



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**March 22, 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 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:

PROCLAMATIONS (1-2):

1. **Mayor Keith A. James is proclaiming March 2021 as Florida Bicycle Month in the City of West Palm Beach.**
Agenda Cover Memorandum No.: 23251
2. **Proclaiming April 2021 as Water Conservation Month. Proclamation to be accepted by Elaine Christian, City's Sustainability Program Coordinator.**
Agenda Cover Memorandum No.: 23252

CONSENT CALENDAR (3-9):

3. **Resolution No. 46-21 authorizing the assessment of city liens in the total amount of \$25,865.97 for unpaid water service, sewer service, and stormwater service charges for the month of December 2020.**

RESOLUTION NO. 46-21: 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 DECEMBER 2020; 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.: 23253

Staff Recommended Motion:

Approve Resolution No. 46-21.

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. 46-21 are for unpaid water service, sewer service, and stormwater service charges for the month of December 2020. The list of properties to be assessed and the associated charges totaling \$25,865.97 are in Resolution No. 46-21 as EXHIBIT A - Utility Lien List - December 2020.

Fiscal Note:

No fiscal impact.

4. **Resolution No. 49-21 approving a Conditional Settlement Agreement in the amount of \$205,000 in the matter of Evan Lomrantz, as Personal Representative of the Estate of Charles Lomrantz v. City of West Palm Beach.**

RESOLUTION NO. 49-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$205,000 IN THE MATTER OF EVAN LOMRANTZ, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CHARLES LOMRANTZ v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23254

Staff Recommended Motion:

Approve Resolution No. 49-21.

Background:

A claim has been brought by Evan Lomrantz, as Personal Representative of the Estate of Charles Lomrantz, against the City of West Palm Beach for the death of Charles Lomrantz, which occurred on April 29, 2020. A settlement agreement has been reached with Mr. Lomrantz on behalf of the Estate and all beneficiaries to resolve the matter for \$205,000. Mr. Lomrantz has signed a general release that releases the City from all claims arising from this incident, which ends all of the claims for damages, including all attorney's fees and costs, against the City of West Palm Beach.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims over \$30,000 shall require the approval of the City Commission by formal resolution. Resolution No. 49-21 approves the conditional settlement agreement.

5. **Resolution No. 53-21(F) providing for the receipt and appropriation of \$10,000 in additional grant funding under the grant agreement with the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management increasing the grant award amount to \$46,087 for the reimbursement of overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety.**

RESOLUTION NO. 53-21(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2020/2021 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO RECOGNIZE RECEIPT OF ADDITIONAL FUNDS FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT (IPTM) FOR REIMBURSEMENT OF OVERTIME COSTS FOR TRAFFIC EDUCATION AND ENFORCEMENT AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23255

Staff Recommended Motion:

Approve Resolution No. 53-21(F).

Background:

On October 19, 2020, the City Commission approved the following resolutions:

- Resolution No. 276-20 accepting a grant agreement with the University of North Florida Training and Services Institute, Inc. d/b/a Institute of Police Technology and Management for a grant not-to-exceed \$36,087 for the reimbursement of overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety. Because additional funding was anticipated, this Resolution authorized the execution of any amendments to the grant agreement for additional funding; and
- Resolution No. 289-20(F) and approved FY20-21 Budget provided for the receipt and appropriation of Thirty Six Thousand Eighty Seven Dollars (\$36,087) in grant funding.

On February 11, 2021, the FDOT sent a notice advising they were increasing the award to the City of West Palm Beach by \$10,000, for a total contract award of Forty Six Thousand Eighty Seven Dollars (\$46,087). Resolution No. 53-21(F) provides for the receipt and appropriation of the additional \$10,000.

Fiscal Note:

Approval will recognize grant proceeds and provide appropriations for overtime expenses related to traffic education and enforcement.

6. Resolution No. 54-21(F) amending the Fiscal Year 2020/21 Miscellaneous Trust Fund Budget to authorize appropriations of \$48,500 from State Law Enforcement Forfeiture Receipts for training contract services.

RESOLUTION NO. 54-21(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2020/2021 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR TRAINING CONTRACT SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23256

Staff Recommended Motion:

Approve Resolution No. 54-21(F).

Background:

To help achieve the City's goal of reducing crime and improving the quality of life for residents, visitors, and workers in the City, the Chief of Police, Frank Adderley, plans to implement the Stratified Policing model. Stratified Policing integrates effective crime reduction practices into the everyday operations with the goal of changing a police organization from reactive to proactive. The framework's implementations provide a comprehensive and focused approach for crime reduction and lays out a multifaceted fair and transparent accountability process. Stratified Policing model uses the technology and resources the department already uses. It uses four (4) key concepts integrated heavily with Crime Analysis:

1. Placed Based Policing;
2. Intelligence Led Policing (offender specific);
3. Problem Solving Policing; and
4. Community Oriented Policing.

It also monitors accountability at all levels within the department. Stratified Policing is a tested and proven model intended to benefit the community and improve the effectiveness and efficiency of its Police Department. This implementation assistance contract involves training for all ranks, units, and divisions of the Department and is an on-going collaborative process.

The cost of this contract is \$48,500.

Fiscal Note:

Approval will provide appropriations from Reserves for Stratified Policing Training.

7. **Resolution No. 59-21 amending the City's Salary Plan for FY2020-21 to adjust job titles within the Procurement Division to reflect revised job classifications. This is an administrative change that does not impact budget.**

RESOLUTION NO. 59-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 250-20, APPROVED ON SEPTEMBER 21, 2020, AND AMENDED THEREAFTER, TO CREATE THE JOB CLASSIFICATIONS OF PROCUREMENT SPECIALIST I, PROCUREMENT SPECIALIST II, SENIOR PROCUREMENT SPECIALIST, AND PURCHASING ASSISTANT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23257

Staff Recommended Motion:

Approved Resolution No. 59-21.

Background:

This amendment to the City's Salary Plan for FY21 to adjust the job titles and job classifications for the Procurement Division will not have any fiscal impact and will not impact the number of approved full time equivalent (FTE) positions in the Procurement Division's budget.

