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Mayor Keith A. James
Commission President Christy Fox (District 3)
Commissioner Cathleen Ward (District 1)
Commissioner Shalonda Warren (District 2)
Commissioner Joseph A. Peduzzi (District 4)
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
PASS/FAIL Agenda
Monday, April 4, 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. TRIBUTE

- 6.1. Tribute to Lesser Lesser Landy & Smith in celebration of its 95th Anniversary. Tribute to be accepted by Mr. Gary S. Lesser, the Firm's Managing Partner. **PRESENTED**

Originating Department:
Mayor's Office

7. PROCLAMATION-**PRESENTED**

- 7.1. Proclaiming April 10-16, 2022 as National Public Safety Telecommunications Week. Proclamation to be accepted by Suzette Dodd, City of West Palm Beach Police Department Telecommunications Manager.

Originating Department:
Mayor's Office

8. PRESENTATION-**REMOVED**

- 8.1. Legislative update by State Representative David Silvers.

Originating Department:
Mayor's Office

9. RECEIVED / FILED-**APPROVED**

- 9.1. Submittal of the following reports from the Internal Auditor's Office:

1. Parking Driver and Vehicle Information Database (DAVID) Audit Report AUD22-01;
2. Police Internal Affairs Audit Report AUD20-05; and
3. Addendum to the Payroll and Overtime Audit Report AUD19-04.

Originating Department:
Internal Audit

Staff Recommended Motion:
Receive, Approve, and File.

Background Information:

The reports were presented to the Audit Committee on March 29, 2022, where they were approved by the Audit Committee Members. Copies of the reports have been provided to the Mayor and the City Commissioners.

Fiscal Note:
No fiscal impact.

10. CONSENT CALENDAR-ALL APPROVED

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.

10.1. Minutes of the Regular City Commission Meeting of March 21, 2022

Originating Department:

Mayor's Office

10.2. Resolution No. 60-22 ratifying the submittal of a grant application to the Florida Division of Cultural Affairs for a Cultural Facilities Grant requesting \$500,000 for improvements including infrastructure for programming and special events in the Currie Park;

Resolution No. 61-22 ratifying the submittal of a grant application to the Florida Department of Environmental Protection for a Flooding and Sea Level Rise Resiliency Grant requesting \$1,875,000 for improvements to the drainage system, enhancement of portions of the seawall, and natural stormwater elements to decrease the threat of flooding; and

Resolution No. 62-22 ratifying the submittal of a grant application to the Florida Department of Environmental Protection Coastal Partnership Initiative Grant requesting \$60,000 for improvements to include a kayak launch and surrounding infrastructure in Currie Park.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO.60-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE STATE OF FLORIDA, DIVISION OF CULTURAL AFFAIRS, FOR A CULTUURAL FACILITIES GRANT IN THE AMOUNT OF \$500,000 TO BE USED FOR INFRASTRUCTURE IMPROVEMENTS FOR OUTDOOR PROGRAMMING AND EVENTS IN CURRIE PARK; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 61-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, FOR A FLOODING AND SEA LEVEL RISE RESILIENCY GRANT IN THE AMOUNT OF \$1,875,000 TO BE USED FOR IMPROVEMENTS TO DECREASE THE THREAT OF FLOODING IN CURRIE PARK; PROVIDING LEGISLATIVE FINDINGS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 62-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, FOR A COASTAL PARTNERSHIP INITIATIVE GRANT IN THE AMOUNT OF \$60,000 TO BE USED FOR A KAYAK LAUNCH AND SURROUND INFRASTRUCTURE; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

As a part of the Currie Park Master Plan improvements, several grants were researched and reviewed for consideration to provide full funding for the plan. Due to grant schedules and deadlines we are bringing forward three resolutions ratifying the submittal of grant applications.

The Florida Division of Cultural Affairs for a Cultural Facilities Grant requesting \$500,000 is for improvements including infrastructure for programming and special events in the Currie Park.

The Florida Department of Environmental Protection for a Flooding and Sea Level Rise Resiliency Grant requesting \$1,875,000 is for improvements to the drainage system, enhancement of portions of the seawall, and natural stormwater elements to decrease the threat of flooding.

The Florida Department of Environmental Protection Coastal Partnership Initiative Grant requesting \$60,000 is for improvements to include a kayak launch and surrounding infrastructure.

