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Mayor Keith A. James
Commission President Joseph A. Peduzzi (District 4)
Commissioner Kelly Shoaf (District 1)
Commissioner Shalonda Warren (District 2)
Commissioner Christy Fox (District 3)
Commissioner Christina Lambert (District 5)

City Administrator Faye W. Johnson
City Attorney Kimberly Rothenburg
City Clerk Hazeline Carson

**City of West Palm Beach
City Commission
DRAFT Agenda
Tuesday, February 22, 2022
5:00 PM**

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, FL 33401, (561) 822-1210.

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. 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.

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

6. PROCLAMATION

- 6.1. Proclaiming March 2022 as Florida Bicycle Month and March 7-11 2022 as Bike to Work Week. Proclamation to be accepted by Xavier Falconi, City

Traffic Engineer, Penni Redford, Resilience & Climate Change Manager, and Alex Hansen City Comprehensive Planner.

Originating Department:
Mayor's Office

7. PRESENTATION

- 7.1. Keep West Palm Beach Beautiful / Keep America Beautiful Presentation of Certificate

Originating Department:
Public Works

Background Information:

Resolution No.124-21 approved the submittal by the City of West Palm Beach to become an affiliate of Keep America Beautiful (KAB) as part of the Clean Street's Task Force. The KAB program will provide support and resources to assist Keep West Palm Beach Beautiful (KWPBB) to educate the West Palm Beach community about littering behavior, waste handling, and beautification thereby enhancing the community's image and improving the physical quality of life for residents, businesses and visitors alike. The City of West Palm Beach has completed all KAB requirements to become an affiliate and Isaac Nicholson, KAB East Regional Director, will present the KWPBB Affiliate Certificate to the Mayor and Commission.

8. APPOINTMENTS

- 8.1. City Commission approval is requested for the Mayor's appointment of Mr. Daryl K. Houston to the Downtown Development Authority for a term to expire July 1, 2023. Mr. Houston will fill the vacant seat of Ms. Upendo Shabazz-Phillips. It is required that the City Commission confirms Mr. Houston's appointment.

Originating Department:
Mayor's Office

- 8.2. City Commission approval is requested for the Mayor's appointment of Mr. Malcom Joy to the West Palm Beach Housing Authority for a term to expire February 1, 2026. Mr. Houston will fill the vacant seat of Mr. Nicholas O'Neal. It is required that the City Commission confirms Mr. Joy's appointment.

Originating Department:
Mayor's Office

9. CONSENT CALENDAR

All items listed under the consent calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items.

9.1. Minutes of the Regular City Commission Meeting of January 24, 2022

Originating Department:

City Clerk's Office

9.2. Resolution No. 28-22 authorizing submittal of a grant application to South Florida Water Management District for the FY 2023 Cooperative Funding Program Water Conservation Project for reimbursement to the City of up to \$31,250.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 28-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR A COOPERATIVE FUNDING PROGRAM WATER CONSERVATION GRANT, REQUESTING UP TO \$31,250 FOR THE COMMUNITY WATER CONSERVATION MEASURES PROJECT - PHASE IX (HIGH EFFICIENCY TOILET VOUCHER); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The South Florida Water Management District (SFWMD) offers a program for the implementation of technology based water conservation projects that address the demand side of the water use equation. The intent of the Community Water Conservation Measures Project - Phase IX (High Efficiency Toilet Voucher {"HET"}) project is to provide funding to save water through demand reduction and foster water conservation efforts of public and private water providers or large users within the SFWMD boundaries.

The City of West Palm Beach (City) is dedicated to water conservation and water conservation education. The HET Voucher program can supplement these efforts by increasing customer awareness of water efficiency and achieving water efficiency savings for the program participants thus working toward the goals of 'Rethink Paradise: West Palm Beach, Sustainability Action Plan'.

The proposed project, Community Water Conservation Measures Phase IX, would continue past year's successful residential and commercial toilet voucher program (2012-2021).

If awarded, the estimated program costs of \$62,500 will come from the Water & Sewer FY 2023 Operating Fund Budget. The grant is on a

reimbursement basis and would reimburse the City for up to \$31,250 - 50% of the program cost for the one (1) year program.