Resolution No. 59-21 amends the City's Salary Plan for FY21 by creating the job classifications of Procurement Specialist I, Procurement Specialist II, Senior Procurement Specialist, and Purchasing Assistant. The job classifications are part of the career progression developed for the Procurement Division. This is an administrative function, as there is no budgetary impact to this amendment. The development of the career progression plan for the Procurement Division has been in the works for some time.

Additionally, by Resolution No. 351-20(F), the City Commission approved a temporary Procurement position to support the bond-related projects to be funded from bond proceeds. Use of the intended job classification for the position will assist in attracting a qualified candidate.

Fiscal Note:

No fiscal impact.

8. **Resolution No. 64-21(F) accepting and appropriating funding in the amount of \$7,500 as donation from the Historic Prospect and Southland Parks Neighborhood Association to reimburse the City of West Palm Beach for the purchase two (2) drinking fountains at George Petty Park and Monceaux Park within the City of West Palm Beach.**

RESOLUTION NO. 64-21(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2020/2021 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE DONATION FUND BUDGET TO RECOGNIZE A DONATION FROM THE HISTORIC PROSPECT AND SOUTHLAND PARKS NEIGHBORHOOD ASSOCIATION TO REIMBURSE THE CITY FOR THE PURCHASE OF TWO (2) DRINKING FOUNTAINS PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23258

Staff Recommended Motion:

Approve Resolution No. 64-21(F).

Background:

The Historic Prospect and Southland Parks Neighborhood Association has given a monetary donation of \$7,500 to purchase two (2) drinking fountains at the City's Monceaux Park and George Petty Park, respectively.

Fiscal Note:

No fiscal impact.

9. **Resolution No. 68-21 authorizing contracts for Excess Workers' Compensation, ECR Property, and other Miscellaneous insurance for policy year 2021-2022.**

RESOLUTION NO. 68-21: 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 EXCESS WORKERS' COMPENSATION, ECR PROPERTY, AND OTHER MISCELLANEOUS INSURANCE FOR THE PERIODS OF MARCH 1, 2021 – FEBRUARY 28, 2022, AS RECOMMENDED BY THE CITY'S INSURANCE BROKER, ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC; AUTHORIZING PAYMENT OF ALL INSURANCE PREMIUMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES..

Agenda Cover Memorandum No.: 23259

Staff Recommended Motion:

Approve Resolution No. 68-21.

Background:

The City, through the broker of record, Arthur J. Gallagher Risk Management Services, Inc., is in the process of finalizing insurance policies for excess workers' compensation, ECR property, and other miscellaneous insurance coverages for the 2021-2022 policy year. The Commission through Resolution No. 34-21 had previously approved the purchase of specified insurance policies in not-to-exceed premium amounts. However, due to unique insurance market conditions, the finalized premiums for the three (3) specific policy categories outlined in this resolution are higher than the approved not-to-exceed amounts noted in Resolution No. 34-21. This Resolution updates the prior approved premium amounts in order for the City to be able to finalize the specified coverages outlined herein. Specifically, this Resolution approves revised premiums in not-to-exceed amounts as follows:

- \$610,000 for Excess Workers' Compensation insurance premiums versus the prior approved premium amount of \$528,000;
- \$540,000 for ECR Property insurance premiums versus the prior approved premium amount of \$399,000; and
- \$75,000 for other miscellaneous insurance premiums versus the prior approved premium amount of \$66,000.

These additional premium costs of \$232,000 will be paid from the FY21 Risk Management Division budget.

Section 66-94 of the City Code requires that contracts for insurance be approved by the City Commission.

Resolution No. 68-21 authorizes contracts, binders, and premiums to be finalized for the described insurance coverages.

Fiscal Note:

Approval for a not-to-exceed sum of \$1,225,000 for renewal of the described insurance coverages.

RESOLUTIONS (10-13):

- 10. Resolution No. 42-21 seeks approval of a Private Art Program for Casa Mara, 3111 South Dixie Highway, by developers 3111 Prospect Place Equities, LLC and Time Equities, Inc. (TEI) to satisfy the public art requirement under governing Ordinance No. 4754-17. One percent (1%) of total construction costs escrowed are \$427,156.27. Developer submitted permit application prior to January 7, 2021, when ArtLife/AiPP ordinance revisions became effective (through Ordinance No. 4915-20) and eliminated private art program option.**

RESOLUTION NO. 42-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MAKING FINDINGS AND APPROVING A PRIVATE ART PROGRAM FOR CASA MARA, AT 3111 SOUTH DIXIE HIGHWAY, BY 3111 PROSPECT PLACE EQUITIES, LLC AND TIME EQUITIES, INC. (TEI), IN COMPLIANCE WITH PUBLIC ART ORDINANCE NO. 4754-17; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23260

Staff Recommended Motion:

ArtLife WPB Committee findings: Approve Resolution No. 42-21, approving the proposed private art program for 3111 South Dixie Highway. This motion is based on the finding that the private art program meets the criteria set forth in section 78-122 and 78-129 of Ordinance No. 4754-17 of the City Code.

Background:

On February 3, 2021, the ArtLife Committee voted six to one (6-1) to recommend the Private Art Program for Casa Mara, located at 3111 South Dixie Highway, to satisfy the public art requirement. Time Equities, Inc., a full-service international real estate firm, has an established Art-In-Buildings (AIB) Program and a full-time curator, Tessa Ferreyros. Owner sought recommendation to City Commission under Option 4 Private Art program (Section 78-122) from the governing AiPP Ordinance No. 4754-17. The developer qualifies because permits were issued prior to the effective date of the current ArtLife/AiPP ordinance (Ordinance No. 4915-20), January 7, 2021. Escrowed Funds are \$427,156.27 (based on building permits not initial developer AiPP Art Assessment Application).

Section 78-122: Private Art program means an art program established by a corporation, foundation, or other organization which:

1. Is located in an enclosed campus or development with a fence, wall, or other form of screening which borders the perimeter of the development;
2. Consists of a collection of artwork, as defined in this article, with an appraised value of at least \$750,000;

3. Artwork was created by artists, as defined in this article;
4. Is located within the development and outdoors*;
5. Has a professional art curator on retainer;
6. Has at least one (1) work of art visible from a public street; and
7. Opens the art collection to view by the public, by open house or scheduled visits, at least once each calendar quarter.

