



**City of West Palm Beach
City Commission**

AGENDA

**September 8, 2020
5:00 P.M.**

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY CLERK'S OFFICE, 401 CLEMATIS STREET, WEST PALM BEACH, FLORIDA 33401, {(561) 822-1210}

**MAYOR
KEITH A. JAMES**

**CITY COMMISSION
PRESIDENT KELLY SHOAF**

**COMMISSIONER CHRISTINA LAMBERT
COMMISSIONER CHRISTY FOX**

**COMMISSIONER CORY NEERING
COMMISSIONER JOSEPH A. PEDUZZI**

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

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

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

CONSENT CALENDAR (1-8):

1. **Resolution No. 80-20 approving an Agreement with the Palm Beach County Food Bank, Inc. to provide weekend meals to children at the Mandel Public Library of West Palm Beach.**

RESOLUTION NO. 80-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE PALM BEACH COUNTY FOOD BANK, INC. AND THE CITY OF WEST PALM BEACH TO IMPLEMENT THE FOOD4OURKIDS PROGRAM TO DISTRIBUTE WEEKEND MEALS TO CHILDREN AT THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23026

Staff Recommended Motion:

Approve Resolution No. 80-20.

Background:

The Mandel Public Library of West Palm Beach believes that every child and family have the right to nutritious meals every day. The Mandel Public Library has been providing summer weekday meals since 2016. This new partnership with the Palm Beach Food Bank will allow the library to offer meals to families during the weekends, as well. The Palm Beach County Food Bank's Food4OurKids is a year-round weekend program designed to fill the nutritional gaps that children experience during the weekends. Library staff

believes in feeding the minds of the children and teens visiting, but also providing access to food during the weekends. By partnering with the Palm Beach County Food Bank's Food4OurKids programs, children and teens visiting the Mandel Public Library of West Palm Beach will receive a backpack filled with meals that will feed themselves and their family. Many youth residing in West Palm Beach are dependent upon the free breakfast and lunches served at school during the school year. With this new partnership, the library will ensure that participating children in West Palm Beach will have free access to food on the weekends. This will allow the children of West Palm Beach to arrive at school on Monday, healthy and ready to learn. The Mandel Public Library hopes to reach 10,000 youth annually with this year-round program.

Resolution No. 80-20 approves the agreement with the Palm Beach County Food Bank.

COMMISSION DISTRICT: The Library is located in Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

2. **Resolution No. 235-20 authorizing acceptance of Coronavirus Relief Funds from the Florida Housing Finance Coalition and authorizing execution of all related documents; and**

Resolution No. 241-20(F) appropriating funds for the Coronavirus Relief Fund program.

RESOLUTION NO. 235-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE ACCEPTANCE OF CORONAVIRUS RELIEF FUNDS IN THE AMOUNT OF \$390,562; AUTHORIZING THE USE OF THE CORONAVIRUS RELIEF FUNDS FOR ELIGIBLE ACTIVITIES; AUTHORIZING THE MAYOR TO EXECUTE THE SUBRECIPIENT AGREEMENT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

RESOLUTION NO. 241-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND AND GENERAL BUDGETS FOR THE RECEIPT OF THE 2020 CORONAVIRUS RELIEF FUND (CRF) PROCEEDS TO PROVIDE APPROPRIATIONS FOR ACTIVITIES RELATED TO COVID-19 RESPONSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23027

Staff Recommended Motion:

Approve Resolution No. 235-20 and Resolution No. 241-20(F).

Background:

The State of Florida has been awarded funding through the Coronavirus Relief Funds (CRF), which was established by the CARES Act, of which \$120 million has been designated to be administered Florida Housing Finance Corporation. The City of West Palm Beach has been awarded \$390,562 of Coronavirus Relief Funds by the State.

The Coronavirus Relief Fund program funds may be used to reimburse eligible expenses back to March 1, 2020 and until December 31, 2020. Coronavirus Relief Fund program fund to will be used to assist City of West Palm Beach residents that are affected by the COVID-19 pandemic and are in need of rental assistance, utilities assistance, mortgage assistance, and/or any other eligible assistance until December 31, 2020.

The availability of CRF funding shall be advertised in both a newspaper of general circulation and, where available, periodicals serving racially, ethnically, and income diverse neighborhoods, at least 10 days before the beginning of the application period. This 10-day period does not prevent assistance to applicants that have already applied and been determined eligible prior to the application period.

