Chronic Nuisance Program is a reimbursement of expenditures incurred by the City to abate the nuisance.

15. **Public Hearing of Resolution No. 200-21 establishing the rates for the Fire Service Assessment Fee for fiscal year 2021/2022 and approving the assessment roll.**

RESOLUTION NO. 200-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE RATES FOR THE FIRE SERVICE SPECIAL ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021; APPROVING THE RATES OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23456

Staff Recommended Motion:

Approve Resolution No. 200-21 with no increase in the Fire Service Assessment Fee.

Background:

Fire suppression, prevention, and other fire services provide a special benefit to properties by protecting the value and integrity of improvements to real property and protecting the use and enjoyment of such property. The availability of comprehensive fire services reduces the cost of fire insurance and enhances the market perception and property values.

In 2008, the City Commission adopted Ordinance No. 4141-08, Resolution No. 212-08, and Resolution No. 332-08, establishing an annual recurring Fire Services special assessment program for properties within the City to fund the assessable costs of providing fire services, excluding Emergency Medical Services. The City Commission approved a rate increase for the Fire Service Assessment August 27, 2018 for the first time since initially adopted in 2008. In fiscal year 2019/20, it was determined that a further increase in the Fire Assessment rates was necessary to help offset the increase in the operating costs of the Fire Department. Accordingly, by Resolution No. 228-19 on July 15, 2019, the City Commission adopted the Preliminary Rate for 2019/20, which increased the fire assessment rates. The City contracts with Government Services Group (GSG) Inc. for annual Fire Assessment Program services. Studies conducted by GSG Inc. revealed significant increases in firefighters' pensions, building renovations for additional personnel, acquisition and maintenance of fire trucks, equipment, hoses and apparatus, and operating costs over the period 2008 to 2019 justifying the two rate increases.

By Resolution No. 160-21, the City Commission adopted the Preliminary Rate Resolution directing the matters specified in Section 2.08 of the Ordinance, including the updating of the Assessment Roll, the mailing and publication of notice, and the scheduling of a public hearing. The Preliminary Rate Resolution made no change to the assessment rates.

The preliminary Assessment Roll was updated and made available for inspection by the public, as required by the Ordinance. Notice of this public hearing was published in the Palm Beach Post on August 3, 2021 and was also mailed to each affected property owner.

Based on the discussion at the Commission Meeting held on July 12, 2021, the Fire Service Assessment will remain the same as fiscal year 2021. The current rates are:

RESIDENTIAL: \$100

NON-RESIDENTIAL PROPERTY
(Rate Per Building Square Foot)

- Commercial: \$0.103
- Industrial/Warehouse: \$0.018
- Institutional: \$0.123
- Nursing Home: \$0.372

No Fire Services Assessment will be imposed upon Governmental Property. The City will buy down this exemption with non-assessment funds.

Institutional Property, whose use is wholly exempt from taxation under Florida law, shall be assessed, but shall be required to pay only twenty percent (20%) of the Fire Services Assessment imposed against each parcel. The City will buy down this eighty percent (80%) exemption with non-assessment funds.

The Fire Service Special Assessment will be collected by the County Tax Collector through the property tax bill.

Resolution No. 200-21 approves the Fire Service Special Assessment for FY21/22 without change to the assessment rates.

Fiscal Note:

Revenue projections are sufficient to meet expenditure appropriations for fiscal year 2022.

**PUBLIC HEARING – QUASI JUDICIAL (16-18):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

- 16. Public Hearing and Second Reading of Ordinance No. 4960-21 regarding a Future Land Use (FLU) Map Amendment to change the FLU designation of ±4.15 acres located at 2101 Presidential Way from Multifamily to Commercial East;**

Public Hearing and Second Reading of Ordinance No. 4961-21 regarding a Rezoning to change the zoning designation of ±4.15 acres located at 2101 Presidential Way from Residential Planned Development to General Commercial, with a further rezoning to Commercial Planned Development; and

Public Hearing of Resolution No. 177-21 regarding a Major Amendment to the Banyan Cay Residential/Commercial Planned Development to expand the boundaries of the RPD/CPD to include an additional ±4.15 acres located at 2101 Presidential Way, grant waivers to the City's Zoning and Land Development Regulations, and amend the master plan and design guidelines accordingly, to provide for the construction of a 191-unit multifamily residential development.

The above-referenced requests are being made by Joni Brinkman, of Urban Design Studio, on behalf of ECI-Palm Beach, LLC.