*Purchase of one outdoor artwork by artist Carolyn Salas to satisfy #4 for \$18,400.

A copy of the developer's art package outlining requirements one through seven (1 - 7), rendering of the outdoor artwork, appraised value of the art within the development, and supporting documents are available.

The ArtLife WPB Committee recommended approval six to one (6-1) of the proposed Private Art Program with the condition of adding a more detailed outline of opening their art collection to the public including outreach (marketing) for the development at 3111 Dixie Highway, to comply with Ordinance No. 4754-17.

Commission District 5: Christina Lambert.

Fiscal Note:

No fiscal impact.

11. **Resolution No. 50-21 granting Face of the City approval for a large scale sculpture entitled "Sun Salutations" by Artist Vito Di Bari for installation at Sunset Park.**

RESOLUTION NO. 50-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE ARTWORK ENTITLED "SUN SALUTATIONS", A LARGE SCALE SCULPTURE, BY ARTIST VITO DI BARI FOR INSTALLATION AT SUNSET PARK IN COMPLIANCE WITH THE CITY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23261

Staff Recommended Motion:

Approve Resolution No. 50-21.

Background:

On October 1, 2020, the ArtLife WPB Committee voted unanimously to recommend the proposed art concept for Sunset Park by South Florida based multi-disciplinary Artist Vito DiBari.

About the Artist:

Originally from Milan and now based in Miami, Di Bari's projects are value-driven and based on next-generation technologies and materials. As written in his bio, "Vito's imaginative projects reflect the convergence of art, values, and innovative technologies. It is this balance, as well as the balance between traditional and contemporary, representative, and abstract, which grant his art such widespread appeal. The philosophy behind his concepts, the theory behind his designs, and the selection of materials and media is of utmost importance. However, what matters most to Di Bari is to improve residents' lives with the installation of each of his public artwork."

Artwork Placement:

The sculpture will be installed in the northwest section of Sunset Park within an identified grass triangular area with views of Mangonia Park.

Materials:

Material for rings and center sun to be 1/4 6061 aluminum; Material for base to be 1/4" 304 stainless steel; Material for center pivot rod to be 3/4" stainless steel. The outer ring will be stationary and mounted to the base. Two (2) center rings and center sun will have pivot points welded to back for 3/4" pivot rod. All material will be powder coated in four (4) colors. The sculpture will be bolted on a 4" thick concrete pad, poured on ground level, with a 5ft diameter.

The artwork is a large-scale sculpture where the central "sun" remains fixed as the main subject faces west. The central part of the sculpture is texturized orange glass, which will generate a captivating sparkle effect when the sun is low. Three (3) outer rings encompass the main feature of the sculpture. According to the Artist, his concept "Sun Salutations", is a modernized homage to the City and its lifestyle. Sunset Park was named after West Palm Beach's breathtaking seaside views, and this sculpture focuses on the physical and elegant symbol of the City. In the Artist's own words: "The simplicity of its form displays how beauty can be effortless and understated, yet still visually enthralling, exactly like West Palm Beach's landscape."

The public art committee considered the following criteria set forth in Section 78-125 of the codes and commented, as follows:

1. Art. The proposed artwork conforms to the definition of art contained in this article and will be created by a professional artist as defined in this article.
2. Master Plan. The proposed artwork complies with the public art master plan.
3. Historic significance. Not applicable as the proposed art is contemporary.

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

Community Involvement:

The neighboring community requested consideration of a permanent public artwork to be commissioned and installed at Sunset Park. The community participated in the discussions during the selection process, and short-listed artists' presentations, including a virtual presentation with the selected artist.

A copy of the artist resume, proposal, artwork, maintenance, and budget breakdown are available.

Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

\$75,000 allocated and previously approved by City Commission through Resolution No. 396-19(F).

12. **Resolution No. 48-21 approving an Agreement with Centrepark Property Owners Association for the City to reimburse the owner for annual FPL street lighting costs associated with the operation of two (2) City-owned street lighting circuits located inside the Park.**

RESOLUTION NO. 48-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN ANNUAL STREET LIGHTING REIMBURSEMENT AGREEMENT BETWEEN CENTREPARK PROPERTY OWNER'S ASSOCIATION, INC. AND THE CITY OF WEST PALM BEACH RELATED TO CITY-OWNED STREET LIGHTING IN CENTREPARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23262

Staff Recommended Motion:

Approve Resolution No. 48-21.

Background:

The purpose for Resolution No. 48-21 and the agreement with Centrepark Property Owners Association (POA) is to provide for the annual reimbursement for the FPL street lighting costs associated with the operation of two (2) City-owned street lighting circuits, located inside the Park.

On or about August 4, 2020, the POA contacted the City's Public Works Department to request repair of a street lighting pole that had been damaged in a car accident. At that time, the City's records indicated that the two (2) street lighting circuits in question were not within the City's maintenance area; however, further research showed that the circuits should have been added previously when the public rights-of-way inside the Park were deeded to the City. Subsequently, the POA advised the City that the POA was paying the FPL costs associated with the operation of the lighting circuit and indicated that they wanted to be reimbursed for the annual costs.

The basis for the amount to be reimbursed by the City is as follows:

- Estimated 10-hr/day Usage Energy Consumption (in Kilowatts) for East Service: 8.16 Kw X 365 days = 2,978 Kilowatts (Kw)
- Estimated 10-hr/day Usage Energy Consumption (in Kilowatts) for West Service: 18.72 Kw X 365 days = 6,833 Kw

- Total Annual Energy Consumption: 9,811 Kw
- Total Reimbursement Due Annually: 9,811 Kw X \$0.08743 (FPL current rate*) = \$857.78

Annual reimbursement will be based on FPL's most current published rate.

Resolution No. 48-21 approves the reimbursement agreement.

Fiscal Note:

Based on the agreement, rolling calendar year 2020's cost estimate is \$857.78 to GF Cost Center 001-041600-500431. This may fluctuate in future years based on FPL's rates and in accordance with the agreement. Sufficient budget is available to cover this expense.

13. **Public Hearing of Resolution No. 60-21 approving a substantial amendment to the 2019 Annual Action Plan to allocate awarded CARES Act program funds (CDBG-CV3) to eligible activities to support COVID-19 response. The City has been awarded \$987,542 in CDBG-CV3 program funds.**

Resolution No. 13-21(F) appropriating funds for the CARES Act (CDBG-CV3) program funds in the 2019 Annual Action Plan.