All three grants require matching dollars. The \$1,000,000 matching dollars for the Division of Cultural Affairs Grant, the \$1,875,000 matching dollars for the DEP Flooding and Sea Level Rise Resiliency Grant, and the \$388,802 matching dollars for the DEP Coastal Partnership Initiative Grant, will be funded from the Currie Park Parks Bond fund allocation.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Ratifying the submittal of the Cultural Facilities Grant Program; DEP Flooding and Sea-level Rise Resiliency Grant; DEP Coastal Partnership Grant may result in an additional \$2,375,600 for Currie Park improvements. Matching funds of \$3,263,802 will come from the Currie Park Parks Bond fund allocation.

- 10.3. Resolution No. 65-22 approving a Special Event License Agreement with Mr. Mack Island Grill for the "Good Morning West Palm" event at Currie Park on Sunday, April 17, 2022, and authorizing the issuance of an alcoholic beverages' license for the event.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 65-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND MR. MACK ISLAND GRILL FOR THE PURPOSE OF CONDUCTING GOOD MORNING WEST PALM AT CURRIE PARK ON APRIL 17, 2022 FROM 11:00 A.M. TO 8:00 P.M.; AUTHORIZING THE ISSUANCE OF A PERMIT TO MR. MACK ISLAND GRILL FOR THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE GOOD MORNING WEST PALM SPECIAL EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Pursuant to Article Section 78-152 of the City Code of Ordinances, a special event permit is required to host a special event in a City park.

Section 58-85 of the Code of Ordinances requires approval of the City Commission, subject to conditions, for the sale, possession and consumption of alcoholic beverages in a City park during a hosted special event.

Mr. Mack Island Grill has submitted an application to produce the "Good Morning West Palm" event on Sunday, April 17, 2022 from 11:00 AM to 8:00 PM at Currie Park. This will be the first time this event is being held in West Palm Beach.

During this event, Mr. Mack Island Grill will serve food, alcoholic and non-alcoholic beverages.

Mr. Mack Island Grill will pay the City of West Palm Beach a \$2,942.50 special event permit fee, a \$500 special event security deposit and will provide the City of West Palm Beach general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact.

- 10.4. Resolution No. 80-22 relating to the ratification of a collective bargaining agreement between the City of West Palm Beach and the Florida State Lodge, Fraternal Order of Police, Inc., Certified Unit No. 2004, for the period of April 4, 2022 to September 30, 2024.

Originating Department:

Human Resources

Ordinance/Resolution:

RESOLUTION NO. 80-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, INC., CERTIFIED UNIT NO. 2004, FOR THE PERIOD APRIL 4, 2022 TO SEPTEMBER 30, 2024; AND FOR OTHER PURPOSES.

Background Information:

The Florida Fraternal Order of Police (FOP) was certified by the Public Employees Relations Commission on August 23, 2021, as the exclusive representative for Police Captains, excluding the Internal Affairs and Administrative Services Division Captains. Collective bargaining negotiations with FOP represented Captains began on November 9, 2021.

The City and the FOP have reached a tentative 2022-2024 Collective Bargaining Agreement for represented Police Captains. If ratified by the Commission, the Agreement will be effective for the period of April 4, 2022 – September 30, 2024.

Attached for the Commission's consideration is Resolution No. 80-22 ratifying the Collective Bargaining Agreement (CBA) between the City of West Palm Beach and the Florida State Lodge, Fraternal Order of Police, Inc., Certified Unit No. 2004. The FOP Captains' unit members ratified the attached Collective Bargaining Agreement on March 21, 2022 by a vote of five (5) to zero (0).

Key provisions of the Agreement's Article 30 - Salary Plan - provide the following:

- A salary Step Plan Consisting of 5 Pay Steps with a Step 1 starting annual base salary of \$135,253.33 and an ending Step 5 annual base salary of \$161,269.68.
- A 5% Step pay increase on October 1, 2022 (FY23).
- A 3% Step pay increase on October 1, 2023 (FY24).

The Step Plan for represented Police Captains places the starting Step 1 annual base salary of Police Captains in 2nd place in the Palm Beach, Broward and Martin County regional market.

FOP represented Captains who held the position of Police Captain prior to the agreement taking effect will be migrated into the new Step Plan at Step 3, at an annual base salary of \$149,116.80.