ORDINANCE NO. 4960-21: 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 ±4.15 ACRES LOCATED AT 2101 PRESIDENTIAL WAY FROM MULTIFAMILY TO COMMERCIAL EAST; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4961-21: 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 REZONING ±4.15 ACRES LOCATED AT 2101 PRESIDENTIAL WAY FROM A RESIDENTIAL PLANNED DEVELOPMENT ZONING DESIGNATION TO GENERAL COMMERCIAL, WITH A FURTHER REZONING TO COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 177-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE BANYAN CAY RESORT RESIDENTIAL AND COMMERCIAL PLANNED DEVELOPMENTS, GENERALLY LOCATED NORTH OF PRESIDENTIAL WAY AND EAST OF CONGRESS AVENUE, TO EXPAND THE BOUNDARIES AND INCORPORATE AN ADDITIONAL ±4.15 ACRES, GRANT WAIVERS TO THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS, AND AMEND THE MASTER PLAN, DEVELOPMENT PROGRAM, AND DESIGN GUIDELINES ACCORDINGLY TO PROVIDE FOR THE CONSTRUCTION OF A MULTIFAMILY RESIDENTIAL DEVELOPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23457

Staff Recommended Motion:

Approve Ordinance No. 4960-21, changing the Future Land Use designation of ±4.15 acres located at 2101 Presidential Way from Multifamily to Commercial. 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 standards found in Policy 1.1.5 of the Future Land Use Element of the City's Comprehensive Plan.

Approve Ordinance No. 4961-21, changing the zoning designation of ±4.15 acres located at 2101 Presidential Way from Residential Planned Development to General Commercial, with a further rezoning to Commercial Planned Development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 177-21, approving a Major Amendment to the Banyan Cay Residential/Commercial Planned Development to expand the boundaries of the RPD/CPD to include an additional ±4.15 acres located at 2101 Presidential Way, granting waivers to the City's Zoning and Land Development Regulations, and amending the master plan and design guidelines accordingly, to provide for the construction of a 191-unit multifamily residential development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, the findings that the request complies with the Comprehensive Plan, and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report.)

Located north of Presidential Way and east of Congress Avenue, Banyan Cay currently consists of a total of ±119.53 acres and is the location of the former north golf course of The President Country Club, within the Lands of the President. Due to a decline in the membership and the financial instability of the private club, The President Country Club was sold in July 2011.

In order to enhance the remaining south golf course, the north course was approved for redevelopment as an exclusive resort-style community consisting of residential homes; a resort hotel with spa, meeting space, and restaurant; golf clubhouse; and a future multifamily high-rise, and resort cottages. Originally known as the PCC Resort Community, the initial version was adopted by the City Commission on July 8, 2013.

Several amendments have occurred since the original approval, with the most recent being approved by the City Commission on May 3, 2021. The golf course clubhouse was ultimately completed (but is still pending a final Certificate of Occupancy) and many of the 94 single family homes in Pod A have also been completed and are now occupied; the remaining homes in Pod A have been permitted. Following a lengthy stall, the hotel and associated parking garage have also resumed construction.

Adjacent to the Banyan Cay RPD/CPD, across Presidential Way, is the site of the tennis courts that once belonged to The President Country Club, along with a large vacant tract of land that used to be a part of the south golf course before it was redesigned. Together, consisting of ±4.15 acres, this plot of land was the location of a previously-approved multifamily development known as Presidential Tower. Presidential Tower was approved as a 193-foot tall residential building consisting of 288 dwelling units. Ultimately this project was never constructed and the entitlements authorizing such development expired. With the exception of the tennis courts, the property continues to sit vacant.

In October 2019, the site of Presidential Tower was acquired by ECI Palm Beach, LLC with the hopes of moving forward with a multifamily residential project. ECI Palm Beach, LLC, hereinafter referred to as “the applicant”, has developed a proposal to construct an eight (8) story multifamily building, but is requesting 191 dwelling units, 58 units more than what the current MF FLU allows. As density waivers are no longer an option, the applicant has proposed to incorporate their site into the adjacent Banyan Cay RPD/CPD and make it a part of the master-planned community. By doing so, it would allow unbuilt dwelling units within the Banyan Cay site to be carried over to the applicant’s parcel on the southwest side of Presidential Way. The density across the expanded PD would continue to be within the allowance given by the Comprehensive Plan, it would just be shifting units from one area to another, similar to a Transfer of Development Rights (TDR) program.

In order to provide for the incorporation into Banyan Cay, the zoning and FLU designations of the ±4.15-acre property need to be consistent with the rest of the master plan. As such, the applicant is proposing to change the FLU designation of the former Presidential Tower site, hereinafter referred to as the “expansion parcel” from Multifamily (MF) to Commercial East (CE), as well as change the zoning designation from Residential Planned Development (RPD) to General Commercial (GC), with a further rezoning to Commercial Planned Development (CPD). Immediately following, the master plan, legal description, etc. for the Banyan Cay RPD/CPD would all be updated to incorporate the expansion parcel; pursuant to Sec. 94-207.e. of the City’s ZLDRs; this aspect requires a Major Amendment to Banyan Cay.

The expansion parcel is proposed to become Pod E, Permissible Building Area (PBA) #8, within the Banyan Cay Master Plan, and as indicated previously, developed with an eight (8) story building containing 191 multifamily dwelling units. Included with the applicant’s Major Amendment is their request to add two (2) waivers from the City’s ZLDRs; they are outlined below:

- Waiver Request #1: Section 94-77.a.3 – Maximum Building Height
- Waiver Request #2: Section 94-486 – Required Parking

CONCLUSION: Overall, the proposed residential development on the expansion parcel is a significant reduction from what was approved in 2006-2007, both in terms of building scale as well as the number of residential dwelling units. While there is some concern about the expansion of the Banyan Cay RPD/CPD across Presidential Way into an area that otherwise is residentially zoned, utilization of the Banyan Cay master plan and design guidelines will ensure that the site is limited to multifamily residential uses and that development of such (or any future modifications to) go through an extensive review process. Restricting the FLU designation further prevents any development that would be incompatible with the surrounding area.