RESOLUTION NO. 60-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY'S GRANT YEAR 2019 ANNUAL ACTION PLAN FOR FISCAL YEAR 2020-2021 TO ALLOCATE CARES ACT CDBG-CV3 FUNDS TO 2019 ANNUAL ACTION PLAN TO ELIGIBLE ACTIVITIES; AUTHORIZING THE SUBMITTAL OF THE PROPOSED AMENDMENT TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

RESOLUTION NO. 13-21(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2020/2021 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE COMMUNITY DEVELOPMENT AND GENERAL FUND BUDGETS FOR THE RECEIPT OF THE 2020 CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES ACT) ROUND THREE PROCEEDS TO PROVIDE APPROPRIATIONS FOR ACTIVITIES RELATED TO COVID-19 RESPONSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23263

Staff Recommended Motion:

Approve Resolution No. 60-21 and Resolution No. 13-21(F)

Background:

The City of West Palm Beach is an entitlement recipient of federal funds from the U. S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) Program. In response to the COVID-19 pandemic, the Coronavirus Aid, Relief and Economic Security Act (CARES Act) was signed into law. The CARES Act provides supplemental CDBG (CDBG-CV3) funding for grants to prevent, prepare for, and respond to coronavirus.

The City of West Palm Beach was awarded a total \$987,542 under the CDBG-CV3 program.

In accordance with 24 CFR 91.505, the City shall submit an amendment to its approved Plan in order to use funds not previously addressed in the Plan.

Federal regulations require for the City to provide the public with reasonable notice of and an opportunity to comment on any substantial amendments in accordance with 24 CFR 91.10. However, as a result of the COVID-19 pandemic, HUD issued a memorandum detailing the availability of waivers of Community Planning and Development (CPD) grant program and consolidated plan requirements to prevent the spread of COVID-19. The thirty (30) day minimum for the required public comment period is waived for substantial amendments, provided that no less than five (5) days are provided for public comments on each substantial amendment. The five (5) day comment period commenced on February 28, 2021 and ended on March 6, 2021. No public comments were received.

Resolution No. 60-21 approves the substantial amendment to allocate CARES Act CDBG-CV3 Program funds in the 2019 Annual Action Plan to support eligible activities responding to COVID-19 and authorizes submittal of the amendment to HUD.

Fiscal Note:

Approval recognizes grant proceeds and provides appropriations for COVID-19 response activities.

PUBLIC HEARINGS (14-18):

- 14. Public Hearing and Second Reading of Ordinance No. 4935-21 amending Article X Supplemental District Regulations of Chapter 94 Zoning and Land Development Regulations (ZLDR) amending the dock regulations to be consistent with State Statutes**

ORDINANCE NO. 4935-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS; ARTICLE X, SUPPLEMENTAL DISTRICT REGULATIONS; DIVISION 1, GENERALLY; SECTION 94-313, DOCKS, TO BE CONSISTENT WITH GENERAL LAW; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH 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.: 23264

Staff Recommended Motion:

Approve Public Hearing and Second Reading of Ordinance No. 4935-21 based upon the testimony presented, the staff report, the Planning Board recommendations, and the findings that the proposed amendment complies with the Comprehensive Plan and the amendment standards found in Section 94-32 of the Zoning and Land Development Regulations.

Background:

Previously, state law allowed water management districts and the Department of Environmental Protection (DEP) to require an environmental resource permit (ERP) and impose reasonable conditions to ensure certain construction activities comply with the law and will not harm water resources from the construction of docks. Some projects could be exempted for ERP permitting if they met specific statutory restrictions, and local governments could require an application to get verification from DEP that an activity qualifies for an ERP exception. An ERP exception existed for the replacement or repair of a dock or pier if the replacement or repaired dock or pier is in the same location and under specific conditions. The exception allowed minor deviations to upgrade the dock or pier to current structural and design standards.

As of July 1, 2020, Section 403.813, Florida Statutes, now prohibits local governments from requiring further verification from DEP that a particular construction activity meets an ERP exception. In addition, the changes revised the ERP exception for the replacement or repair of existing docks and piers to allow for the repair or replacement, if it is within five (5) feet of the same location, and no larger than the existing dock or pier, and no additional aquatic resources are adversely and permanently impacted.

The proposed text amendment inserts language that brings the City's dock regulations into compliance with State Statutes. Additional information regarding the proposed change can be found in the Planning Board report.

NOTICE: This item will be advertised in the Palm Beach Post ten (10) days before the Second Reading.

PLANNING BOARD: The Planning Board reviewed and approved (7-0) the proposed amendment during its January 19, 2021 meeting.

Commission District: This amendment will apply Citywide.

15. **Public Hearing and Second Reading of Ordinance No. 4936-21 amending Chapter 78, Article X: Sidewalk Cafes, to introduce new regulations for sidewalk cafe seating; and Resolution No. 55-21 amending the fee schedule for sidewalk cafe seating permits.**

ORDINANCE NO. 4936-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 78 – STREETS, SIDEWALKS AND PUBLIC PLACES TO AMEND AND REPLACE ARTICLE X – SIDEWALK CAFES; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 55-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE FEE SCHEDULE FOR SIDEWALK CAFÉ PERMITS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23265

Staff Recommended Motion:

Approve Ordinance No. 4936-21 amending Chapter 78, Article X: Sidewalk Cafes, to establish new regulations for sidewalk café seating City-wide; and

Resolution No. 55-21 amending the fee schedule for sidewalk cafe seating permits.

Background:

In 2017, the City of West Palm Beach embarked on the redesign of Clematis Street from Flagler Drive to Rosemary Avenue. It was not anticipated how important the proposed wider sidewalks would have in the City's response to the COVID-19 pandemic. The project, now completed, has provided private businesses along the street the opportunity to expand its outdoor seating and accommodate patrons in a safe way, and it has highlighted the importance of modifying the sidewalk cafe regulations to reflect the new conditions and public expectations.