The adjustment of the current five FOP represented Police Captains to the agreement's Step 3 represents an average base salary increase of 4.75% to 8.40% for those Captains.

The estimated FY22 cost of implementing this Agreement is approximately \$40,360 which will be absorbed from current personnel vacancy savings within the City and will not have an FY22 general fund budget impact. Costs for FY23 will be budgeted in the FY23 budget.

The full language of the tentative agreement is attached for more comprehensive review.

Staff recommends Board approval of Resolution No. 80-22.

Fiscal Note:

FY22 has available funds from vacancies. FY23 and FY24 will be budgeted.

- 10.5. Resolution No. 94-22 authorizing contracts for master property insurance, water system property insurance, excess liability insurance, excess workers' compensation insurance, crime insurance, and miscellaneous insurance policies for policy year 2022-23.

Originating Department:

Human Resources

Ordinance/Resolution:

RESOLUTION NO. 94-22: 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 MASTER PROPERTY INSURANCE, WATER SYSTEM PROPERTY INSURANCE, EXCESS LIABILITY, EXCESS WORKERS' COMPENSATION, CRIME INSURANCE, ECR PROPERTY, GENERAL LIABILITY AND OTHER INSURANCE, PUBLIC OFFICIALS BOND, CITY CENTER PROPERTY INSURANCE, FIDUCIARY LIABILITY, CRA PROPERTY AND LIABILITY AND OTHER MISCELLANEOUS INSURANCE, FOR THE PERIODS OF MARCH 1, 2022 – FEBRUARY 28, 2023 AND OCTOBER 1, 2022 – SEPTEMBER 30, 2023, 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.

Background Information:

The City, through the broker of record, Arthur J. Gallagher Risk Management Services, Inc., obtained master property insurance, water systems property insurance, excess liability, excess workers' compensation, crime insurance, and other miscellaneous insurance coverages for the 2022-2023 policy year. Master property insurance, utility systems insurance, excess liability insurance, excess workers' compensation insurance, and crime insurance coverages will be bound effective March 1, 2022. Miscellaneous other coverages will bind as they expire. The City is self-insured for workers' compensation, automobile liability, and general liability up to various self-insured retention levels. The City purchases excess insurance policies for liability claims exceeding \$350,000 and for workers' compensation claims exceeding \$500,000.

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

Resolution No. 94-22 authorizes contracts and binders for the described insurance coverages.

Fiscal Note:

Will approve a total not-to-exceed the sum of \$3,690,772 for the specified insurance coverages. Fully-budgeted.

- 10.6. Resolution No. 102-22 approving submittal to the United States Department of Transportation (DOT) of an application for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant in the amount of approximately \$8.1 million to fund three roadway, sidewalk, and stormwater improvement projects for the Carver, Twin Lakes, and Roosevelt Estates neighborhoods.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 102-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING SUBMITTAL OF AN APPLICATION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR A REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) GRANT IN THE AMOUNT OF APPROXIMATELY \$8.1 MILLION TO FUND THREE ROADWAY, SIDEWALK AND STORMWATER IMPROVEMENT PROJECTS FOR THE CARVER, TWIN LAKES AND

ROOSEVELT ESTATE NEIGHBORHOODS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach is committed to enhancing the quality of life in our neighborhoods by repairing and modernizing the infrastructure and making our roadways safer. The United States Department of Transportation is accepting applications for discretionary grants under the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program. The RAISE program helps communities large and small fix and modernize their infrastructure; and helps with making the transportation systems safer, more accessible, and more sustainable.

The City desires to submit an application for a RAISE grant in the amount of approximately \$8.1 million to fund the following projects:

Carver Neighborhood Improvements: This project consists of sidewalk construction, signage and pavement markings, pedestrian lighting, utility work, minor signal work, widening, minor landscaping, stormwater improvements, as well as milling and resurfacing to incorporate conventional bicycle lanes and construct nine (9) speed humps on 7th St, 8th St, 9th St, 10th St, 11th St, and Windsor Ave, as well as a raised-table intersection by Carver Ave and 7th St.

Twin Lakes Neighborhood Improvements: This project consists of sidewalk reconstruction, signage and pavement markings, utility work, stormwater improvements, minor landscaping improvements (root pruning), milling and resurfacing as well as constructing five (5) speed humps on Abraham Ave, 10th St, and Booker Ave.