Resolution No. 265-20 authorizes the Mayor to execute the Coronavirus Relief Fund Subrecipient Agreement for acceptance of the funds and setting forth the requirements for the use and tracking of the CRF funds.

Fiscal Note:

Approval will recognize and appropriate grant proceeds totaling \$390,562 for COVID-19 response.

3. **Resolution No. 237-20 approving a Second Amendment to the Interlocal Agreement for fire vehicle maintenance between Palm Beach County and the City of West Palm Beach.**

RESOLUTION NO. 237-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, APPROVING THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT FOR FIRE VEHICLE MAINTENANCE BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Agenda Cover Memorandum No.: 23028

Staff Recommended Motion:

Approve Resolution No. 237-20.

Background:

On September 9, 2008, the County and City entered into an Interlocal Agreement For Fire Vehicle Maintenance (R2008-1567) for a term of ten (10) years. The Agreement was amended on November 20, 2018 (R2018-1827) to extend the term through September 8, 2020 and to only include certain types of fire-rescue emergency response vehicles and/or apparatus. The City has implemented a fire vehicle maintenance program, including a fire vehicle maintenance facility; however, the City's fire vehicle maintenance facility currently cannot provide maintenance or repairs to fire-rescue emergency response apparatus such as Aerials/Platforms and Ladders. The parties mutually desire for the County to continue to provide maintenance and repair services for only certain types of the City's fire-rescue emergency response apparatus for an additional year, and the desire is to extend the term of the Agreement for one additional year from September 9, 2020 through September 8, 2021 under the same terms and conditions set forth in the Agreement except as otherwise provided in this Second Amendment.

Fiscal Note:

Fully budgeted.

4. **Resolution No. 238-20 authorizing a renewal and execution of all necessary contracts for insurance coverage for one-time payment benefits to certain firefighters as required under Florida Statute 112.1816.**

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, 2020 – OCTOBER 1 2021, 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.: 23029

Staff Recommended Motion:

Approve Resolution No. 238-20.

Background:

Section 112.1816, Florida Statutes provides certain 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.

The City Commission selected the Gehring Group to solicit quotes for insurance coverage and recommend policies which would pay this benefit to eligible firefighters, and 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.

By Resolution No. 406-19, the City Commission approved execution of contracts to provide coverage in the event of qualified firefighter claim(s), and such policy will expire September 20, 2020.

The Gehring Group has solicited a proposal for insurance coverage for such firefighter claim(s) during the period of October 1, 2020 to September 30, 2021. The approximate premium for this coverage is \$17,671.68.

The City currently has once such claim, which is under review, and if the claim is accepted/approved, the payout by the insurance company will exceed the cost of the premium paid by the City, thus resulting in a savings to the City.

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

Resolution No. 238-20 authorizes submittal of the necessary applications and execution of contracts, for firefighter cancer insurance, to be bound effective October 1, 2020, provided the premium does not exceed \$18,000.

Fiscal Note:

Approval will provide insurance for the \$25k claims approved for former and current firefighters. Proposed premium is estimated at \$17,671.68 and shall not exceed \$18,000.

5. Resolution No. 240-20 authorizing the execution of a License Agreement with Palm Beach County for the use of the County's Fire Rescue Regional Training Center.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR USE OF THE COUNTY'S FIRE RESCUE REGIONAL TRAINING CENTER; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23030

Staff Recommended Motion:

Approve Resolution No. 240-20.

Background:

In 2014, the City of West Palm Beach entered into an agreement for a term of five (5) years for the City's use of the County's state-of-the-art fire rescue regional training facility, in order to conduct joint training of public safety personnel with other authorized entities and mutual aid partners. To maintain effective and efficient operations, it is necessary for West Palm Beach Fire Department to train to meet internal, as well as City, State and National mandated requirements. The City of West Palm Beach's Fire Department does not have its own training facility; therefore, it is occasionally necessary for the City to depend on the use and availability of Palm Beach County Fire Rescue's Regional Training Facility.

In order for the West Palm Beach Fire Department to use the facility, approval of this agreement is necessary. The Fire Department is seeking City Commission approval to enter into an agreement for another term of five (5) years from the commencement date, unless terminated earlier, in accordance with the terms of the agreement.

Fiscal Note:

Fully budgeted.