These new sidewalk cafe regulations will amend the existing City Code of Ordinances to clearly identify the areas allowed for sidewalk seating as well as the minimum dimensions for a clear pedestrian path, ensuring the general public is able to enjoy the public space as much as the restaurant and seated patrons.

Although the redesign of Clematis Street elicited the reworking of the Sidewalk Cafe regulations, the proposed sidewalk cafe regulations will be effective within the entire City. Some of the proposed regulations will vary depending on the context as follows:

- Minimum clear pedestrian path for the downtown area - five (5) feet.
- Minimum clear pedestrian path for Clematis street from Flagler Drive to Rosemary Avenue and Rosemary Avenue from Clematis Street to Okeechobee Boulevard - six (6) feet.
- Outside the downtown area- three (3) feet and eight (8) inches (44 inches).

Proposed regulations also include specific language for placement of tables and chairs, signage, umbrellas, lighting, and other elements within sidewalk cafes.

Staff met with the downtown merchant's group on August 28, 2019 and September 25, 2019 to receive input and discuss the proposed regulations. As a result of the meetings, the originally proposed eight (8) foot wide clear pedestrian path was reduced to six (6) feet for Clematis Street and Rosemary Avenue.

Along with the proposed sidewalk regulations, staff is proposing an amendment to the current fee schedule for the use of the public right of way for sidewalk cafe seating by restaurants and retail businesses. The proposed fee schedule, established by Resolution No. 55-21 and presented as a companion item to Ordinance No. 4936-21, is as follows:

- First time application fee: \$200
- Annual usage fee assessed at \$5 per square foot occupied with sidewalk seating.
- Annual renewal fee: \$50

Ordinance No. 4936-21 establishes the new sidewalk cafe regulations, and Resolution No. 55-21 establishes the fee schedule for sidewalk cafe.

16. Public Hearing and Second Reading of Ordinance No. 4938-21 amending the Commission Rules of Procedure to reorganize and clarify rules regarding public comment and civility and decorum.

ORDINANCE NO. 4938-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 2 (ADMINISTRATION), ARTICLE II (CITY COMMISSION), SECTION 2-31 (RULES OF PROCEDURE); PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Agenda Cover Memorandum No.: 23266

Staff Recommended Motion:

Approve Ordinance No. 4938-21 on Second Reading.

Background:

During the commission meeting of February 22, 2021, a question arose as to the approved length of time for a public comment on consent agenda items. The City Commission's Rules of Procedure for commission meetings is codified in Section 2-31 of the City of West Palm Beach Code of Ordinances. As it relates to the consent calendar, the City's rules allow for three (3) minutes on an individual consent item only, when the item is pulled from consent and moved to the regular agenda for discussion; otherwise, comments are limited to three (3) minutes for all items on the consent agenda prior to the commission vote for approval. The City's rules are similar to those of Palm Beach County's regarding consent agenda public comment. On September 26, 2019, the Fifteenth Judicial Circuit upheld the County's rules in Larson, et al. v. Palm Beach County, Case No. 502016CA001706XXXXMB AH, and explained that the an opportunity to be heard does "not require the Board to provide members of the public with an equal amount of time to be heard on all non-ministerial propositions contained on its consent and regular agendas." The decision was affirmed by the Fourth District Court of Appeal. As currently drafted, there are several places in the City's Rules of Procedure that address time limits and civility and decorum requirements. The proposed revisions to the Rules of Procedure reorganizes and clarifies the amount of time provided for public comment for items on the consent calendar, regular agenda, quasi-judicial items, and non-agenda items and provides for forfeiture of unused time.

The ordinance has been amended since First Reading to require a comment card be filed for each item the individual wishes to address and allow the up to three (3) minutes to comment on each item of the consent agenda identified on the filed public comment card(s).

Approval of Ordinance No. 4938-21 amends the City Commissions Rules of Procedure by reorganizing and clarifying regulations related to public comment and civility and decorum contained therein.

Fiscal Note:

No fiscal impact.

17. **Public Hearing and First Reading of Ordinance No. 4923-20 authorizing the sale and conveyance of property located at 944 McIntosh Street to Buena Vista Homes of the Palm Beaches, Inc. for \$96,000 and authorizing the Mayor to execute all documents necessary for the sale and conveyance.**

ORDINANCE NO 4923-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SALE AND CONVEYANCE OF THE PROPERTY LOCATED AT 944 MCINTOSH STREET TO BUENA VISTA HOMES OF THE PALM BEACHES, INC., FOR \$96,000; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE SALE AND CONVEYANCE OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23267

Staff Recommended Motion:

Approve Ordinance No. 4923-20 at First Reading and schedule a Public Hearing and Second Reading for April 5, 2021.

Background:

On October 19, 2020, via Resolution No. 260-20, the City Commission approved the surplus and disposition of property located at 944 McIntosh Street, PCN No. 74-43-43-04-21-002-0250, declared the Property surplus, and authorized the disposition through negotiation of the sale to interested parties. City staff and Real Estate Asset Disposition Corp., a contractor who currently provides real estate services to the City, advertised the sale of certain City-owned properties, including 944 McIntosh Street, through the City's website and Multiple Listing Services (MLS) for a minimum of twenty-one (21) days.

Pursuant to Section 2-31(27)(c) of the City's Code of Ordinances, a sale or lease of City-owned property, which is assessed by the county property appraiser between \$50,000 and \$500,000 requires one (1) appraisal. As such, an appraisal was obtained from Anderson & Carr, Inc., which determined the market value to be \$95,000.

The City received seven (7) offers to purchase City-owned property located at 944 McIntosh Street ranging from \$80,000 to \$97,000. The highest offer has decided not to move forward with the purchase of this property. Therefore, the City has accepted the second highest offer of \$96,000 from Buena Vista Homes of the Palm Beaches, Inc.

The proceeds of the sale will be deposited into the City's General Fund.

In accordance with Section 2-31(27) (d) and (e) of the Code of Ordinance, Ordinance No. 4923-20 authorizes the sale and transfer of the property to Buena Vista Homes of the Palm Beaches, Inc., for \$96,000 and approves entering into a Sale and Purchase Agreement. The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading as required by the Code. The Ordinance further releases the mineral and petroleum rights the City has in the Property.

Commission District 5: Commissioner Christina Lambert.

