



WEST PALM BEACH

**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**September 20, 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 September 15, 2021 through October 15, 2021 as National Hispanic Heritage Month. Proclamation to be accepted by Jose Tagle, Mayor's Liaison to the Hispanic and Latino communities in West Palm Beach and Dina Rubio, President of Latin Quarter West Palm Beach. PRESENTED**
Agenda Cover Memorandum No.: 23502

PRESENTATION (2):

2. **Special Presentation to Mona Reis in recognition of her contributions in our community for the past 41 years. PRESENTED**

CONSENT CALENDAR (3-15): ALL CONSENT ITEMS (3-15) APPROVED

3. **Minutes of the Regular City Commission Meeting of August 23, 2021.**
Agenda Cover Memorandum No.: 23483

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of August 23, 2021.

4. **Minutes of the Special City Commission Meeting of August 26, 2021.**
Agenda Cover Memorandum No.: 23484

Staff Recommended Motion:

Approve the Minutes of the Special City Commission Meeting of August 26, 2021.

5. **Minutes of the Special City Commission Meeting of August 30, 2021.**
Agenda Cover Memorandum No.: 23485

Staff Recommended Motion:

Approve the Minutes of the Special City Commission Meeting of August 30, 2021.

6. **Minutes of the Regular City Commission Meeting of September 7, 2021.**
Agenda Cover Memorandum No.: 23501

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of September 7, 2021.

7. **Approval of the Internal Auditor's Office FY 2022 Annual Audit Plan.**
Agenda Cover Memorandum No.: 23500

Staff Recommended Motion:

Approve, receive, and file the FY 2022 Audit Plan.

Background:

Pursuant to Section 2-398(d), the internal auditor is required to submit an annual audit plan for the next fiscal year to the Audit Committee. On September 8, 2021, the Audit Committee reviewed and amended the draft FY 2022 Audit Plan. The Audit Committee members unanimously recommended it for approval by the City Commission. Pursuant to Section 2-398(f), the City Commission may amend the annual audit plan as deemed necessary. The Internal Auditor's Office would like the plan approved, received, and filed.

Fiscal Note:

No fiscal impact.

8. **Resolution No. 230-21 approving a Special Event License Agreement with Latin Quarter of West Palm Beach, Inc. for the "2021 Latin Quarter WPB Hispanic Heritage Month Parade & Festival" at Phipps Park on Saturday, October 9, 2021, and authorizing the issuance of an alcoholic beverages' license for the event.**

RESOLUTION NO. 230-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND LATIN QUARTER OF WEST PALM BEACH, INC. FOR THE PURPOSE OF CONDUCTING THE 2021 LATIN QUARTER WPB HISPANIC HERITAGE MONTH PARADE & FESTIVAL AT PHIPPS PARK ON OCTOBER 9, 2021 FROM 2:00 PM TO 8:00 PM; AUTHORIZING THE ISSUANCE OF A PERMIT TO THE LATIN QUARTER OF WEST PALM BEACH, INC. FOR THE SALE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE 2021 LATIN QUARTER WPB HISPANIC HERITAGE MONTH PARADE & FESTIVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23486

Staff Recommended Motion:

Approve Resolution No. 230-21.

Background:

Latin Quarter of West Palm Beach, Inc. will produce the "2021 Latin Quarter WPB Hispanic Heritage Month Parade & Festival" on Saturday, October 9, 2021 from 2:00 PM to 8:00 PM at Phipps Park. Latin Quarter of West Palm Beach, Inc. held this event in West Palm Beach in 2019. The purpose of this event is to celebrate Hispanic Heritage Month with the surrounding communities.

During this event, the Latin Quarter of West Palm Beach, Inc. will serve food, alcoholic, and non-alcoholic beverages.

Latin Quarter of West Palm Beach, Inc. will pay the City of West Palm Beach an \$850 Special Event permit fee and a \$500 Special Event security deposit. The event producer will also provide the City of West Palm Beach with general liability insurance and liquor liability insurance both insuring the City of West Palm Beach, as additional insured. The event producers have already made arrangements for police support for this event.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

9. **Resolution No. 243-21 approving a modification to the Gold Star Families Monument in Trinity Park to include a POW *MIA Flag to be flown on the existing flag pole, as requested by the Hershel "Woody" Williams Medal of Honor Foundation and the Palm Beach County Gold Star Families Monument Committee.**

RESOLUTION NO. 243-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE MODIFICATION OF THE GOLD STAR FAMILIES MONUMENT AT TRINITY PARK; APPROVING THE ADDITION OF A POW*MIA FLAG; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23487

Staff Recommended Motion:

Approve Resolution No. 243-21.

Background:

On December 17, 2018, the Mayor and City Commission approved Resolution No. 376-18 for the design and installation of a monument to honor Gold Star Families in Trinity Park and approved an agreement between the City, The Hershel "Woody" Williams Medal of Honor Foundation, and Phillips Point for the installation and maintenance of the monument. The Hershel "Woody" Williams Medal of Honor Foundation ("Foundation") was established to honor families who have sacrificed a loved one in the service of their country. Gold Star Families are the relatives of US military members who were killed in action.

The Palm Beach County Gold Star Families Monument Committee is requesting permission to modify the monument by adding a POW * MIA Flag to the existing monument flagpole.

National Prisoner of War and Missing in Action Day is Friday, September 17, 2021, and Gold Star Families week is recognized the last week of September.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

10. **Resolution No. 225-21 authorizing City's participation in the Medicaid Managed Care Organization Supplemental Payment Program and approving an agreement with the Agency for Health Care Administration for Public Emergency Medical Transport for FY 2022.**

RESOLUTION NO. 225-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REAUTHORIZING PARTICIPATION IN THE MEDICAID MANAGED CARE ORGANIZATION SUPPLEMENTAL PAYMENT PROGRAM BY THE CITY OF WEST PALM BEACH AND APPROVING THE PUBLIC EMERGENCY MEDICAL TRANSPORTATION LETTER OF AGREEMENT FOR THE INTERGOVERNMENTAL TRANSFER OF FUNDS TO THE AGENCY FOR HEALTH CARE ADMINISTRATION FOR THE APPROXIMATE AMOUNT OF \$235,374 FOR ANTICIPATED REIMBURSEMENT OF APPROXIMATELY \$603,989 FOR A NET INCREASE IN REVENUE OF APPROXIMATELY \$368,615; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23488

Staff Recommended Motion:

Approve Resolution No. 225-21.