6. **Resolution No. 243-20 ratifying the submittal of a grant application to the Florida Department of State for funding for expanded outreach programming through the Institute of Museum and Library Services (IMLS) pursuant to the provisions of the CARES Act.**

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF STATE FOR A GRANT OF UP TO \$62,000 THROUGH THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES PURSUANT TO THE PROVISIONS OF THE CARES ACT TO PROVIDE FOR EXPANDED OUTREACH PROGRAMMING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23031

Staff Recommended Motion:

Approve Resolution No. 243-20.

Background:

The Florida Department of State Division of Library and Information Services has received \$1,940,696 from the Institute of Museum and Library Services pursuant to the provisions of the CARES Act (Public Law 116-136). In accordance with the CARES Act, this funding is to be used for the following purposes: “to prevent, prepare for, and respond to coronavirus, including to expand digital network access, purchase internet accessible devices, and provide technical support services.” The CARES Act also provides as follows: “This funding is to be used as follows: (a) Primarily to address digital inclusion and related technical support; (b) Secondarily, to address other efforts that prevent, prepare for, and respond to COVID-19; and (c) With respect to (a) and (b), reach museum and tribal partners, in addition to traditionally eligible library entities, where appropriate.”

The Mandel Public Library of West Palm Beach has applied to receive up to \$62,000 to increase outreach efforts to the community, specifically focusing on local childcare centers, nursing homes and assisted living facilities. With the library building closed to the public, staff are working tirelessly to connect patrons with digital materials and produce a wide variety of virtual programs to bring the library into their homes. In response to community needs and safety, the library is providing limited access to physical items with a walk-up pickup service to further meet the needs of those patrons who cannot access or are not satisfied with the digital options. This limited capacity for in-person assistance means most of our efforts are concentrated on providing the best services we can digitally and requires

new solutions to address changing needs. If the library receives CARES Act funding, the library plans to enhance our digital presence with improved tools and equipment for producing elevated virtual programming to better serve the community at large. A reference chat service and new library programs calendar will help advance the library's efforts of providing world-class virtual programs to the community. The library will further respond to the COVID-19 crisis by assembling and distributing Healing Library

Kits to help patrons of all ages respond to and process the trauma of the current times. The library will also provide focused outreach to higher need populations including: childcare centers, nursing homes, and assisted living facilities by supplying physical and electronic materials and targeted programming with respect to the needs of those specific populations.

This application was submitted on Monday, August 17, 2020.

7. Resolution No. 248-20 approving a Right-of-Way Maintenance Agreement between Palm Beach Atlantic University, Inc. and the City for improvements within the Pembroke Place right-of-way.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A RIGHT-OF-WAY MAINTENANCE AGREEMENT BETWEEN PALM BEACH ATLANTIC UNIVERSITY, INC., AND THE CITY OF WEST PALM BEACH FOR MAINTENANCE OF A PORTION OF THE CITY RIGHT-OF-WAY ADJACENT TO 351 PEMBROKE PLACE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23032

Staff Recommended Motion:

Approve Resolution No. 248-20.

Background:

The subject property, located on the northeast corner of Pembroke Place and South Dixie Highway, consists of approximately 2.296 acres and is a part of the Palm Beach Atlantic University Community Service Planned Development (CSPD).

On January 28, 2019, the City Commission approved a Major Amendment to the CSPD (Resolution No. 16-19) to provide for the construction of a 510-bed residential dormitory by Palm Beach Atlantic University (PBAU). As part of the conditions of approval for the dormitory, PBAU was required to enter into a maintenance agreement for their improvements in the right-of-way, including landscaping, irrigation, the drop-off area, etc. As the maintenance agreement is required prior to the issuance of the final Certificate of Occupancy, the applicant is now requesting to enter into such agreement and satisfy the condition of the Development Order.

Resolution No. 248-20 approves a Right-of-Way Maintenance Agreement pursuant to which PBAU will maintain that portion of the right-of-way adjacent to 351 Pembroke Place, which includes improvements installed by PBAU.

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

Fiscal Note:

No fiscal impact.

8. **Resolution No. 230-20 approving a Supplemental Agreement with the Florida Department of Transportation decreasing the Local Agency Program Agreement by \$112,465, adding \$68,320 in federal funding and decreasing \$180,785 in local funding for the Roosevelt Estates ADA and Traffic Calming Improvements Project; and**

Resolution No. 244-20(F) providing for the receipt and appropriation of the grant funds.