Fiscal Note:

50% Water & Sewer Operating Fund cost of \$31,250
50% Grant funds of \$31,250

- 9.3. Resolution No. 32-22 authorizing the assessment of city liens in the total amount of \$12,161.95 for unpaid water service, sewer service and stormwater charges for the month of November 2021.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 32-22: 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 NOVEMBER 2021; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

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. 32-22 are for unpaid water service, sewer service and stormwater service charges for the month of November 2021. The list of properties to be assessed and the associated charges totalling \$12,161.95 are attached to Resolution No. 32-22 as EXHIBIT A - UTILITY LIEN LIST - NOVEMBER 2021.

Fiscal Note:

No fiscal impact.

- 9.4. Resolution No. 35-22 authorizing the Mayor to execute a release of code enforcement liens encumbering 632 13th Street.

Originating Department:

Code Enforcement

Ordinance/Resolution:

RESOLUTION NO. 35-22: A RESOLUTION OF THE CITY COMMISSION OF CITY OF WEST PALM BEACH, FLORIDA, CONDITIONALLY WAIVING CITY LIENS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS

ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 632 13TH STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The previous owners of 632 13th Street were cited for code violations on the property, including violations involving the interior walls, floors, and ceilings; external doors and windows; and plumbing. As a result of the previous owner's failure to repair the property, a fine has accrued to approximately \$549,600. A new owner has recently purchased the property and plans to rehabilitate the property. The rehabilitation of the property will eliminate unpleasant conditions and improve the area. This resolution will allow the release of the \$549,600 fine/lien if certain conditions are met, including payment of a \$20,000 administrative fine, payment of any outstanding utility liens or taxes, and completion of the property rehabilitation by December 19, 2022.

Fiscal Note:

No fiscal impact.

- 9.5. Resolution No. 40-22 amending Resolution No. 67-21 and authorizing the Mayor to execute a release of code enforcement liens encumbering 838 Upland Road.

Originating Department:

Code Enforcement

Ordinance/Resolution:

RESOLUTION NO. 40-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING RESOLUTION NO. 67-21; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 838 UPLAND ROAD, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Background Information:

A prior resolution, Resolution No. 67-21, provided for the conditional release of liens encumbering 838 Upland Road. The prior resolution allowed the release of liens if certain conditions were met, including payment of an administrative fine, payment of any outstanding utility liens, and completion of the property rehabilitation by October 15, 2021. Payment of the administrative fine and any utility liens was timely made. However, the owner experienced unforeseen delays in rehabilitating the property and obtaining permits, and it was not completed by October 15, 2021. The owner has requested an extension of the rehabilitation deadline in order to facilitate the City's release of the liens. At this time, the property rehabilitation is complete.

Fiscal Note:

No fiscal impact.

- 9.6. Resolution No. 41-22 amending Resolution No. 191-21 and authorizing the Mayor to execute a release of code enforcement liens encumbering 624 32nd Street.

Originating Department:

Code Enforcement

Ordinance/Resolution:

RESOLUTION NO. 41-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING RESOLUTION NO. 191-21; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 624 32ND STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Background Information:

A prior resolution, Resolution No. 191-21, provided for the conditional release of liens encumbering 624 32nd Street. The prior resolution allowed the release of liens if certain conditions were met, including payment of an administrative fine, payment of any outstanding utility liens, and completion of the property rehabilitation by February 7, 2022. Payment of the administrative fine and any utility liens was timely made. However, the owner experienced unforeseen delays in rehabilitating the property and it has not been completed. The owner has requested an extension of the rehabilitation deadline until May 1, 2022, in order to complete the rehabilitation and facilitate the City's release of the liens.

Fiscal Note:

No fiscal impact.