Background:

This is the third year of this revenue source to supplement the current Medicaid reimbursements for medical transports (current rate is approximately \$190 per transport). By Resolution No. 299-19, the City Commission previously approved the City's participation in the Medicaid Managed Care Organization Supplemental Payment Program ("Program"). This program reimbursed approximately \$176 more per transport over the current rate in FY21. The projected FY22 revenue of \$369,000 is based on call volume projections.

Additional Background Information:

Medicaid payment rates do not recognize the actual costs incurred by EMS providers for the provision of EMS services, and as a result, municipalities and counties have been required to use alternative funding sources to supplant the costs incurred through other funding mechanisms, such as the allocation of taxes and fees. Despite the establishment of the Public Emergency Medical Transport Medicaid Fee for Service Program in 2016, the medical managed care reimbursement levels remained at inadequate levels.

In a previous legislative session, the Florida Fire Chiefs' Association championed a legislative effort, which led to the approval and new funding establishing a Medicaid managed care supplemental payment while preserving the existing Public Emergency Medical Transport Medicaid Fee for Service Program. The new Medicaid Managed Care Payment Program increases Medicaid federal funding available to government owned Fire and EMS communities. The most recent legislative session increased the Federal share from \$54M to \$75M, which also increased the per transport reimbursement by an additional \$119. The Federal government requires a cost share, which the State of Florida is requiring Palm Beach County and city governments interested in participating in the program to pay in advance. When the Medicaid insurance providers pay the approximate \$190 per transport, they will also pay an additional estimated \$295 per transport as a result of this program and reimburse the City's cost share per transport. The Agency for Health Care Administration (AHCA) implemented and monitors this program by determining the City's cost share and reconciling payments made by the Medicaid insurance providers.

As was done for FY 2021, participating providers, such as the City, must execute a Letter of Agreement with AHCA agreeing to intergovernmental transfers of funds to AHCA for FY 2022. The listed transfer amount in the Letter of Agreement is subject to minor changes by AHCA upon finalization of the distribution model. Due to the likelihood of minor adjustments to the listed amount, Resolution No. 225-21 approves a transfer amount of up to 10% above or below the current listed amount of \$235,374.39.

Fiscal Note:

This is a revenue generating program, FY 22 IGT and revenue is budgeted at \$575,000. The projected IGT and revenue is estimated to be \$603,988.

11. **Resolution No. 226-21 authorizing the assessment of city liens in the total amount of \$19,873.75 for unpaid water service, sewer service, and storm water charges for the month of June 2021.**

RESOLUTION NO. 226-21: 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 JUNE 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.: 23489

Staff Recommended Motion:

Approve Resolution No. 226-21.

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. 226-21 are for unpaid water service, sewer service, and stormwater service charges for the month of June 2021. The list of properties to be assessed and the associated charges totaling \$19,873.75 is in Resolution No. 226-21 as EXHIBIT A - Utility Lien List - June 2021.

Fiscal Note:

No fiscal impact.

12. **Resolution No. 245-21 authorizes the City to obtain firefighter cancer insurance to offset any payments the City may be required to make to firefighters who are diagnosed with certain cancers as provided for under Florida Statute 112.1816 for the insurance coverage period of October 1, 2021 through September 30, 2022.**

RESOLUTION NO. 245-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING APPLICATION FOR AND EXECUTION OF ALL NECESSARY CONTRACTS FOR FIREFIGHTER CANCER INSURANCE FOR THE 12-MONTH PERIOD OF OCTOBER 1, 2021 – SEPTEMBER 30, 2022, AS RECOMMENDED BY THE CITY'S INSURANCE BROKER, GEHRING GROUP; AUTHORIZING PAYMENT OF ALL INSURANCE PREMIUMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23490

Staff Recommended Motion:

Approve Resolution No. 245-21.

Background:

Section 112.1816, Florida Statutes provides benefits to a firefighter upon receiving a diagnosis of certain cancers under certain conditions, which can result in a one-time cash payout of \$25,000 for each firefighter who qualifies for this benefit.

Renewal of the proposed firefighter cancer insurance would pay this benefit to eligible firefighters, which will help mitigate any costs to the City associated with compliance of this law should there be multiple claims within the insurance coverage period. The City's insurance broker, Ghering Group, has solicited a proposal for insurance coverage for the period of October 1, 2021 to September 30, 2022. The approximate premium for this coverage is \$25,000.

The City's procurement code requires that contracts for insurance be approved by the City Commission.

Resolution No. 245-21 authorizes submittal of the necessary insurance binders, applications, and execution of contracts, for firefighter cancer insurance to be bound effective October 1, 2021.

Fiscal Note:

Insurance premium of \$25,000. Approval will provide another fiscal year of insurance.

13. **Resolution No. 246-21 calling for a General City Election to be held on Tuesday, March 8, 2022, for the purpose of electing three (3) City Commissioners and calling for a General City Run-off Election to be held on Tuesday, March 22, 2022, if necessary.**

RESOLUTION NO. 246-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CALLING FOR A GENERAL CITY ELECTION TO BE HELD ON TUESDAY, MARCH 8, 2022, FOR THE PURPOSE OF ELECTING THREE (3) CITY COMMISSIONERS; CALLING FOR A GENERAL CITY RUN-OFF ELECTION TO BE HELD ON TUESDAY, MARCH 22, 2022, IF NECESSARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23491

Staff Recommended Motion:

Approve Resolution No. 246-21.

Background:

The City Charter and the Code of the City of West Palm Beach provides that a General City Election be called by the City Commission on the second Tuesday in March, March 8, 2022, for the purpose of electing three (3) City Commissioners: one (1) residing in District 1, one (1) residing in District 3, and one (1) residing in District 5. These laws also require that a General Run-off Election be called by the City Commission on the 14th day after the first election, March 22, 2022, if necessary. Adoption of Resolution No. 246-21 establishes the dates for election of City Commission seats for District 1, District 3, and District 5.

Fiscal Note:

Fully budgeted.