18. **Resolution No. 45-21 approving a first amendment to the landscape maintenance memorandum of agreement with the Florida Department of Transportation for maintenance of a portion of State Road 5/Quadrille Boulevard from Datura Street to mile post 0.502; and**

Resolution No. 47-21 approving a right of way maintenance agreement with SHP VI Datura West Palm Owner, LLC for maintenance of a portion of State Road 5/Quadrille Boulevard from Datura Street to mile post 0.502.

RESOLUTION NO. 45-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF A PORTION OF QUADRILLE BOULEVARD (STATE ROAD 5) FROM DATURA STREET (MILE POST 0.469) TO MILE POST 0.502; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 47-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING EXECUTION OF A RIGHT-OF-WAY MAINTENANCE AGREEMENT WITH SHP VI DATURA WEST PALM OWNER, LLC, FOR MAINTENANCE OF A PORTION OF STATE ROAD 5 / QUADRILLE BOULEVARD FROM DATURA STREET (MILE POST 0.469) TO MILE POST 0.502; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23268

Staff Recommended Motion:

Approve Resolution No. 45-21 and Resolution No. 47-21.

Background:

Located within the Downtown Master Plan (DMP) Area, the property at 445 Datura Street, herein referred to as “Watermark Senior Living,” is currently under construction for an 8-story, 154-unit senior living facility with 20 memory care units, 34 assisted living units, and 100 independent living units. A portion of the development includes streetscape improvements to the right-of-way (ROW) of State Road 5 (Quadrille Boulevard), which is owned and operated by Florida Department of Transportation (FDOT). On February 7, 2002, an agreement between FDOT and the City of West Palm Beach (“the City”) was

signed, which transferred the maintenance of Quadrille Blvd. landscape and hardscape, excluding the sidewalk, from FDOT to the City. This agreement covers the entire portion of State Road 5 (Quadrille Boulevard) from Dixie Highway to Okeechobee Boulevard. When new developments are proposed along Quadrille Boulevard, FDOT requires a new maintenance memorandum of agreement (MMOA) to be signed by the City prior to issuance of permit to the developer to do work within their ROW. In 2017, the City entered into a MMOA with FDOT regarding maintenance related to the Broadstone project, which is adjacent to the Watermark Senior Living Project. In order for FDOT to permit Watermark to construct improvements in the ROW, FDOT is requiring the City to amend the MMOA to include the portion of Quadrille Boulevard improved for the Watermark Project. The First Amendment to the MMOA transfers the ROW maintenance for the portion of FDOT ROW from Datura north of the Broadstone project to Mile Post 0.502 from FDOT to the City. City staff has estimated the annual cost of this maintenance to be \$2,024.58. The City will then transfer the maintenance responsibilities pursuant to the Maintenance Agreement approved by Resolution No. 47-21.

ANALYSIS:

RESOLUTION NO. 45-21: As part of the development of the Watermark Senior Living, the applicant is proposing to install landscape material, including sod and oak trees, as well as irrigation within the Quadrille Boulevard right-of-way. As part of this proposal, an amendment to the landscape maintenance memorandum agreement with FDOT is required to transfer the maintenance of the landscape and hardscape improvements from FDOT to the City.

This resolution approves the Amendment to the MMOA, which transfers the maintenance of the new landscape and hardscape along this portion of Quadrille Boulevard from FDOT to the City.

RESOLUTION NO. 47-21: Approves a maintenance agreement with the developer of Watermark Senior Living for the maintenance of landscape and hardscape within the Quadrille Boulevard right-of-way that was installed as part of the development's streetscape enhancements.

This Resolution will transfer the maintenance obligations established in the FDOT MMOA from the City to the developer for all landscape installed, which includes sod and oak trees. There is no specialty hardscape proposed along Quadrille Boulevard for this project.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

The Amendment to the MMOA with FDOT will result in annual maintenance costs of approximately \$2,024.58. This cost will be borne by the developer who will be responsible for maintenance of the ROW.

**PUBLIC HEARING – QUASI JUDICIAL (19-24):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

- 19. Public Hearing and Second Reading of Ordinance No. 4926-21 for the re-designation of Northwood Hills on the West Palm Beach Local Register of Historic Places.**

ORDINANCE NO. 4926-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RE-DESIGNATING NORTHWOOD HILLS AS A HISTORIC DISTRICT ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES, IDENTIFYING NEWLY CONTRIBUTING STRUCTURES AND CHANGE IN STATUS FOR SOME PROPERTIES TO NON-CONTRIBUTING AS FURTHER LEGALLY DESCRIBED HEREIN; ALLOWING THE ESTABLISHMENT OF BED AND BREAKFAST BUSINESSES WITHIN THE DISTRICT BOUNDARIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE.

Agenda Cover Memorandum No.: 23269

Staff Recommended Motion:

Approve Ordinance No. 4926-21.

Background:

This application for a re-designation of the Northwood Hills Historic District in the West Palm Beach Register of Historic Places was requested by Northwood Hills Neighborhood Association. City staff, in tandem with approximately five (5) neighborhood volunteers, surveyed the area including photographing all structures, held multiple zoom meetings, and helped determine which buildings have a proposed change in status. Staff attended a Northwood Hills Neighborhood Association Meeting on November 17, 2020 to explain the resurvey. Additionally, mailers were sent to all property owners.

This residential district consists of properties within the existing Northwood Hills Historic District. The boundaries of the historic district are as follows: bounded by the northern property line of properties on 39th Court, the southern property line of properties on 29th Street, Windsor Avenue to the west, and the Florida East Coast (FEC) Railroad tracks to the east. Northwood Hills is significant for its collection of architecture representative of the period from 1925 to 1971. The area has a significant collection of Mission Revival style houses, as well as a number of houses that reflect Post-War architecture. The district maintains the integrity of setting, design, materials and scale that reflect its development during the Florida Land Boom era of the 1920s, the Great Depression Era, the Post-War Period, and the Cold War Period.

The updated Northwood Hills Historic District consists of 806 historic resources; 677 contributing structures (84%), 97 non-contributing structures (12%), 30 vacant lots (3.8%), and 2 properties consisting of Sullivan Park and a playground for a daycare (.2%).

On January 26, 2021, the Historic Preservation Board (7-0) recommend to re-designate Northwood Hills Historic District on the West Palm Beach Register of Historic Places.