- 9.7. Resolution No. 44-22(F) approves transferring \$150,000 in budget appropriations to a unique project number in Fund 316 for a sculpture by artist Nekisha Durrett at the Heart & Soul Park.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 44-22(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF PUBLIC ART FUNDS IN FISCAL YEAR 2021/2022 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE ARTLIFE WPB CAPITAL PROJECT FUND BUDGET APPROPRIATIONS TO ADD A

UNIQUE PROJECT ACCOUNT NUMBER FOR A SCULPTURE BY ARTIST NEKISHA DURRETT AS PART OF A LARGE SCALE PUBLIC ARTWORK AT HEART AND SOUL PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On June 1, 2020, the City Commission approved Resolution No. 73-20(F) authorizing the expenditure of \$120,000 for an artwork at the Heart & Soul Park. Resolution No. 283-21(F) was subsequently approved by the City Commission for a large-scale public artwork by Nekisha Durrett on November 1, 2021 in the amount of \$150,000 for the Heart & Soul Park. The \$150,000 were added to the previously approved project with the same title Heart & Soul Park.

Because these are two distinct projects with different artists, agreements and funds, a new resolution is required to reflect this difference and separate the projects.

The approval of Resolution No. 44-22(F) re-appropriates the approved funds into a separate project account number and clarifies the difference with these two projects.

Fiscal Note:

No fiscal impact.

- 9.8. Resolution No. 49-22 accepting a grant increase in the amount of \$15,000 from the Institute of Police Technology and Management for reimbursement of overtime expenses incurred to provide public education and enforcement of pedestrian and bicycle safety laws; and

Resolution No. 45-22(F) accepting and appropriating the grant funds.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 49-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT INCREASE IN THE AMOUNT OF \$15,000 FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT FOR REIMBURSEMENT OF OVERTIME EXPENSES INCURRED FOR THE PUBLIC EDUCATION AND ENFORCEMENT OF PEDESTRIAN AND BICYCLE SAFETY LAWS; AUTHORIZING EXECUTION OF AN AMENDMENT TO THE GRANT AGREEMENT BETWEEN THE UNIVERSITY OF NORTH FLORIDA TRAINING AND SERVICES INSTITUTE, INC., D/B/A INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 45-22(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 2021/2022 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 FUNDS FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT (IPTM) FOR REIMBURSEMENT OF OVERTIME EXPENSES INCURRED FOR THE PUBLIC EDUCATION AND ENFORCEMENT OF PEDESTRIAN AND BICYCLE SAFETY LAWS AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES ; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM") is the recipient of a grant from the Florida Department of Transportation (FDOT) for the education and enforcement of pedestrian and bicycle safety laws. The funding is intended to support activities that should reduce pedestrian and bicycle crashes as they are more likely than any other types of crashed to produce serious injuries or fatalities.

In response to one of FDOT's safety campaigns, the West Palm Beach Police Department submitted statistics on traffic crash severity from high pedestrian involvement locations throughout the City of West Palm Beach and proposed a plan of implementation; and

As a result, IPTM awarded a sub-grant to the City of West Palm Beach, from its FDOT funding, in the amount of \$28,982 to be used as reimbursement for overtime costs incurred for the Pedestrian and Bicycle Safety Enforcement Campaign to be implemented by the West Palm Beach Police Department; and

By Resolution No. 217-21, the City Commission accepted the grant funds and authorized execution of the grant agreement; and

Pursuant to the grant, the Pedestrian and Bicycle Safety Enforcement Campaign is intended to enforce bicycle and pedestrian safety regulations at the following intersections/corridors:

1. US-1, 42nd Street – 51st Street
2. 45th St, Military Trail to I-95
3. 45th St, 300 feet east and west of Congress Avenue
4. 45th Street, Australian Avenue to Greenwood Avenue
5. Palm Beach Lakes Boulevard, Congress Avenue to Flagler Drive
6. Okeechobee Boulevard, I-95 to US-1; and

IPTM desires to amend the grant to provide an additional Fifteen Thousand Dollars (\$15,000) in grant funding, and the West Palm Beach Police Department desires that the additional award be accepted.

Resolution No. 49-22 accepts the additional grant funding and authorizes the execution of the amendment to the grant agreement.

Resolution No. 45-22(F) provides budget appropriations for the additional \$15,000.

Fiscal Note:

No fiscal impact.

10. RESOLUTIONS

- 10.1. Resolution No. 39-22(F) amending the Fiscal Year 2021/2022 General Fund budget to recognize parking meter donation of \$4,007.05 for Martin Luther King Jr. Day, January 17, 2022, and appropriating the funds for a donation to the Martin Luther King Jr. Caregivers.