RESOLUTION NO. 230-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REGARDING THE CONSTRUCTION OF ADA IMPROVEMENTS AT THE ROOSEVELT ESTATES NEIGHBORHOOD; APPROVING A SUPPLEMENTAL AGREEMENT TO THE LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WEST PALM BEACH TO ADJUST THE FEDERAL FUNDS GRANT AND LOCAL MATCH AMOUNTS UNDER THE LOCAL AGENCY PROGRAM AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 244-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF FUNDS IN FISCAL YEAR 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE ONE-CENT SALES TAX CAPITAL IMPROVEMENTS AND GRANT CAPITAL PROJECT FUND BUDGETS TO PROVIDE FOR THE RECEIPT OF A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM (LAP) GRANT, MATCHING FUNDS, AND APPROPRIATIONS FOR THE ROOSEVELT ESTATES SIDEWALKS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23034

Staff Recommended Motion:

Approve Resolution No. 230-20 and Resolution 244-20(F).

Background:

In 2016, the City of West Palm Beach applied for a Transportation Alternative Projects (TAP) grant with the Palm Beach Transportation Planning Agency (TPA) under Resolution No. 91-16 for sidewalk and crosswalk improvements within the Roosevelt Estates neighborhood. TAP grants are Federal Highway Administration funds distributed through the Florida Department of Transportation (FDOT) and through the Palm Beach TPA.

The scope of work includes but not limited to roadway reconstruction, intersection improvements, ADA upgrades, minor drainage improvements, milling and resurfacing, signing and pavement markings.

In December 2019, the City executed the Local Agency Program (LAP) agreement with FDOT for an estimated construction budget of \$1,250,581. Resolution No. 391-19 approving a Local Agency Program Agreement with the Florida Department of Transportation for the construction of Roosevelt Estates ADA and Traffic Calming Improvements project; and Resolution No. 403-19(F) providing for the receipt and appropriation of the grant funds.

- Estimated Construction Budget: \$1,250,581
- Awarded Grant (FDOT): \$496,862
- City Match (1% Sales Tax): \$753,719 for non-participating items such as roadway paving and drainage improvements.

In May 2020, the City of West Palm Beach received bids and will be awarding to the lowest responsible bidder with the cost of \$1,138,116. Since the bid was lower than the LAP agreement, the Supplemental LAP agreement will be a funding adjustment:

- Total Construction Budget: \$1,138,116
- Awarded Grant (FDOT): \$565,182 (increase \$68,320)
- City Match (1% Sales Tax): \$572,934 (decrease \$180,785)

Resolution No. 230-20 authorizes the Mayor to execute a Supplemental Agreement with the Florida Department of Transportation decreasing the Local Agency Program Agreement by \$112,465, adding \$68,320 in federal funding and decreasing \$180,785 in local funding for the Roosevelt Estates ADA and Traffic Calming Improvements Project.

Pursuant to the LAP Agreement, the Project will be completed on or before June 2022, and the City will maintain all improvements funded with the grant funds.

COMMISSION DISTRICT: District 3: Commissioner Christy Fox.

Fiscal Note:

- Total Construction Budget: \$1,138,116
- Awarded Grant (FDOT): \$565,182 (increase \$68,320)
- City Match (1% Sales Tax): \$572,934 (decrease \$180,785)

RESOLUTIONS (9-11):

9. **Resolution No. 153-20 approving a Development Agreement and Restrictive Covenant for the Flagler Station project for the utilization of TDR's under the affordable housing incentive program.**

RESOLUTION NO. 153-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THAT DEVELOPMENT AGREEMENT AND RESTRICTIVE COVENANT REGARDING AFFORDABLE HOUSING BETWEEN HTG BANYAN, LLC, AND THE CITY OF WEST PALM BEACH REGARDING THE TRANSFER OF DEVELOPMENT RIGHTS UNDER THE AFFORDABLE HOUSING PROGRAM FOR THE FLAGLER STATION PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23033

Staff Recommended Motion:

Approve Resolution No. 153-20.

Background:

On December 10, 2019, WGI Inc., on behalf of HTG Banyan, LLC, submitted an application for an 8-story 94 unit affordable housing residential building at the northeast corner of Banyan Boulevard and Tamarind Avenue. The Project is known as "Flagler Station". The building has received site plan approval through the Downtown Action Committee (DAC), and the applicant is expected to submit for construction permits within the next few months. The project is utilizing the affordable housing incentive program, which authorizes the City to transfer City-owned development rights to the project at no cost in exchange for the provision of affordable housing units as regulated by Section 94-134 of the City's Zoning and Land Development Regulations (ZLDRs).