On March 8, 2021, the City Commission (5-0) approved First Reading to re-designate Northwood Hills Historic District on the West Palm Beach Register of Historic Places.

Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

No fiscal impact.

20. **Public Hearing and Second Reading of Ordinance No. 4927-21 for the designation of Temple Beth Israel now known as the Yeckes Family Chapel on the West Palm Beach Local Register of Historic Places.**

ORDINANCE NO. 4927-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH FLORIDA, DESIGNATING THE TEMPLE BETH ISRAEL BUILDING NOW KNOWN AS THE YECKES FAMILY CHAPEL AT 2814 POINSETTIA AVENUE, AS A HISTORIC PROPERTY ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE.

Agenda Cover Memorandum No.: 23270

Staff Recommended Motion:

Approve Ordinance No. 4927-21.

Background:

Temple Beth Israel, now known as the Yeckes Family Chapel, located at 2814 Poinsettia Avenue (PCN Address – 2815 North Flagler Drive), was previously designated at its previous location at 2020 Broward Avenue. The main body of the temple, which was moved in 2012 from its original 2020 Broward Avenue location, is a rectangle running east/west and was constructed between 1922 and 1924. An addition to the rear, running north/south, was built in 2014 creating a T-shape structure.

Temple Beth Israel, 2814 Poinsettia Avenue, is eligible for historic designation under criteria A and B for its association with events that have made a significant contribution to the broad pattern of the City's history. It reflects the influx of immigrants into American society between the years 1880 and 1910 and the growth of the City of West Palm Beach into a culturally diverse community. Temple Beth Israel is the oldest synagogue in Palm Beach County. In February 1922, seventy (70) people attended a meeting to discuss building a synagogue in West Palm Beach. At the meeting, \$1,400 was pledged toward the cost of a structure, and a building lot was donated by Mr. and Mrs. Charles B. Frankel. A building permit for the synagogue, known as Temple Beth Israel, was issued in December 1922. However, the cornerstone on the building is dated 1924. The cornerstone, located at the northwest corner of the building, lists Max Sirkin as president of the building

committee, Julius J. Lax as vice-president, and Joseph Mendel. These men were prominent businessmen and civic leaders in the community. Max Sirkin, a Russian immigrant, had settled in West Palm Beach in 1896 and went into partnership with his father-in-law as proprietors of a men's furnishings store. Sirkin served as City Councilman and in other offices before his death in 1933. Joseph Mendel served on the City's Planning Commission, and in 1923-1924, was Mayor of West Palm Beach. He was also active in welfare circles, leading both the United Jewish Welfare Board and the City Welfare Federation. Julius Lax was president and manager of the Palm Beach Plumbing and Supply Company.

Several spiritual leaders guided Temple Beth Israel, including Rabbi Leon Freidless and Dr. Gustav N. Hausmann, in the 1920s, and Dr. Carl Herman who served as Rabbi from 1930 to 1947. He was succeeded by Rabbi Richard Singer, the driving force behind the construction of Temple Israel at 1901 North Flagler Drive.

The Jewish community in West Palm Beach continued to grow. The City Directories list three (3) congregations in 1952: Temple Beth Israel, Temple Beth-El at 630 Fern Street, and Temple Israel at 1901 North Flagler Drive. By 1956, Temple Beth Israel was no longer in existence, and the building was used as St. Catherine's Greek Orthodox Church from 1956-1958. In 1959 and 1960, City Directories show the building occupied by the Unitarian Society of Palm Beach County.

Architecturally, synagogues in America have adopted the prevailing styles of their time of construction. In the early years of the twentieth century, especially after the First World War, the Byzantine Revival style was especially popular. During this period, the central dome over the sanctuary space became a common feature. Although Temple Beth Israel is a simple, vernacular structure, the partial dome over the portico references the Byzantine Revival style. Temple Beth Israel, the oldest temple in Palm Beach County, was constructed by the local contracting firm, Newlon and Stephens. William O. Newlon and Thomas H. Stephens worked together from 1920 into the 1930s. They were also partners in the Associated Home Builders Company. Temple Beth Israel is their only known religious commission.

On January 26, 2021, the Historic Preservation Board (7-0) recommended to designate Temple Beth Israel on the West Palm Beach Register of Historic Places.

On March 8, 2021, the City Commission (5-0) approved First Reading to designate Temple Beth Israel on the West Palm Beach Register of Historic Places.

Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

No fiscal impact.

21. Public Hearing and Second Reading of Ordinance No. 4928-21 for the designation of the William Ohlhaber House on the West Palm Beach Local Register of Historic Places.

ORDINANCE NO. 4928-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH FLORIDA, DESIGNATING THE WILLIAM OHLHABER HOUSE AT 215 PILGRIM ROAD, AS A HISTORIC PROPERTY ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE.
Agenda Cover Memorandum No.: 23271

Staff Recommended Motion:

Approve Ordinance No. 4928-21.

Background:

The William Ohlhaber House is a two (2) story Mission Revival structure that was formerly located at 205 Pilgrim Road and a contributing property within the Belair Historic District and moved one parcel to the west outside of the Historic District at 215 Pilgrim Road.

William Ohlhaber (1866-1948) was born near Hamburg, Germany on February 19, 1866. Mr. Ohlhaber moved to Chicago and became a licensed architect. In Chicago, he is listed as the architect for at least seven (7) properties built during the 1880s-1900s as identified in the Chicago Historic Resources Survey (1995). In 1916, Mr. Ohlhaber moved to West Palm Beach to retire, but instead became a real estate investor and was a large owner of Florida real estate. He was also a licensed architect in the State of Florida. Mr. Ohlhaber purchased the land tract with Sophia Ohlhaber on June 6, 1923 and named the tract Belair, an addition to West Palm Beach, on June 11, 1923.

Mr. Ohlhaber passed away on Sunday, April 18, 1948 at a local hospital after a long illness. He is buried at Forest Home Cemetery in Forest Park, Illinois, a suburb of Chicago. During his life, he was a member of the Masonic Lodge and the Lutheran Church of Chicago. In the City of West Palm Beach, the following properties have been identified as being designed by Ohlhaber: 205 (215) Pilgrim Road, 234 Pilgrim Road, 244 Pilgrim Road, 229 Plymouth Road, and 241 Plymouth Road.