Originating Department:

Parking

Ordinance/Resolution:

RESOLUTION NO. 39-22(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 2021/2022 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 PARKING METER REVENUES AND PROVIDE APPROPRIATIONS FOR A DONATION TO MARTIN LUTHER KING JR. CAREGIVERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 39-22(F)

Background Information:

Resolution No. 39-22(F) appropriates the Parking Meter Donations from the Martin Luther King Jr. (MLK) Holiday to the Martin Luther King Jr. Caregivers. The Martin Luther King Jr. Caregivers are volunteers who provide assistance to the frail elderly and homebound in the inner City of West Palm Beach. This program began in 1996 and continues to provide much needed assistance.

A donation of \$4,007.05 is awarded to the Martin Luther King Jr. Caregivers program for the 2022 MLK Jr. holiday.

Fiscal Note:

Approval recognizes donation proceeds and provides appropriations for Martin Luther King Jr Caregiver programming.

- 10.2. Resolution No. 29-22 approving the change to the face of the City for the proposed design concept for North Railroad Avenue Streetscape between 7th Street and 10th Street. The total cost of the project is estimated at \$17,590,723 and partially funded by the CRA. No city funds are involved in this project.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 29-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA , APPROVING THE PROPOSED DESIGN CONCEPT FOR THE NORTH RAILROAD AVENUE STREETScape BETWEEN 7TH STREET AND 10TH STREET, INCLUDING TRAVEL LANE RECONFIGURATIONS, LANDSCAPE ENHANCEMENTS, AND PEDESTRIAN IMPROVEMENTS ; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 29-22.

Background Information:

As part of the greater 'NoRA Redevelopment Strategy' and in collaboration with the City's Community Redevelopment Agency (CRA), NDT Development embarked on an ambitious catalyst project to fully renovate the public space along North Railroad Avenue from 7th Street to 10th Street. As of December 13, 2021, the City's CRA has negotiated an agreement with the developers to support a Tax Incremental Financing (TIF) Incentive and a Real Estate Developer Accelerator Program (REDA) Incentive dependent on the completion of the streetscape and infrastructure improvements to the North Railroad Avenue Corridor. The total cost of the project is estimated at \$17,590,723. The REDA will cover \$3,500,000 and the TIF is authorized for a maximum of \$11,500,000.

The North Railroad Streetscape improvements to be implemented as part of the CRA's agreement involves general infrastructure improvements on North Railroad Avenue from 7th Street up to 11th Street including the installation of new: water distribution lines, sanitary sewer lines, storm water drainage, and electrical power lines.

With regard to the surface level improvements from 7th Street to 10th Street, the new streetscape includes: a curbless street design, reduction in travel-lane width, increased sidewalk width, introduction of new hardscape materials, planting of street trees, additional streetscape furnishings,

implementation of landscape beds, street lighting, and the installation of bicycle/micro-mobility infrastructure.

Additionally as part of the CRA agreement, the developer shall, at their own expense, be responsible for the project's overall good condition and maintenance of all "streetscape" elements (walking surfaces, landscaping, furniture, bollards, and other above-ground improvements within the 14 foot pedestrian and landscaping spaces along the right-of-way.) These components shall be in compliance with all applicable statutes, codes, regulations, and ordinances.

Resolution No. 29-22 approves the plans for the above-ground streetscape improvements presented to the Commission for the NoRA District which will be constructed, installed, and maintained by the Developer.

Fiscal Note:

No fiscal impact.

- 10.3. Resolution No. 47-22 approving two Community Development Block Grant Mitigation Program (CDBG-MIT) Subrecipient Agreements with the Florida Department of Economic Opportunity in the combined amount of \$3,934,925 for Critical Facilities Hardening of Fire Station No. 5, and Fire Station No. 6; and

Resolution No. 48-22(F) providing for the funding.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 47-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING TWO COMMUNITY DEVELOPMENT BLOCK GRANT MITIGATION PROGRAM (CDBG-MIT) SUBRECIPIENT AGREEMENTS BETWEEN THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND THE CITY OF WEST PALM BEACH PROVIDING \$3,934,925 IN FUNDING FOR THE CRITICAL FACILITIES HARDENING OF FIRE STATION NO.5 AND FIRE STATION NO.6 ; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 48 -22 (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 2021/2022 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING GRANT CAPITAL PROJECT FUND BUDGET TO PROVIDE FOR THE RECEIPT OF TWO FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY GRANTS AND

APPROPRIATIONS FOR THE CRITICAL FACILITIES HARDENING OF FIRE STATION NO.5 AND FIRE STATION NO.6; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 47-22 and Resolution No. 48-22(F).