The Affordable Housing Incentive is intended to promote the creation of affordable housing by allowing additional development capacity for projects which include affordable and workforce housing units which can range from 30% to 150% of the Annual Median Income (AMI). The City's Housing and Community Development Department (HCD) determines which percentages are considered "affordable" and which are considered "workforce". The City's definition of affordable is anything under 80% of the AMI. The incentive is only available to properties eligible as a receiving site in Table IV-35 of the Downtown Master Plan. The Flagler Station property is within the Quadrille Business District 3-15 receiving site area and is eligible to use this incentive with the provision of affordable housing units.

In order to apply for the incentive, the developer must comply with specific standards of Section 94-134 including obtaining City Commission authorization for the conveyance of City-owned development rights. The City's TDRs can be dedicated to residential use only and may not be used for any commercial or amenity space within the proposed project. If the site plan approval expires prior to commencement of construction, the development rights transferred by the City at no cost are forfeited and revert back to the City.

All of the affordable housing units shall meet all requirements of Section 94-134(e), which sets specific standards for the units. In this case, the project is also receiving funding from Florida Housing Finance Corporation (FHFC), which requires the units and amenities comply with additional State requirements. The FHFC Agreement requires the project to maintain affordability for its units for a term of 50 years. The proposed set-aside for the units within the proposed development is as follows:

- 15 residential units at 30% of the Area Median Income (AMI)
- 45 units at 60% of the AMI
- 23 units at 70% of the AMI
- 11 units at 80% of the AMI

Pursuant to the City's definitions of affordable units, 100% of the units within the project will be affordable. Additionally, 50% of the extremely low income units (at or below 30% of AMI) will be set-aside for Persons with Special Needs.

The FHFC agreement has specific inspection requirements both during and after construction and sets requirements for the units and amenities. The City's Development Agreement and Restrictive Covenant incorporates all of the requirements of the FHFC Agreement into the City's agreement with the developer. In the case that the FHFC funding is terminated or revoked, the developer will be required to comply with the requirements of the City Code regarding affordability controls for the units and amenities. A copy of the FHFC agreement is attached to this ACM. All residents living at the project must meet the eligibility and income requirements.

The Downtown Action Committee reviewed the TDR transfer request at their June 10, 2020 meeting and unanimously recommended approval. The current approximate cost for each square foot of TDRs is \$12-15 per square foot.

Resolution No. 153-20 approves the Development Agreement and Restrictive Covenant, which requires the developer to provide 100% of the residential units within the project at affordable/low income ranges and maintain affordability for a period of 50 years and approves the transfer of 56,171 square feet of City-owned TDRs from Gateway Park to the Flagler Station project.

COMMISSION DISTRICT: The subject Property is located in Commission District 3: Commissioner Christy Fox.

- 10. Resolution No. 242-20 authorizing the naming of the park land which runs parallel to Pinewood Avenue between 38th Street and 40th Street and along the C.S.X. Railroad as Pinewood Community Park.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DECLARING THAT THE PARK LAND LOCATED ON PINWOOD AVENUE FROM 3923 PINWOOD AVENUE TO 3819 PINWOOD AVENUE BE NAMED "PINWOOD COMMUNITY PARK"; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23035

Staff Recommended Motion:

Approve Resolution No. 242-20.

Background:

In late 1990s, several properties along Pinewood Avenue were appropriated for the purposed of creating a park and for the development of the Northwood Community Center Complex, which included the West Palm Beach Boys and Girls Club. The park is located from 3923 Pinewood Avenue to 3819 Pinewood Avenue and runs parallel to Pinewood Avenue between 38th Street and 40th Street and along the C.S.X. Railroad. The park was constructed between 2001-2003 and has been called by various names, including Northwood Community Park, Pinewood Park, the Boys and Girls Club, etc.

At the request of the Pinewood Neighborhood Association, a proposal to formally name the park as "Pinewood Community Park" was brought before the Parks and Recreation Advisory Committee on March 10, 2020 and received unanimously PRAC approval to forward the request to the City Commission for consideration.

The park is located from 3923 Pinewood Avenue to 3819 Pinewood Avenue, Parcel #: 744343090550120, 744343090550130, 744343090550140, 744343090550150, 744343090550160, 744343090550170, 744343090550190, and 744343090550200.

Therefore, by Resolution No. 242-20, we are requesting the approval to officially name the park "Pinewood Community Park".