Subject to the conditions outlined in Resolution No. 177-21, the project complies with all of the other requirements of Banyan Cay RPD/CPD, and the Development Services Department – Planning Division has found that the request satisfies all of the standards found within the City’s Comprehensive Plan and ZLDRs. Therefore, Staff is recommending approval of the request, subject to the conditions outlined in Resolution No. 177-21.

PLANNING BOARD: After a Public Hearing on June 15, 2021, the Planning Board recommended approval (4-0) of the request, subject to the conditions recommended by Staff.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. As required by Florida Statutes, Ordinance No. 4960-21 was advertised on August 18, 2021. Ordinance No. 4961-21 and Resolution No. 177-21 were advertised on August 13, 2021.

Commission District Nos. 1 and 3: Commissioner Kelly Shoaf and Commissioner Christy Fox, respectively.

Fiscal Note:

No fiscal impact.

17. **Public Hearing of Resolution No. 193-21 approving the re-plat entitled "Roosevelt Estates Replat of Block 11" located at the Southeast corner of North Australian Avenue and Palm Beach Lakes Boulevard.**

RESOLUTION NO. 193-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION AND RE-PLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "ROOSEVELT ESTATES REPLAT OF BLOCK 11", CONSISTING OF ONE (1) LOT, CONTAINING A TOTAL OF APPROXIMATELY 3.09 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23458

Staff Recommended Motion:

Approve Resolution No. 193-21 creating the Plat entitled "Roosevelt Estates Replat of Block 11". This motion is based upon the plat submitted, the staff report, factual testimony, and the findings that the plan is consistent with the Comprehensive Plan, complies with the requirements set forth in Sections 94-44 and 94-342 of the Zoning and Land Development Regulations, and complies with all applicable provisions of Chapter 177, Florida Statutes.

Background:

The subject property currently consists of one (1) platted lot. The purpose of this replat is to separate the existing lot into two (2) individual lots in order to construct an Autozone. The parcel is located at the southeast corner of North Australian Avenue and Palm Beach Lakes Boulevard and is a total of 3.09 acres. This replat will replat Lot 1 into Lots 1 and 2.

The subject property has a 22,980 square foot neighborhood shopping center and has an Informal Site Plan application (ISPR 21-07) with the Planning Division to construct a 7,381 square foot Autozone on the newly create lot.

STANDARDS: The plat complies with all the general design standards of Section 94-342 of the Zoning and Land Development Regulations.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City's Planning Board.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property. Resolution No. 193-21 was advertised in the Palm Beach Post on August 13, 2021.

Commission District 3: Commissioner Christy Fox.

18. Public Hearing of Resolution No. 194-21 approving the re-plat entitled "Mercer Park" located at 1301 and 1321 Alpha Street.

RESOLUTION NO. 194-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION AND RE-PLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "MERCER PARK", BEING A RE-PLAT OF A PORTION OF LOTS 3, 4, 5 AND 7 OF BLOCK 2 GROVE DALE PARK PLAN NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 31 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF WEST PALM BEACH, PALM BEACH COUNTY FLORIDA; CONSISTING OF ONE (1) LOT, CONTAINING A TOTAL OF APPROXIMATELY 1.60 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23459

Staff Recommended Motion:

Approve Resolution No. 194-21 creating the Plat entitled "Mercer Park". This motion is based upon the plat submitted, the staff report, factual testimony, and the findings that the plan is consistent with the Comprehensive Plan, complies with the requirements set forth in Sections 94-44 and 94-342 of the Zoning and Land Development Regulations, and complies with all applicable provisions of Chapter 177, Florida Statutes.

Background:

The subject property consists of five (5) parcels. The purpose of this re-plat is to combine four (4) parcels into two (2) separate parcels in order to construct a 51-unit multi-family apartment project. The parcel is located at the northwest corner of Alpha Street and Mercer Avenue (1301 and 1321 Alpha Street) and is a total of 1.60 acres. This re-plat will re-plat Lots 3, 4, 5, and 7 into Parcels 1 and 2.

The subject property has an approved Residential Planned Development (RPD) (Resolution No. 322-19) for a 51-unit multi-family apartment complex.

STANDARDS: The plat complies with all the general design standards of Section 94-342 of the Zoning and Land Development Regulations.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City's Planning Board.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property. Resolution No. 194-21 was advertised in the Palm Beach Post on August 13, 2021.

Commission District 3: Commissioner Christy Fox.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

ADJOURNMENT:

***Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written and written communications shall be placed in the record; and 2) site visits, investigations, etc.**

NOTICE: IF ANY PERSON DECIDES TO APPEAL ANY DECISION OF THE CITY COMMISSION AT THIS MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THAT PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY OF WEST PALM BEACH DOES NOT PREPARE OR PROVIDE SUCH A RECORD.