14. **Resolution No. 247-21 requesting that the Palm Beach County Supervisor of Elections conduct the City's March 8, 2022, General City Election and, if necessary, the March 22, 2022, General City Run-off Election and delegating the duties of the City of West Palm Beach Canvassing Board.**

RESOLUTION NO. 247-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REQUESTING THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE GENERAL CITY ELECTION OF MARCH 8, 2022, AND, IF NECESSARY, THE MARCH 22, 2022, GENERAL CITY RUN-OFF ELECTION; AND DELEGATING THE DUTIES OF THE CITY OF WEST PALM BEACH CANVASSING BOARD TO HAZELINE CARSON, CITY CLERK, FAYE JOHNSON, CITY ADMINISTRATOR, AND KIMBERLY ROTHENBURG, CITY ATTORNEY, OR THEIR DESIGNEE IN THE EVENT OF THEIR ABSENCE, AND WENDY SARTORY LINK, PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, AS A SUBSTITUTE IN THE EVENT THERE IS AN EMERGENCY AND A CANVASSING BOARD MEMBER OR HER DESIGNEE CANNOT BE PRESENT FOR THE GENERAL CITY ELECTION OF MARCH 8, 2022, AND THE MARCH 22, 2022, GENERAL CITY RUN-OFF ELECTION, IF NECESSARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23492

Staff Recommended Motion:

Approve Resolution No. 247-21.

Background:

Section 5.06 of the City's Charter provides for the conduct of City elections. The City requests that the Palm Beach County Supervisor of Elections conduct the General City election of March 8, 2022, and, if necessary, the March 22, 2022, general City Run-Off election. Under Section 30-8 of the City's Code of Ordinances, the City Commission has the option to delegate the duties of the Canvassing Board to the Palm Beach County Supervisor of Elections or to the county canvassing board by resolution. Resolution No. 247-21 requests that the Palm Beach County Supervisor of Elections conduct the upcoming elections and delegates the duties of the City's Canvassing Board to the City Clerk, Hazeline Carson; the City Administrator, Faye Johnson; and the City Attorney, Kimberly Rothenburg; or their designee in the event of their absence, and Wendy Sartory Link, Palm Beach County Supervisor of Elections, as a substitute in the event there is an emergency and a Canvassing Board member or her designee cannot be present for the General City Election of March 8, 2022, and the March 22, 2022, General City Run-off Election, if necessary.

Fiscal Note:

Fully budgeted.

15. **Resolution No. 253-21 approving a Term Sheet for a Building Improvement Grant, not-to-exceed \$100,000 for redevelopment of office space and creation of jobs at 205 Datura Street for Project Safari; and**

Resolution No. 254-21 approving a Funding Interlocal Agreement between the City of West Palm Beach and the Community Redevelopment Agency to fund the Building Improvement Grant.

RESOLUTION NO. 253-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT AGREEMENT FOR PROJECT SAFARI FOR RENOVATION OF COMMERCIAL SPACE AT 205 DATURA STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 254-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FUNDING AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR THE BUILDING IMPROVEMENT GRANT FOR 205 DATURA STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23503

Staff Recommended Motion:

Approve Resolution No. 253-21 and Resolution No. 254-21.

Background:

The West Palm Beach Community Redevelopment Agency (CRA) works with the City's Economic Development Director from time to time to attract firms to the City and CRA areas. The WPB CRA has set aside specific dollars that can be used to help with brick and mortar projects that assist in the redevelopment of the Downtown / City Center while also achieving City Economic Development goals.

Project Safari is a financial services firm in a targeted industry that will add to the Flagler Financial District cluster. The firm has started renovation of 5,738 sq. ft. of space in the City's central business district, committed to create five (5) jobs and will invest approximately \$1,000,000 into their new space.

In return, the City, through the funding provided by the CRA, will fund 10% of the building improvements up to \$100,000. Employees of Project Safari have begun to move to the greater West Palm Beach area with the anticipate completion date of the building improvements to be completed by Summer 2022. The grant will be funded on a reimbursement basis. Project Safari will need to provide proof of capital expenditures for the project improvement; all required building permits have been pulled, paid, and closed; that a final certificate of completion or occupancy has been issued; and that the five (5) employees are operating out of the downtown office location. Once the documentation for the reimbursement has been reviewed and approved, the Economic Development Director will perform a site visit to the office location for final inspection of the project. Upon final approval by the Economic Development Director, funds will be disbursed. Project Safari will be required to remain in the City and keep the jobs in place for period of five (5) years. If the company fails to maintain the jobs or relocates within the five (5) year time frame, the grant will be required to be paid back. The project is consistent with the CRA's Strategic Finance Plan and the City's Economic Development Plan.

Resolution No. 253-21 approves the Economic Incentive Building Improvement Grant in the amount not-to-exceed \$100,000 for improvements by the Project Safari company at 205 Datura Street.

Resolution No. 254-21 approves the interlocal Funding Agreement by which the CRA will provide the funding for the grant.

Project Safari is in Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact. Funding provided by the CRA.

RESOLUTIONS (16-18):

16. **Resolution No. 248-21 APPROVED establishing the City's Salary Plan for fiscal year 2021-22.**

RESOLUTION NO. 248-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO THE OFFICES, POSITIONS, TITLES AND COMPENSATION FOR THE UNCLASSIFIED SERVICE AND MEMBERS OF THE CLASSIFIED SERVICE FOR THE CITY OF WEST PALM BEACH; ESTABLISHING THE CITY'S SALARY PLAN AND PROVIDING FOR CLASSIFICATION TITLES AND SALARY RANGES; PROVIDING FOR A MANAGEMENT INCENTIVE PLAN; IMPLEMENTING THE PROVISIONS OF THE CURRENT COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY AND THE FRATERNAL ORDER OF POLICE, THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, THE SERVICE EMPLOYEES INTERNATIONAL UNION/FLORIDA PUBLIC SERVICES UNION, AND THE PROFESSIONAL MANAGERS AND SUPERVISORS ASSOCIATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23493

Staff Recommended Motion:

Approve Resolution No. 248-21.

Background:

This Resolution has no fiscal impact on the FY 2022 proposed balanced budget. This is a routine item, which is presented to the Commission on a yearly basis for consideration. Its only function is to establish the salary plan that will be in effect during FY 2022.

The annual salary plan establishes which position job classifications (job titles) may be used during the fiscal year and the salary ranges that correspond to each job classification in the City. Authorization for which specific positions will be filled and their corresponding allowable budgeted salary is governed separately in the approved annual budget.