- 11. Resolution No. 247-20 approves the implementation of a rainbow colored crosswalk in Northwood Village at the intersection of Northwood Road and Spruce Avenue.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE RAINBOW CROSSWALK REFLECTING THE PRIDE FLAG FOR INSTALLATION AT THE INTERSECTION OF NORTHWOOD ROAD AND SPRUCE AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23036

Staff Recommended Motion:

Approve Resolution No. 247-20.

Background:

The LGTBQ community and members of the Northwood business community requested a rainbow colored cross-walk to reflect the Pride Flag at the intersection of Northwood Road and Spruce Avenue. The City Commission desires to recognize all members of the City community, including all LGTBQ members and finds that the requested Rainbow Crosswalk implements the Commission's desire.

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping, referred to as the "Face of the City".

The intersection is currently bricked paved in the middle section and along the crosswalks. The design features of the proposed Rainbow Crosswalk that shows that the crosswalk pavers will be painted the colors of the Pride Flag: red, orange, yellow, green, blue, and purple using FDOT-approved paint.

The Rainbow Crosswalk will be intended to be a long-term Improvement, and will require regular maintenance, approximately every five (5) years.

Resolution No. 247-20 approves the implementation of a Rainbow Crosswalk reflecting the Pride Flag at the intersection of Northwood Road and Spruce Avenue. The installation is expected to take approximately 40 days.

COMMISSION DISTRICT: Commission District 1: Kelly Shoaf.

Fiscal Note:

Installation will cost approximately \$4,000.

Future maintenance is anticipated at the cost of approximately \$5,000 every five years to be paid from AiPP funds.

**PUBLIC HEARING – QUASI JUDICIAL (12-13):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

12. **Public Hearing of Resolution No. 201-20 regarding a request by Michelle Cuetara of Urban Design Studios, on behalf of CityPlace Retail, LLC, for the approval of a Major Planned Development Amendment to update portions of the Rosemary Square - CityPlace CPD Master Sign Plan.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR PLANNED DEVELOPMENT AMENDMENT TO THE ROSEMARY SQUARE – CITYPLACE CPD MASTER SIGN PLAN TO UPDATE SECTION C PROCEDURAL REQUIREMENTS – WAIVERS AND EXHIBIT C ROSEMARY SQUARE – TENANT SIGN CRITERIA; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23037

Staff Recommended Motion:

Approve Resolution No. 201-20 regarding a Major Planned Development Amendment to the Rosemary Square - CityPlace CPD Master Sign Plan. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

The CityPlace Commercial Planned Development (CPD) covers approximately 82 acres. The original Master Sign Plan for the CityPlace CPD was approved in 2000 by Ordinance No. 3327-00 and was amended five times by Ordinance Nos. 4125-08, 4255-10, 4293-12, 4413-12, 4444-13. As part of the rebranding of the commercial portion of the CityPlace CPD as Rosemary Square, CityPlace Retail, LLC, submitted changes to the Master Sign Plan. In December 2019, the City Commission approved Ordinance No. 4881-19 to amend and restate the Master Sign Plan and Resolution No. 361-19 to contain the Rosemary Square - CityPlace CPD Master Sign Plan.

After the new Rosemary Square - CityPlace CPD Master Sign Plan was adopted, CityPlace Retail, LLC submitted permits to replace existing signs with the new signage vision for Rosemary Square. During building permit reviews for the new signs, staff identified sections of the Master Sign Plan that did not permit the proposed signs and/or contained conflicting information. Even though staff and the applicant had intensely reviewed the provisions of the Master Sign Plan prior to its adoption, until the actual permits were

submitted and reviewed, the discrepancy between the desired signs and the Master Sign Plan language was not evident. CityPlace Retail, LLC submitted this amendment in order for the Master Sign Plan language to permit the types of signs they envision for Rosemary Square.

Master Sign Plan Proposed Changes

The changes to the Master Sign Plan apply to signs within Sign Zone 2 and the commercial signs within Sign Zone 1. The changes to the Master Sign Plan are listed in the following paragraphs.

The amendment adds additional waivable items within Section C Procedural Requirements under both the Waiver I (Administrative) and Waiver II (Minor PD Amendment) sections. The changes to Waiver I allow CityPlace Retail to issue an administrative waiver to permit a sign to include the logo of the business and for signs to have more than three colors. The change to Waiver II gives CityPlace Retail the ability to request an increase in the 18 inch height of a sign panel or letters for Sign Type 1A by 25 to 50 percent as a Minor Planned Development Amendment. Staff does not object to the proposed changes to the waiver sections.

Waiver I (Administrative):

- Acceptance of signage that contains a logo.
- Acceptance of signage with more than three (3) colors.