Background Information:

The City of West Palm Beach is committed to becoming more resilient in the face of storm events, extreme weather, and other natural and man-made disasters.

The City Commission approved Resolution No. 211-20 on July 27, 2020, ratifying the submittal of grant applications to the Florida Department of Economic Opportunity(FDEO) for Critical Facilities Hardening to mitigate potential windstorm damage and improve the City's operational response system.

The FDEO recently responded favorably to these grant applications and has prepared Subrecipient Agreements to harden the Fire Stations. The City will be accepting grants for Fire Station No. 5 and Fire Station No. 6 in the amount of \$3,934,925. There is no City match required for this FDEO CDBG-MIT Grant funding.

The CDBG-MIT funding of \$3,306,500.00 for the Fire Station No. 5 Project will include the installation of a new storm-rated roof, replacement of nine doors and 15 windows with hurricane-rated units of similar size and dimensions.

The CDBG-MIT funding of \$628,425.00 for Fire Station No. 6 will include the installation of a new storm-rated roof, replacement of two doors and 11 windows with hurricane-rated units of similar size and dimensions, and the installation of four hurricane-rated garage bay doors.

Both of these Projects will be completed within forty-eight (48) months after the FDEO executes the Subrecipient Agreements.

Fiscal Note:

The \$3,934,925 will be funded entirely by the FDEO.

11. PUBLIC HEARING

- 11.1. Public Hearing and Second Reading of Ordinance No. 4989-22 approving donation of certain property in the downtown to the University of Florida for development of an urban campus.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 4989-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DONATION OF CERTAIN PROPERTY LOCATED IN DOWNTOWN WEST PALM BEACH TO THE UNIVERSITY OF FLORIDA FOUNDATION, INC., TO BE USED FOR AN URBAN CAMPUS; AUTHORIZING EXECUTION OF AN AGREEMENT FOR CONVEYANCE AND DEVELOPMENT OF REAL PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 4989-22 on Second Reading.

Background Information:

The City of West Palm Beach owns seven parcels of real property known as 386 So. Tamarind Avenue, 810, 818, 826, 860 and 910 Evernia Street, and 913 Fern Street (the "Property"). The Property was obtained by the City from Palm Beach County as a land exchange for the property for the Ball Park of the Palm Beaches. The City has not utilized the Property for any municipal purposes.

The University of Florida Foundation, Inc., wishes to develop a new campus within the City of West Palm Beach utilizing the City Property along with land currently owned by Palm Beach County and private parties. Such urban campus will contain facilities and improvements to support the mission of the University of Florida, including, graduate, post-graduate, professional and executive education programs, courses and certificates; internships; clinical uses; and research, and which may also include, without limitation, incidental facilities, improvements and uses, such as administrative offices, food service facilities, bookstores, indoor and outdoor athletic and recreation facilities, open space and other public and private uses that are complementary to the campus which may include housing, civic space, office space and other commercial uses. The University anticipates that such urban campus will be developed over time, in phases.

This new University of Florida campus will provide unique educational opportunities to residents of the City, will be a benefit to the general welfare of the City, and serves a public purpose.

By Resolution No. 235-21, the City Commission determined that the Property was not needed for City purposes, declared the Property surplus, and authorized the disposition through formal negotiations with the University of Florida Foundation, Inc.