Pursuant to Section 3.01, paragraphs (7) and (8) of the City Charter, the Mayor's powers and duties include recommending to the City Commission pay scales for City offices and employment for the ensuing fiscal year, and fixing the salaries and wages of City officers and employees within applicable scales as established by the City Commission.

Resolution No. 248-21 sets forth the job classification titles and salary ranges for all positions in the City service authorized by the Commission as required by City Code Section 62-51. This Resolution is adopted annually to reflect employee compensation as negotiated with the various bargaining units (FOP, IAFF, SEIU, and PMSA) and to reflect changes in job titles and/or new job classifications approved as part of the budget process. This resolution supersedes Resolution No. 250-20, which was approved on September 21, 2020 and all subsequent amendments thereto during FY 2021. The number of approved City FTE positions, as well as funding for City personnel, are not part of this resolution; those parameters are instead included in the proposed balanced budget for FY 2022. Table A summarizes the City's pay practices for each employee group for FY 2022.

Section One pertains to across the board/cost of living adjustment (COLA) pay increases for eligible non-represented employees, including the City Administrator during FY 2022. At the discretion of the Mayor, eligible non-represented employees, including the City Administrator, may receive a 3.00% COLA increase to their base rate of pay increase during FY 2022, effective the first pay period beginning on or after October 1, 2021. Employees who have not attained regular status as of October 1, 2021 are not eligible for the COLA. Eligible employees whose base rate of pay exceeds the maximum of their pay grade as a result of the COLA increase will be paid the balance as a lump sum on a biweekly basis (26 times per year), which lump sum shall not be cumulative and shall not carry over into future years.

Section Two refers to the \$15.00/hr. minimum wage implemented by the City on October 1, 2018, which will remain in effect for FY 2022.

Section Three refers to the job classifications that are part of a multi-level career progression program.

Section Four lists position classifications in alphabetical order with their corresponding pay grades. New classifications are indicated in bold print and changes in pay grade assignments are indicated with a caret ("^").

Section Five describes any special pay provisions for non-represented employees that may be applicable.

Section Six provides for a Management Incentive Program to include management leave days and additional life insurance policy as indicated in Exhibit I.

Section Seven provides an effective date.

Fiscal Note:

Funding included in the proposed balanced City's budget for FY 2022.

17. **Resolution No. 136-21 **APPROVED** ratifying a Collective Bargaining Agreement for the period of October 1, 2021 - September 30, 2024, between the City of West Palm Beach and the International Association of Firefighters Local 727 (IAFF) for IAFF employees represented under Certificate Number 235 (Rank and File Unit); and**

Resolution No. 137-21 **APPROVED ratifying a Collective Bargaining Agreement for the period of October 1, 2021 - September 30, 2024, between the City of West Palm Beach and the International Association of Firefighters Local 727 (IAFF) for IAFF for employees represented under Certificate Number 1619 (Battalion Chief Unit).**

RESOLUTION NO. 136-21: RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING A CERTAIN COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 727 (IAFF), CERTIFICATE NUMBER 235, RANK & FILE, FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 137-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING A CERTAIN COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 727 (IAFF), CERTIFICATE NUMBER 1619, BATTALION CHIEF UNIT, FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23504

Staff Recommended Motion:

Approve Resolution No. 136-21 and Resolution No. 137-21.

Background:

The City and the International Association of Firefighters (IAFF) have reached tentative three (3) year Collective Bargaining Agreements (CBAs or Agreements) for both bargaining units represented by the IAFF. If ratified by the Commission, the Agreements will be effective for the period of October 1, 2021 – September 30, 2024. Negotiations for these Agreements opened December 13, 2019, meetings began on February 7, 2020, and final tentative agreements were reached on May 17, 2021.

Resolution No. 136- 21 and Resolution No. 137-21 are provided Commission's consideration, ratifying the two (2) CBAs between the City of West Palm Beach and the International Association of Firefighters, Local 727 (IAFF).

The IAFF unit members ratified their respective CBAs on September 17, 2021 by a vote of 162 to 21 in favor of ratification for Certified Unit 235 (Rank and File unit); and by a

vote of 4 to 2 in favor of ratification for Certified Unit 1619 (Battalion Chiefs unit).

Key provisions of the Rank and File Agreements Article 30 - Salary Plan - provide the following:

- Market adjustment increases for Step 1 of the Step Plan to bring the Firefighter classification from 20th place in the Palm Beach/Broward regional market to 9th place.
- Market adjustment increases for Driver/Engineer to bring the classification from 9th in the Palm Beach/Broward regional market to 4th place.
- Market adjustment increases for Operations Lieutenant to bring the classification from 4th in the Palm Beach/Broward regional market to 2nd place.
- Market adjustment increases for Operations Captain to bring the classification from 7th in the Palm Beach/Broward regional market to 5th place.
- Adjustment of the Battalion Chief Step Plan to provide a 5% pay increase instead of the current 3% pay increase in between Steps, which would keep that job classification in 5th place in the Palm Beach/Broward regional market.

In addition to the market adjustment increases, the Agreements also provide a 5% annual step raise for all IAFF employees to be received 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 Firefighters will receive total compensation increases from approximately 10% to 15% in FY22.

The estimated FY22 cost of implementing this Agreement is approximately \$3,099,000. It will be included in the proposed FY22 balanced budget for the Commission's consideration as part of the annual budget review and approval process. Funding for the Agreements is in large part predicated on the reallocation of the budgeted overtime in Fire Rescue'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 retroactive increases for a FY21 Agreement. Therefore, the new Step Plan provided for under these Agreements will be in effect for FY22, FY23, and FY24. The tentative CBAs are provided for more specific language and comprehensive review. Staff recommends Commission approval of Resolution No. 136-21 and Resolution No. 137-21.

Fiscal Note:

FY22 costs associated with these Collective Bargaining Agreements have been fully budgeted in the proposed FY22 Balanced Budget.

18. **Resolution No. 126-21 APPROVED AS AMENDED** establishing the West Palm Beach Small and Minority/Woman Business Recovery Assistance Program.

RESOLUTION NO. 126-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE WEST PALM BEACH SMALL AND MINORITY/WOMAN BUSINESS COVID-19 RECOVERY ASSISTANCE PROGRAM; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS AND INSTRUMENTS NECESSARY FOR OPERATION OF THE PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23380

Staff Recommended Motion:

Approve Resolution No. 126-21.