Waiver II (Minor PD Amendment):

- 25 to 50 percent increase in the allowable panel and letter height of Sign Type 1A: Fascia Identity Sign.

The Rosemary Square Tenant Sign Criteria (Exhibit C to the Rosemary Square – CityPlace CPD Master Sign Plan) provides the design requirements for the commercial tenants within Rosemary Square. The following list includes an overview of the proposed changes to the Sign Criteria:

- Provides uniform language for when waivers may be requested.
- Reduces the copy margin on a sign from six (6) to three (3) inches.
- Clarifies that mounting hardware does not count toward the sign colors.
- Provides a uniform mounting hardware description.
- Clarifies the mounting options for the Arcade Identity Signs type as well as illumination options.
- Updates the Blade Sign (Wall) mounting options and dimension from the wall.
- Updates the storefront graphics based on the text changes.

As previously mentioned, the items listed above were identified during the building permit review process for the replacement of the existing signs within Rosemary Square. The final specific language in the proposed Sign Criteria resulted from discussions between staff and the applicant regarding what the design intent of the signs is and how to convey this in the regulations. These changes allow for clarity on the sign design and allow of the efficient review of future building permits for signs. Staff does not object to the proposed changes.

STANDARDS: The Planning Division has determined that the Major Planned Development Amendment to the Rosemary Square – CityPlace CPD Master Sign Plan meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above referenced standards is detailed in Attachment 1 - Planning Board Staff Report.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the request to the City Commission after a Public Hearing on July 21, 2020.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the area covered by the Rosemary Square – CityPlace CPD Master Sign Plan. Signs for the Major Amendment were posted on the property on July 6, 2020.

COMMISSION DISTRICT: The subject property is located within Commission District No. 3: Commissioner Christy Fox and No. 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 13. Public Hearing and First Reading of Ordinance No. 4908-20 regarding a Future Land Use Map Amendment to change the Future Land Use of ±11.62 acres located at the southeast corner of 45th Street and Interstate-95 from Commercial (C) to Commercial East (CE);**

Public Hearing and First Reading of Ordinance No. 4909-20 regarding a rezoning to change the zoning designation of ±11.62 acres located at the southeast corner of 45th Street and Interstate-95 from General Commercial (GC) to Commercial Planned Development (CPD); and

Discussion of Resolution No. 228-20 approving the development regulations and conditions for the Palm Beach River Stone Commercial Planned Development (CPD) and granting waivers of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Harvey E. Oyer, III, Esq., of Shutts & Bowen, LLP, on behalf of Paradise River Walk, LLC, to provide for a multiple-use development consisting of a gas station and convenience store, a 150-room hotel with accessory restaurant, and 374-residential dwelling units.

ORDINANCE NO. 4908-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF ±11.62 ACRES LOCATED AT THE SOUTHEAST CORNER OF 45TH STREET AND INTERSTATE 95 FROM COMMERCIAL TO COMMERCIAL EAST; 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. 4909-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING ±11.62 ACRES LOCATED AT THE SOUTHEAST CORNER OF 45TH STREET AND INTERSTATE-95 FROM GENERAL COMMERCIAL TO COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 228-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS AND CONDITIONS FOR THE PALM BEACH RIVER STONE COMMERCIAL PLANNED DEVELOPMENT (CPD); GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23038

Staff Recommended Motion:

Approve Ordinance No. 4908-20, changing the Future Land Use designation of ±11.62 acres located at the southeast corner of 45th Street and Interstate-95 from Commercial to Commercial East. This motion is based on the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the provisions of Chapter 163, Florida Statutes and meets the "changed Assumptions" standard of the Future Land Use Policy 1.1.5 of the City's Comprehensive Plan.

Approve Ordinance No. 4909-20, changing the zoning designation of ±11.62 acres located at the southeast corner of 45th Street and Interstate-95 from General Commercial 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, Section 97-207 and Section 94-342 of the City's Zoning and Land Development Regulations.

Discuss Resolution No. 228-20, which will approve the development regulations and conditions for the Palm Beach River Stone Commercial Planned Development (Commercial Planned Development) and granting waivers of the Zoning and Land Development Regulations.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT I).