Ordinance No. 4989-22 will approve donation of the Property to the University of Florida Foundation, Inc., by Special Warranty Deed, which shall include the following provisions:

1. A use restriction, which shall run with the land, limiting use of the Property to use as an urban campus, which includes, without limitation, use for graduate, post-graduate, professional and executive education programs, courses and certificates; internships; clinical uses; and research, and which may also include incidental facilities, improvements and uses, such as administrative offices, food service facilities, bookstores, indoor and outdoor athletic and recreation facilities, open space.
2. A reverter clause which provides that in the event that the University of Florida does not obtain a building permit, enter into a construction contract with a general contractor for construction of a portion of the urban campus, and commence vertical construction within five (5) years from the date of the deed, subject to force majeure, title to the Property shall revert back to the City of West Palm Beach.
3. A restraint on alienation clause which will prohibit the University from selling or transferring the Property to a third party without the City's consent.

The University will have approximately 30 months to satisfy all conditions to close the sale and an additional five years to commence vertical construction.

In the event that after 10 years, the University determines that it will not complete the full master plan and will not construct on a portion of the City property, the University will return the undeveloped property to the City, if the City desires the return.

Ordinance No. 4989-22 will also authorize the deed to include a waiver of any interest the City of West Palm Beach may have in the phosphate, minerals, and metals that are or may be in, on or under the Property and any interest in petroleum that is or may be in, on or under the Property, that the City may have pursuant to Section 270.11, Florida Statutes.

By Ordinance No. 4989-22, the City Commission also acknowledges that the University of Florida intends to request that the City abandon the alleys which run through the Property and contain City and FPL utilities. The City Commission hereby agrees to abandon said alley(s), provided that: 1) FPL consents; and 2) either: (a) the City utility facilities within the alleys can be relocated at no cost to the City to a location acceptable to the City; or (b) the City retains utility easements for the utility facilities in their current location.

Pursuant to Section 2-31(27)(c) of the Code of Ordinances, appraisal of the Properties are not required when the conveyance will be to another government agency.

This Ordinance was unanimously approved at First Reading, fulfilling the requirement of Section 2-31(27)(e) of the Code of Ordinance which requires approval by at least 4/5 of the membership of the City Commission at either First or Second Reading.

Fiscal Note:

No fiscal expense. Donation of real property.

- 11.2. Public Hearing of Resolution No. 33-22 approving a Class A Special Use Permit (with waivers) to construct a dock at 2830 N. Flagler Drive.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 33-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT (WITH WAIVERS) TO CONSTRUCT A DOCK AT 2830 NORTH FLAGLER DRIVE WITH CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 33-22.

Background Information:

The subject property is located on North Flagler Drive, just south of the eastern terminus of 28th Street. The property consists of a single-family residential dwelling unit that is *currently under construction*. According to the applicant's Justification Statement, the owner of the property, John Gilbane, is seeking approval of a Class A Special Use Permit with two (2) waivers, to construct a 142 foot long dock (measured from the mean high water line) outside the middle one-third of the property, similar in length and configuration to that of the existing docks along North Flagler Drive. This property previously had a 123-foot long dock, which was in poor structural condition and was demolished during the construction of the new home. The proposed new dock will be longer in length to accommodate a new 20,000-pound capacity vertical boat lift added at the end of the new dock structure. According to the proposed dock plan, the new boat lift, located on the north side of the dock, will extend an additional 16 feet outside the middle one-third of the property. The survey of the property and the proposed dock plan is provided.

Pursuant to Section 94-313(a) of the Zoning and Land Development Regulations (ZLDRs), a Class A Special Use Permit is required when waivers to the City's standards for dock design are requested. These design standards include the dock length, number of mooring slips allowed, and the location and setbacks for the dock and its related facilities. As

illustrated in the dock plan (see Planning Board Report), the proposed dock exceeds the maximum allowable length and is located beyond the middle one-third of the lot.

The applicant is requesting two (2) waivers for the proposed new dock structure. A detailed analysis of the waiver request is provided below:

Waiver Request # 1

Section 94-313(a)(3)(i) of the City's ZLDRs requires that all residential docks not exceed 100 feet in length. As noted above, the applicant is requesting approval for a 142-foot long dock, and therefore, a waiver of 42 feet required.

The length is necessary to accommodate the new 20,000-pound boat lift at the terminus of the structure, and to provide adequate water depth for vessels at mean low tide, so as not to create dredging of the bottom or damage to marine life. According to the Soundings and Seagrass Observation Map for the property, there were grasses observed in a zone from approximately 45 feet to 90 feet from the upland retaining wall. No grasses were observed beyond 90 feet from the upland retaining wall. The dock length would adequately allow a vessel to utilize the slip without dredging the bottom or hitting the bottom due to wave action.