Background:

Due to the severe economic impact of the COVID-19 pandemic, financial assistance will be required to assist West Palm Beach small and minority/woman owned businesses to recover. The City desires to establish a Small and Minority/Woman Business COVID-19 Recovery Assistance Program in the form of a loan fund. The Program will be administered in partnership with Pathway Capital Funding, Inc., a local non-profit organization, and Valley National Bank.

The Program will provide micro-loans in an amount up to \$20,000 per business to eligible small and minority/woman owned businesses to help facilitate short-term recovery finance gaps that are needed for a business to remain open or viable. The City's Department of Economic Opportunity will certify businesses under its Small Business (SBE) and Minority/Woman Business (MWBE) programs. Certified SBE and MWBEs meeting loan eligibility requirements will be eligible to apply to Pathway for a micro-loan.

Pathway will underwrite, lend, and service the loans. The loans will be secured by City funds, which will be held in an account at Valley National Bank, a local community bank, where terms will be established between Valley and the City of West Palm Beach. The fund is intended to be invested into a money market or other account to be used to guarantee the short-term micro-loans issued by Pathway to small and minority/women businesses impacted by the pandemic. Initial funding of the Program will be a \$150,000 investment from the City of West Palm Beach.

The City will also pay Pathway a fee of \$30,000 to underwrite and service the loans. The Program is designed to provide financial assistance to small and minority/woman owned businesses to assist them to meet basic business obligations, such as rent, payroll, inventory replenishment, signage, so that enterprises can remain viable. In addition to underwriting and servicing the loans, Pathway will provide Specialized Technical Assistance Training to the businesses. The Technical Assistance Training will include numerous on-line tutorials and other seminars (i.e., Managing Your Cash Flow, Calculating Your Cash Flow, Marking Up Services to Maintain Appropriate Gross Profit Margin, Creating Loan Packet for Bank Financing Needs, Calculating Working Capital Position, Common Sizing Financial Statements, etc.).

Eligibility criteria for the Program are:

- Business must be located within the jurisdiction of the City of West Palm Beach.
- Be legally authorized to do business within the City of West Palm Beach by virtue of a valid business license.
- Be certified as a Small Business Enterprise (SBE) and/or Minority/Woman Business Enterprise (M/WBE) with the City of West Palm Beach.
- Properties must be free of any City lien encumbrances and code violations.
- Property taxes on the property must be current if business owner is property owner.
- Business must have been opened and operational for a minimum of 18 months at loan closing.
- Business gross annual revenues cannot exceed two million dollars (\$2,000,000).
- Credit score of over 620 is required to qualify.
- Business Liquid assets of under \$150,000.

Loan terms are as follows:

- (i) The interest rate may be up to a maximum of fifteen (15%) percent;
- (ii) First payment due thirty (30) days from the closing date; and
- (iii) 60-month term, first 12 months interest only followed by 48 months principal and interest payments.

The City anticipates opening the loan program on July 1. On or about that date, the City will begin accepting loan applications at: <http://www.wpb.org/our-city/mayor-s-office/covid-19-updates-and-information/covid-19-recovery-and-assistance-program>.

The issuance of initial loans will begin around August 10, 2021.

If awarded a loan, businesses will be required to execute all loan agreements and security documents deemed necessary by the City or Pathway that fully describes the terms and conditions of the assistance, repayment, and use of the funds.

Resolution No. 126-21 establishes the City of West Palm Beach Small and Minority/Woman Business COVID Economic Recovery Program and authorizes the Mayor to execute any agreements with Pathway Capital Funding, Inc., Valley National Bank and lenders, necessary to implement the Program.

Fiscal Note:

Approval will provide approximately \$120,000 for loan purposes and \$30,000 fee for operation of the program.

PUBLIC HEARINGS (19-22):

19. **Public Hearing and Second Reading of Ordinance No. 4965-21 APPROVED amending the water and wastewater rates, fees and charges and deferring the scheduled water and wastewater rate increase scheduled for October 1, 2021.**

ORDINANCE NO. 4965-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REPEALING AND REPLACING ORDINANCE NO. 4890-20; DEFERRING THE OCTOBER 1, 2021 RATE INCREASE FOR WATER AND WASTEWATER AND AMENDING THE CURRENT WATER AND WASTEWATER RATES, FEES AND CHARGES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23494

Staff Recommended Motion:

Approve Ordinance No. 4965-21 at Second Reading.

Background:

The City engaged Raftelis Financial Consultants, Inc. to conduct a Water and Wastewater Rate Study and a Miscellaneous Fee Study. The single most important objective of a rate study is to determine if the existing monthly retail rates for service meet the projected expenditure requirements of the Utility to ensure and maintain sound financial operations and fund anticipated capital needs of the utility system. The Miscellaneous Fee study is a detailed review of each service provided to customers of the Utility in order to determine the actual cost to the Utility of providing the service.

Based on the findings of the Water and Wastewater Rate Study dated August 5, 2021, it is recommended the City:

1. Suspend the automatic rate increases scheduled to become effective October 1, 2021. The current Ordinance No. 4890-20 for Water and Wastewater rates, fees and charges were approved by City Commission on February 24, 2020. The Ordinance has a provision that on each October 1st all rates and fees, except system capacity charges, late payment fees, deposits and returned item fees, will automatically be increased by two and one-half percent (2.5%) for water, and four percent (4%) for wastewater. Public Utilities staff and its rate consultant, Raftelis Financial Consultants, Inc. have determined that a delay in implementing rate increases on October 1, 2021 will not affect the Utilities' ability to maintain its required Debt Service Coverage for FY 2021/2022.
2. Revise Section 24 of the Rate Ordinance to reduce the automatic increases from two and one-half percent (2.5%) to one percent (1%) for water rates and maintain the four percent (4%) adjustment for wastewater rates, effective October 1, 2022.
3. Reduce the water and wastewater service charge for multi-family residential dwelling units to 80% of the existing single-family dwelling unit charge.