The 11.62-acre subject property is a long and narrow parcel comprised of two platted lots. The northern half of the parcel was previously developed with an IHOP restaurant and a 180-room Days Inn Hotel. These commercial structures have been demolished in recent months to accommodate an approved 6,119 square foot WaWa convenience store and gas station (approved in November 2019 under Informal Site Plan Review Case No. 19-02). The southern end is comprised of a wetland dedicated as a conservation easement (Reference O.R.B. 19496, Page 1080), and a freestanding multi-column billboard sign is located along the west property line, just north of the wetland conservation area. The survey of the property is provided in ATTACHMENT II).

The applicant is seeking approval to redevelop the property with a horizontally-integrated multiple use project comprised of the following uses:

- The approved WAWA gas station and convenience store.
- 150-room hotel with an accessory 1,160 square foot restaurant.
- 374 dwelling units.

The proposed Site Plan and Landscape Plan is provided in ATTACHMENTS III and IV. To provide for the proposed redevelopment plan, the applicant has submitted a request for a Future Land Use (FLU) Map Amendment to change the current FLU of the subject property from Commercial (C) to Commercial East (CE), and a rezoning of the subject property from General Commercial (GC) to Commercial Planned Development (CPD). The requests for the FLU map amendment and rezoning are summarized below.

Future Land Use Map Amendment to Commercial East (Ordinance No. 4908-20)

Approval of the FLU designation to CE would allow residential use to be developed on the subject property at a maximum density of 32.27 dwelling units to the acre and increase the maximum allowable floor area ratio (FAR) from 0.75 (under the existing C FLU designation) to a maximum FAR of 1.5 with the proposed CE FLU designation.

In accordance with Chapter 163 of the Florida Statutes, the existing public facilities servicing the subject property and the surrounding area has been evaluated to determine if the increase in development potential would cause any capacity issues with the existing public facilities. With exception to roadway level-of-service, the increase in demand will not cause any capacity issues with the existing public facilities. In order to maintain roadway level-of-service with the FLU change to CE, the applicant is proposing to restrict the cumulative non-residential intensity on the subject property to 0.6 FAR. Staff does not object to this request and the restriction on the maximum allowable non-residential intensity to 0.6 FAR has been added as a condition in Resolution No. 228-20.

Rezoning to Commercial Planned Development (Ordinance No. 4909-20)

The rezoning of the subject property to Commercial Planned Development (CPD) would allow the applicant to redevelop the property with waivers from the City's Zoning and Land Development Regulations (ZLDRs) to provide for a more desirable and attractive redevelopment project.

As part of the proposed CPD, the applicant is requesting four (4) waivers from the ZLDRs. They are:

- Section 94-402(b.1)(10): Off Premise Signs
- Section 94-145(2)(c): Required Front Building Setback (Pod 3)
- Section 94-407(2)(d): Required Residential Identification Sign Setback (Pod 3)
- Section 94-485(p): Number and Size of Loading Zones (Pod 2)

Pursuant to Section 94-145 of the City's ZLDRs, all projects located on parcels with a CE land use and a CPD zoning designation are required to demonstrate vertical (mixed-use building) or horizontal (multiple-use project containing both residential and non-residential uses) integration. The intent of this requirement is to provide a cohesive development featuring a mix of uses. It is in Staff's professional opinion that the proposed redevelopment project demonstrates horizontal integration to the greatest extent possible, given the physical constraints associated with the site. Features such as interconnected walkways lined with street furniture, the pedestrian plaza, wayfinding signs, and uniform, decorative landscaping throughout the project, help to create a unified and attractive development.

CONCLUSION: The proposed multiple-use redevelopment project would be a significant improvement to the area. The site design features attractive site elements which include a pedestrian plaza and walking paths throughout the project to unify the development. While the applicant is requesting minor waivers from the City's ZLDRs to accommodate the design of the proposed development, they are not requesting to exceed the allowable density or intensity afforded by the ZLDRs. It is in Staff's professional opinion that the development project complies with the Florida Statutes, the City's Comprehensive Plan and ZLDRs. Therefore, Staff is recommending approval subject to the conditions contained in Resolution No. 228-20.

PLANNING BOARD: After a Public Hearing on July 21, 2020, the Planning Board recommended approval (7-0) of the requests, subject to the conditions contained in Resolution No. 228-20.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. In accordance with the advertising requirements of the Florida Statutes for the FLU amendment, First Reading of Ordinance No. 4908-20 was advertised in the Palm Beach Post on September 1, 2020. Ordinance No. 4909-20 and Resolution No. 228-20 will be advertised prior to Second Reading.

COMMISSION DISTRICT: The subject property is located within Commission District No. 1: Commissioner Kelly Shoaf.

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

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.