As for the length of other docks in the surrounding area, a total of five (5) existing docks have been analyzed in proximity to the subject property. The table below shows the address, approximate length and average length of all docks in the surrounding area:

3116 North Flagler Drive	133
3010 North Flagler Drive	155
3000 North Flagler Drive	161.4
2818 North Flagler Drive	128
2836 North Flagler Drive	148
<i>2830 North Flagler Drive (Subject Property)</i>	<i>142</i>
Average Dock Length:	145.08
Proposed Dock Length:	142

Note: Some of the properties indicated above do not have bulkheads and are subject to tidal action, the lengths of the docks provided are measured from the eastern property line; the dock may actually be longer, but the additional length would be within the fee-simple boundaries of the property.

The proposed dock is shorter than the average of those shown above, the length of the proposed dock is shorter in length than the approved dock to the north at 2836 North Flagler Drive. As noted in the table above, there

are also multiple existing docks that exceed the length of the waiver requested.

Waiver Request # 2

Section 94-313(a)(3)(h) of the City's ZLDRs requires that all residential docks be located within the middle one-third of lot, the proposed boatlift, located on the north side of the dock, extends 16 feet outside the middle one-third of the property. As noted above, the applicant is requesting, a waiver. The proposed boat lift is to be located to the north of the middle 1/3 of the property, however the dock's location will be the middle of 1/3 of the property. Therefore, a waiver of 16 feet is required.

CONCLUSION

Section 94-313(a)(3)(i)(iii) provides the opportunity for a waiver from the maximum length to reasonably accommodate boat slips and avoid damage to the environment. It is in Staff's professional opinion that the additional dock length is necessary to provide this protection. Since the proposed length of the dock is negligible, it is also not expected to adversely impact the surrounding properties. With the exception of dock's length and not being located within the middle one-third of the property, the proposed dock satisfies all of the other the provisions of the City's ZLDRs (see Planning Board Report).

The Planning Board recommended approval (4-0) of the Class A Special Use Permit after a Public Hearing on December 21, 2021.

12. PUBLIC HEARING - QUASI-JUDICIAL

Disclosure of ex-parte communications, if any*
Swearing-in of witnesses.

- 12.1. Public Hearing of Resolution No. 231-21 approving the plat entitled "Park Central RPD."

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 231-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR SUBDIVISION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "PARK CENTRAL RPD"; CONSISTING OF FOURTEEN FEE SIMPLE TOWNHOUSE LOTS AND 5,683 SQUARE FEET OF COMMON OPEN AREA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 231-21.

Background Information:

The subject property is comprised of ±1.16 acres and is located on the north side of Dock Street, between Parker Avenue and Flamingo Drive.

On October 18, 2021, the City Commission approved Ordinance No. 4967-21, approving the rezoning of the subject property to a Residential Planned Development (RPD) and the site plan for the construction of a fourteen (14) unit townhouse development, known as the "Park Central RPD." As a condition of approval for the Park Central RPD, the subject property must be re-platted to establish the 14 fee-simple townhouse lots prior to the issuance of the first Certificate of Occupancy (C.O.) for the residential planned development. This application seeks the approval of a Major Subdivision to re-plate the property to satisfy the platting requirement provided in Ordinance No. 4967-21.

STANDARDS: The subdivision will comply with the lot and building standards of the Park Central RPD, adopted by Ordinance No. 4967-21.

PLANNING BOARD: After a Public Hearing on August 17, 2021, the Planning Board recommended approval (7-0) of the request.

PUBLIC NOTICE: Individual Notices were mailed to all property owners within 500 feet of the property, and signs have been posted on the subject property. In accordance with the advertising requirements of the City's Zoning and Land Development Regulations (ZLDRs), Resolution No. 231-21 was advertised in the February 11, 2022 edition of the Palm Beach Post.

COMMISSION DISTRICT: The subject property is located within Commission District 5: Commissioner Christina Lambert.

13. COMMENTS FROM THE PUBLIC

Public comments are limited to 3 (three) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

14. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

15. 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 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.