Rate Per Dwelling Unit:

	<u>Existing</u>	<u>Proposed</u>
Water Service Charge:	\$23.66	\$18.93
Wastewater Service Charge:	\$14.32	\$11.46

Reduce the amount billed in each commodity tier by 20% to reflect the lower level of service demand (80%); reduce the wastewater cap from 16 to 14 units. Wastewater above the cap is not billed to the residential customer. The commodity charge is per unit. A unit is one hundred (100) cubic feet (CCF) or 748 gallons. The commodity charge for each tier will not change and will remain the same as the single family dwelling unit.

Water Commodity Charge	Wastewater Commodity Charge	Commodity Tier in CCFs per Dwelling Unit	
		Existing	Proposed
\$2.74	\$4.22	0-8	0-7
\$3.43	\$4.22	9-16	8-14
The wastewater cap of 16 units will be reduced to 14 units.			
\$4.04	N/A	17-36	15-30
\$4.73	N/A	37-76	31-62
\$5.45	N/A	77-200	63-162
\$6.13	N/A	201 and above	163 and above

The adjustment to the multi-family residential dwelling unit service charges, commodity tiers, and wastewater cap is estimated to reduce the average monthly bill for a multi-family residential dwelling unit by \$7.59 and reduce the annual water and wastewater revenues by

approximately \$3.2M.

The Miscellaneous Fee Study dated August 5, 2021 proposes revising the existing rates for each of the fees as specified on Table 3 of the study. Based on frequency of services performed in fiscal year 2019, three services represent roughly 74% of the services performed.

	Existing Fee	Proposed Fee
Service initiation for a meter less than one inch (28%)	\$43	\$45
Collections disconnection for a meter less than one (1) inch (26%)	\$56	\$35
Annual backflow test reports (20%)	\$10	\$15

It is estimated there will be an overall decrease in revenue of approximately \$50,000 based on the proposed changes to the miscellaneous fees.

Fiscal Note:

The automatic water and wastewater rate increases were not included in the preparation of the fiscal year 2022 Water and Wastewater Operating Budget. The rates, fees, and charges proposed in Ordinance No. 4965-21 are anticipated to provide for the recovery of the total revenue requirements of the City's Water and Wastewater Utility.

20. **Public Hearing and Second Reading of Ordinance No. 4966-21 APPROVED amending the floodplain management standards for manufactured homes and providing for elevation standards, which FEMA announced as prerequisites for communities to maintain a Community Rating System Class 8 or better for flood insurance rate discount purposes. The City of West Palm Beach is currently a Community Rating System Class 5 community, which is better than a Class 8 and secures up to 25% discount on flood insurance rates for West Palm Beach property owners.**

ORDINANCE NO. 4966-21: AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 18 OF THE WEST PALM BEACH CODE OF ORDINANCES RELATED TO FLOODPLAIN MANAGEMENT STANDARDS FOR MANUFACTURED HOMES AND PROVIDING FOR ELEVATION STANDARDS; CODIFYING ADOPTION OF WIND MAP AMENDMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, A CODIFICATION CLAUSE, AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23495

Staff Recommended Motion:

Approve Ordinance No. 4966-21 at Second Reading.

Background:

The National Flood Insurance Program (NFIP) is a Federal Emergency Management Agency (FEMA) program, which makes flood insurance available for owners of property located in a Special Flood Hazard Area, sometimes referred to as a Flood Zone. The program includes a rating system called the Community Rating System (CRS) under which the effectiveness of a community's floodplain management standards, and the community's enforcement of those standards, are assessed. The Community Rating System is administered by Insurance Services Office (ISO) on behalf of FEMA.

The Community Rating System ranks communities from a Class 10 up to a Class 1, with Class 1 being the highest class and securing up to 45% discount on flood insurance rates for property owners.

FEMA has announced floodplain management standards for manufactured homes and set elevation standards as prerequisites for communities to maintain a Community Rating System Class 8 or better for flood insurance rate discount purposes.

The City of West Palm Beach is currently classified as a Community Rating System Class 5 community, which is better than a Class 8, so the prerequisite announced by FEMA is applicable to the City. The proposed amendments to the City of West Palm Beach floodplain management standards will meet the prerequisite and allow the City to maintain its classification as a Community Rating System Class 5 community. That will enable West Palm Beach property owners to continue to benefit from flood insurance rate discounts of 25% for properties that are in a special flood hazard area, and 10% for properties that are not in a special flood hazard area.

Fiscal Note:

No fiscal impact.

21. **Public Hearing and First Reading of Ordinance No. 4968-21 APPROVED regarding a City-initiated amendment to the City's Comprehensive Plan adopting the Property Rights Element, as required by the Florida Statutes.**

ORDINANCE NO. 4968-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MODIFYING THE COMPREHENSIVE PLAN TO ADOPT THE PROPERTY RIGHTS ELEMENT; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23496

Staff Recommended Motion:

Approve Ordinance No. 4968-21 amending the Comprehensive Plan to adopt a Property Rights Element, and direct submittal of the amendments to the State Land Planning Agency.

Background:

During the 2021 Legislative Session, the Florida legislature passed House Bill 59, which was signed into law by Governor DeSantis and was incorporated into Florida's Community Planning Act. House Bill 59 requires that every city and county in Florida shall "include in its comprehensive plan a property rights element." The legislation states that all municipalities must adopt this new element "by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan."

Florida State requirements dictate that local governments shall determine at least every seven (7) years, through the evaluation and appraisal process, whether the need exists to amend the comprehensive plan to reflect changes in state requirements, since the last time the comprehensive plan was updated. The City of West Palm Beach completed its last evaluation and appraisal of its Comprehensive Plan in 2016, so its next scheduled evaluation would have to be completed by 2023. Because the City is considering processing other amendments to the Comprehensive Plan within the next year, waiting until 2023 to adopt the Property Rights Element as part of the evaluation and appraisal process does not seem feasible. As such, the City has determined to proceed with the adoption of the Property Rights Element at the earliest opportunity in order to allow for the processing of any other potential amendments to the Comprehensive Plan.

The proposed amendments will create a new Property Rights Element within the City's Comprehensive Plan. This element includes language consistent with the statement of rights included in House Bill 59 and complies with the new requirements of the Florida Statutes for the Community Planning Act.

The Planning Board recommended approval of this amendment (7-0) after a Public Hearing on August 17, 2021.

Fiscal Note:

No fiscal impact.