Historic Preservation Board (HPB) Case No. 13-46 required if the structures were moved to the parcel to the west (215 Pilgrim), the City shall individually designate the structures.

On January 26, 2021, the Historic Preservation Board (7-0) recommended to designate the William Ohlhaber House on the West Palm Beach Register of Historic Places.

On March 8, 2021, the City Commission (5-0) approved First Reading to designate the William Ohlhaber House on the West Palm Beach Register of Historic Places.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

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

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

Agenda Cover Memorandum No.: 23272

Staff Recommended Motion:

Approve Ordinance No. 4939-21 for the designation of 310 North Olive Avenue as a Landmark District on the West Palm Beach Register of Historic Places. This motion is based upon the recommendation of the Historic Preservation Board, the factual testimony presented, the application submitted, the staff report, and the finding that the criteria set forth in Sec. 94-48 of the Zoning and Land Development Regulations have been met.

Background:

The proposed St. Ann's Roman Catholic Church Landmark Historic District consists of five (5) properties:

1. The 1895 Church located at the northeast corner of North Olive Avenue and 2nd Street.
2. The 1912 Church located just north of the 1895 Church.
3. The 1925 School located at the southeast corner of North Olive Avenue and 3rd Street.
4. The Rectory built ca. 1903 and substantially rebuilt in 2000-2001.
5. A garage building constructed ca. 1950 and subsequently altered.

The district was placed on the local register in 2003 and is one of the best examples in the Country for the utilization of a TDR program to protect historic resources. The Church would now like to elevate their designated status to landmark.

It is the City staff's recommendation that the Commission approve the applicant's request to designate the buildings at 310 North Olive Avenue, also known as St. Ann's Catholic Church, as a Historic Landmark District. It meets Criteria A, C, D, and E, as defined in Section 94-48(a)(2) of the Zoning and Land Development Regulations. Specifically, the building is at least fifty (50) years old, it is associated with events that have made a significant contribution to the broad patterns of the City's history, it embodies the distinctive characteristics of a type, period or method of construction, and it is associated with a singular location that is unique or possesses singular physical characteristics that make it an established or familiar visual feature. It retains integrity of design, materials, workmanship, and location.

The Historic Preservation Board recommended approval of designation (7-0) on February 23, 2021.

Approval of Ordinance No. 4939-21 on First Reading and schedule Second Reading for April 5, 2021.

Commission District No. 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 23. Public Hearing and First Reading of Ordinance No. 4940-21 approving the historic designation of 823 Belvedere Road, also known as H.G. Roosters, on the West Palm Beach Local Register of Historic Places.**

ORDINANCE NO. 4940-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 823 BELVEDERE ROAD AS A HISTORIC SITE ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23273

Staff Recommended Motion:

Approve Ordinance No. 4940-21 for the designation of 823 Belvedere Road as a historic site on the West Palm Beach Register of Historic Places. This motion is based upon the recommendation of the Historic Preservation Board, the factual testimony presented, the application submitted, the staff report, and the finding that the criteria set forth in Sec. 94-48 of the Zoning and Land Development Regulations have been met.

Background:

As historic preservation evolves, there is a need to continue to identify sites that are significant to under-represented communities and tell a more comprehensive story of the past. The site at 823 Belvedere Road is significant, not necessarily for its architecture, even though the stone clad exterior and its signage has become a visual landmark, but more

for the role the location has played in the community. The site has been a safe gathering space for the LGBTQ+ community for over sixty (60) years. It has also been instrumental in being a leader in philanthropic efforts on behalf of the AIDS pandemic, Breast Cancer, and other charities, as well as sponsoring various gay pride initiatives.

It is the City staff's recommendation that the Commission approve the applicant's request to designate the building at 823 Belvedere Road, also known as H.G. Roosters, as a Historic Site. It meets Criteria A and B, as defined in Section 94-48(a)(1) of the Zoning and Land Development Regulations. Specifically, the building is at least fifty (50) years old, it is associated with events that have made a significant contribution to the broad patterns of the City's history, and it is associated with a singular location that is unique or possesses singular physical characteristics that make it an established, or familiar visual feature.

Approval of Ordinance No. 4940-21 on First Reading and schedule Second Reading for April 5, 2021.

Commission District No. 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

24. **Public Hearing of Resolution No. 56-21 regarding a Minor Subdivision to approve the plat entitled "Shops at the Press" located at the southwest corner of South Dixie Highway and Belvedere Road. The request is being made by Joni Brinkman, of Urban Design Studios, on behalf of Tricera PBP Property Owner LLC.**

RESOLUTION NO. 56-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "SHOPS AT THE PRESS", CONTAINING A TOTAL OF APPROXIMATELY 11.582 ACRES LOCATED ON THE SOUTHWEST CORNER OF SOUTH DIXIE HIGHWAY AND BELVEDERE ROAD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23274

Staff Recommended Motion:

Approve Resolution No. 56-21 approving a subdivision of real property to create the plat entitled "Shops at the Press". This motion is based upon the plat submitted, the staff report, factual testimony, and the findings that the plat is consistent with the Comprehensive Plan, complies with the requirements set forth in Section 94-44 and 94-342 of the City's Zoning and Land Development Regulations, and complies with all applicable provisions of Chapter 177, Florida Statutes.

Background:

The subject property, located on the southwest corner of South Dixie Highway and Belvedere Road, consisting of approximately 11.582 acres and is the location of the Shops at the Press Development of Significant Impact (DSI). On April 6, 2020, the City Commission approved Resolution No. 81-20 approving the development regulations for the Shops at the Press DSI and providing for redevelopment and repurposing of the subject property with a multi-tenant commercial development. As part of the conditions of approval for the DSI, the applicant was required to replat the property. The applicant is now requesting that the property be platted to satisfy such requirement.

It is Staff's professional opinion that the proposed plat complies with the standards required by the City's Comprehensive Plan and the Subdivision General Design Standards required by Section 94-342 of the City's Zoning and Land Development Regulations.

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

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Resolution No. 56-21 was also advertised in the Palm Beach Post on March 12, 2021.

Commission District No. 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

ADJOURNMENT:

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

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