22. **Public Hearing of Resolution No. 224-21 **APPROVED** regarding a request by Michael Sanchez of Managed Land Entitlements, on behalf of The Children's Place at HomeSafe, Inc., for the approval of a Subdivision (Minor – Plat) to plat the Children's Place at HomeSafe group home site at 5130 47th Place North.**

RESOLUTION NO. 224-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “CHILDREN’S PLACE AT HOMESAFE – 47TH PLACE” CONSISTING OF APPROXIMATELY 3.712 ACRES LOCATED AT 5130 47TH PLACE NORTH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23497

Staff Recommended Motion:

Approve Resolution No. 224-21 approving a minor subdivision to plat the existing Children's Place at HomeSafe group home site at 5130 47th Place North. This motion is based upon the factual testimony presented, the application submitted, and the findings that the plat is consistent with the Comprehensive Plan and complies with the subdivision design standards set forth in Section 94-342 of the City’s Zoning and Land Development Regulations.

Background:

The Children’s Place at HomeSafe (HomeSafe) is a non-profit organization, which provides housing for victims of child abuse and domestic violence. They are currently located at 4888 North Haverhill Road on property that they sold to MorseLife. HomeSafe is in the process of building a new group home facility at 5130 47th Place North. The parcels that HomeSafe assembled for the construction of the new facility will be combined as part of the re-plat pursuant to Resolution No. 224-21.

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

NOTICE: Individual notices were mailed to all property owners within 500 feet of the HomeSafe site. Signs for the Subdivision (Minor – Plat) were posted on the property in accordance with the Zoning and Land Development Regulations.

COMMISSION DISTRICT: The subject property is located within Commission District 4: Commissioner Joseph Peduzzi.

Fiscal Note:

No fiscal impact.

PUBLIC HEARING – QUASI JUDICIAL (23-24):

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

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

Public Hearing and Second Reading of Ordinance No. 4945-21 **APPROVED 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 Second Reading of Ordinance No. 4946-21 **APPROVED 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 Second Reading of Ordinance No. 4947-21 **APPROVED 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 Second Reading of Ordinance No. 4948-21 **APPROVED 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.: 23498

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. 4948-21, 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.

The proposed CS FLU amendment was submitted to the Florida Department of Economic Opportunity (DEO) on June 23, 2021, under the Expedited State Review Process. The Florida DEO indicated on a letter dated July 23, 2021, that it had reviewed the proposed amendment pursuant to the Florida Statutes and had “no comment on the proposed amendment”.

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 (1) 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. No opposition was presented at First Reading.

COMMISSION DISTRICT

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

Fiscal Note:

No fiscal impact.

24. **Public Hearing of Resolution No. 227-21 CONTINUED a request by Brian Seymour of Gunster Law on behalf of Cohen Brothers Realty Corporation of Florida LLC for the approval of a Level III Site plan for the construction of a new 23-story 430,374 sf class A office building with 16,630 sf of retail on the ground floor, a 480 sf roof top café, and a 10-story 1,195 space parking garage at 801 South Dixie Highway.**

RESOLUTION NO. 227-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO A DEVELOPMENT OF REGIONAL IMPACT (DRI) KNOWN AS "CITYPLACE" (FORMERLY KNOWN AS "DOWNTOWN/UPTOWN") GOVERNED BY ORDINANCE NO. 4412-12, WHICH AMENDED AND RESTATED ORDINANCE NO. 3098-97, AS AMENDED BY ORDINANCE NOS. 3124-98 AND 4154-08, BEING THE DEVELOPMENT ORDER OF THE CITY OF WEST PALM BEACH APPROVING THE CITYPLACE DRI; APPROVING A LEVEL III SITE PLAN PURSUANT TO ORDINANCE NO. 4412-12 TO ALLOW THE CONSTRUCTION OF A 23-STORY OFFICE BUILDING AT 801 SOUTH DIXIE HIGHWAY; DECLARING THE SITE PLAN TO BE CONSISTENT WITH THE

COMPREHENSIVE PLAN OF THE CITY, THE CONDITIONS OF APPROVAL OF THE CITYPLACE DRI DEVELOPMENT ORDER, AND THE REQUIREMENTS OF SECTION 94-35 OF THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23499

Staff Recommended Motion:

Staff recommends Denial of Resolution No. 227-21 based upon the findings that the proposed project does not comply with the standards found in Section 94-35 of the City's Zoning and Land Development Regulations, or continuance to allow staff and the developer to continue to address the issues.

Planning Staff fully supports the West Palm Point project. The proposed Site Plan would require 23 waivers from the Zoning and Land Development Regulations. Staff support 17 of the requested waivers. Staff cannot support the additional 6 waivers requested regarding a reduction on the minimum setback required above the 1st floor, and a reduction on the minimum required active uses for floors 2nd through 5th along Okeechobee Boulevard, Dixie Highway, and Lakeview Avenue, as they relate to the parking garage. Staff proposes that the developer make adjustments to the design to ensure compliance, or an alternative design to the architectural treatment that enhances the design of the parking garage.

Background:

The CityPlace Commercial Planned Development is approved for a mix of residential, retail, restaurant, office, hotel, and entertainment use as well as the Palm Beach County Convention Center. The CPD is nearing build out with only three (3) parcels remaining undeveloped. One of the vacant parcels is the 2.36-acre property located between Okeechobee Boulevard, Lakeview Avenue, Quadrille Boulevard, and Dixie Highway, known as the Tent site, and the subject of this application.

On August 13, 2018, the City Commission approved Ordinances Nos. 4783-18 and 4784-18 amending the Downtown Master Plan Element of the Comprehensive Plan and the Zoning and Land Development Regulations to create the Okeechobee Business District. The OBD, which includes the properties located between Rosemary Avenue, Okeechobee Boulevard, Flagler Drive, and Lakeview Avenue, stated as its goal to incentivize the construction of class A office buildings along the Okeechobee Boulevard corridor. As a companion item to that amendment, the City Commission passed Ordinance No. 4782-18 and Resolution No. 150-18 amending the CityPlace CPD to include regulations for the two (2) blocks of the CityPlace CPD located within the boundaries of the OBD. Following the regulations of the OBD, the regulations implemented for the portion of the CPD within the OBD district through Resolution No. 150-18, included a limitation on the maximum development capacity allowed on those blocks, limitations on the number of parking spaces allowed, and the requirement for the implementation of several transportation demand

management strategies. According to the approved regulations, the subject site is permitted

a Floor area ratio (FAR) of 4.75 or a maximum development capacity of 490,024 sf. The proposed project complies with the maximum gross building area (GBA) allowed for the site. The project includes 447,484 sf of GBA (FAR 4.43) and 23-stories (308') in height, the proposed project is below the maximum 4.75 FAR and 25-stories allowed.

The proposed West Palm Point project contemplates a 23-story class A office building within the adopted development regulations of both the CityPlace Commercial Planned Development (CPD) and the Okeechobee Business District (OBD). The proposed project is planned for approximately 91% of the allowable development capacity, and the Planning staff supports this site as both an ideal location for a class A office building, as well as a prominent landmark building in the City's downtown.

The proposed application exceeds the current capacity allowed for office uses within the DRI, therefore a use conversion in accordance with the square footage conversion process established in the DRI is necessary to accommodate the total square footage of office space proposed by the project. The applicant has submitted a conversion analysis converting 4,788 sf of indoor recreation use into office use. The proposed conversion satisfies the DRI requirements regarding development capacity and allows the construction of the office project without an increase in the traffic capacity permitted by the DRI.

A. PROJECT ANALYSIS

The West Palm Point project is proposed as a two (2) building design, with a 23-story office free-standing tower located towards the Quadrille Boulevard frontage and a lower 10-story parking garage located towards the Dixie Highway frontage. Between the two buildings, a pedestrian passageway is proposed. The proposed design successfully marks the entrance to the core of the downtown area with its elliptical shaped office tower clad in glass that tapers as the tower goes up. The proposed configuration with two (2) separate structures also provides for a new public open space or passageway between the two buildings. It is staff's professional opinion that the proposed configuration is a desirable configuration for the site and provides the opportunity for iconic architecture with quality public open space in the middle of an area typically associated with vehicles.

The proposed parking garage includes 1,195 parking spaces, which is in compliance with the maximum number of parking spaces permitted by Resolution No. 150-18. To achieve the hard-maximum number of parking spaces allowed on site, the applicant elected to make an annual contribution to the transit fund in an amount of \$862 per each additional parking space provided above the soft maximum parking (up to an additional .75/1,000sf) for a total amount of \$257,738 every year. The money received for the transit fund will be utilized in the operation of the trolley service or other transit related services and projects designated to enhance mobility in the City. The transit contribution allowed the project to add 299 parking spaces above the soft maximum allowed. In addition, the applicant is increasing the total number of parking space to a maximum of three (3) spaces per every

1,000 sf of office or retail through the implementation of specific transportation demand management strategies and the construction of one (1) parking level for future conversion into occupiable space.

In general, Staff supports the proposed project; however, staff has concerns regarding the treatment of the stand-alone parking garage structure. The project is proposing a stand-alone 10-story parking garage structure that includes retail uses at the ground floor, but no other active uses in the upper floors to screen the parking uses. The architect is presenting the architectural design of the parking garage as a unique piece where the horizontal movement of the different concrete slabs and the changes on its profile create enough variety to highlight the structure in itself and overlook the cars parked inside. Staff applauds the architect's intent to create a unique garage structure; however, due to the prominent location of the structure, staff is concerned the proposed design is not dramatic enough and the structure would be perceived as a simple garage with no screening whatsoever.

According to the Resolution No. 150-18, Building requirement, QBD-25CP, that regulates the subject site, active uses are required along a minimum of 60% of the building frontage on primary streets such as Dixie Highway, Lakeview Avenue, and Okeechobee Boulevard from floors two to five (68'). The proposed design provides only 35% active use frontage above the first floor along Okeechobee Boulevard and Lakeview Avenue (all located on the office tower) and 0% active uses along the Dixie Highway frontage above the first floor. The parking garage is totally exposed from floors two to ten, and the only active use provided is at the ground level.

Staff understands large office projects may require having parking garages without liner uses. Specific language included in Resolution No. 150-18 addresses this situation by allowing office buildings not to provide active use liners above the ground floor. However, the language requires the provision of architectural treatments to extend the façade of the office tower in such a way that the tower is perceived as having one continuous uninterrupted facade from the ground floor to the top of the building for 100% of the tower building frontage. In the case of the subject project, the garage is not integrated with the office tower, making the simple extension of the office facade not an option. As an alternative, the applicant opted for providing a creative design for the parking garage by proposing different horizontal projections for the concrete slabs that conform the parking garage and a modified profile for the same slabs as they meet the garage facade.

Due to the prominent location of the proposed parking garage, staff is concerned the proposed treatment is not sufficient to screen the parking facility or create an iconic parking garage, and the parking structure will have a negative impact on the surrounding environment due to its high visibility and size. The proposed variation on the parking levels projection and profile is not enough to elevate the parking garage above its utilitarian role. The parking garage occupies 50% of the site, and it is 10-stories and 104'4" in height. The garage does not comply with the minimum required active uses for floors two through five and provides minimum architectural treatment.

B. WAIVERS REQUEST

Staff has spent a great deal of time with the applicant in an effort to reduce the 23 waivers being requested and still feel some improvements to the design of the parking garage are warranted given its significant location on such a prime and visible site within the City's financial district. The applicant is requesting 17 waivers from the CPD requirements for the OBD-25CP included in Resolution No. 150-18, and 6 waivers from the Downtown Master Plan urban regulations. From the total 23 waivers requested, staff supports 17, providing a substantial amount of flexibility to the project in response to the complex site and particular characteristics of the project. Staff cannot support 6 waivers requested regarding a reduction on the minimum setback required above the 1st floor, and a reduction on the minimum required active uses for floors two through five along Okeechobee Boulevard, Dixie Highway, and Lakeview Avenue as they relate to the parking garage and recommends that adjustments be made to the design to ensure compliance or an alternative design to the architectural treatment that enhances the design of the parking garage.

ART LIFE: The ArtLife WPB Committee has not yet reviewed the proposed public artwork on the garage, as required by Section 78-125 of the Code of Ordinances. The committee was introduced to the artist work and his practice as an informative presentation by the art consultant as a non-action item. By code, the artist proposed artwork has a separate review process from planning and zoning requirements. Approval of the Site Plan does not approve the proposed public artwork.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the requests described herein at their August 17, 2021 public meeting.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the site. Resolution No. 227-21 was advertised in the Palm Beach Post on Friday, September 10, 2021.

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

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

ADJOURNMENT:

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

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