Roosevelt Estates Neighborhood Improvements: This project consist of sidewalk reconstruction, signage and pavement markings, utility work, stormwater improvements, road re-construction, as well as milling and resurfacing to construct nine (9) speed humps on 8th St, 9th St, 9th Ct, 10th St, 11th St, 11th Ct, and Handy Ave. Additionally, repurposing Palm Beach Lakes Service Rd to be a "complete street" from the Golf Canal to N. Australian Ave. is also part of the enhancements for this area, including stormwater, sanitary sewer, and incidental water improvements. Lastly, Golf Ave Pedestrian Improvements proposes the construction of ADA compliant ramps and sidewalks; and improvements to the existing pedestrian bridge over the Golf Canal (Westward Park). The intersection improvements will include enhanced pedestrian crosswalks (colored textured asphalt) and the appropriate stripping; as well as roadway reconstruction of Golf Ave and utility work as needed (drainage, sanitary sewer replacement/lining and water main replacement).

The US Department of Transportation RAISE grant provides an 80/20 funding where US DOT would provide 80% of the funding and the City would provide 20%.

Total project cost is: \$10,169,884.

Requested grant amount is: \$8,135,907.

City match total is: \$2,033,977.

Breakdown of City match that is already budgeted:

- \$500,000 from One-Cent Sales Tax Capital Improvements
- \$500,000 from Stormwater R&R Improvement Fund
- \$1,033,977 from Capital Acquisition fund

Should the City be awarded this RAISE grant, the match funding would come from the following budgeted Capital accounts:

- \$ 500,000 from 325.042100.541.500630.30846772--Roosevelt Estates Sidewalks (One-Cent Sales Tax)
- \$ 500,000 from 485.041750.541.500630.92060813 –Palm beach Lakes Service Road Improvements (StormWater R&R)
- \$1,033,977 from 304.042100.541.500630.20146719- Palm beach Lakes Service Roads (Capital Acquisition Fund)

The grant funding year is 2022, funds must be obligated in 2026 and the grant closes out in 2031.

The project area lies within Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Total project amount is \$10,169,884. Grant funding of \$8,135,907. City match of \$2,033,977 will be covered as follows: \$500,000 from One-Cent Sales a Tax Capital Improvements Budget; \$500,000 from Stormwater R&R Improvements budget, and \$1,033,977 from Capital Acquisition Fund budget.

11. RESOLUTIONS-ALL APPROVED

- 11.1. Resolution No. 82-22 accepting a donation from Huizenga Holdings, Inc. in the amount of \$240,395 to fund the purchase and operation of technology for the Police Department; and

Resolution No. 83-22(F) accepting a donation of \$115,395 from Huizenga Holdings, Inc. in Fiscal Year 2021-22 for Police Department technology upgrades.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 82-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A DONATION IN THE AMOUNT OF \$240,395 FROM HUIZENGA HOLDINGS, INC., FOR THE PURCHASE AND OPERATION OF LICENSE PLATE READER TECHNOLOGY FOR USE BY THE WEST PALM BEACH POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 83-22(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 2021/22 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF APPROVING THE ACCEPTANCE OF A DONATION OF ONE HUNDRED FIFTEEN THOUSAND THREE HUNDRED NINETY FIVE DOLLARS FROM THE HUIZENGA HOLDINGS, INC. FOR THE PURCHASE OF POLICE TECHNOLOGY UPGRADES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 82-22 and Resolution No. 83-22(F).

Background Information:

The West Palm Beach Police Department strives to provide excellent police service and a safe community every day, and is committed to elevating the quality of life in the City's neighborhoods by embracing the core values of community partnerships to identify, reduce, eliminate, and prevent crime impacting our community. The West Palm Beach Police Department's mission is to provide a safe place to live, work and play.

Over the past three years, cameras and LPR systems monitored by the department's Strategic Intelligence center have helped solve numerous crimes and recover stolen vehicles throughout the City.

Huizenga Holdings, Inc., as part of their public/private partnership and community outreach desires to donate One Hundred Fifteen Thousand Three Hundred Ninety-Five Dollars (\$115,395) to the City to be used to fund technology enhancements for the Police Department. This will help purchase additional CCTV cameras and subscription based LPR

equipment for the Police Department's Strategic Intelligence Center. These additional cameras will be installed from 25th street, north to the city boundary and west to Australian Avenue. The donation of \$115,395 will fund one (1) year of subscription service and the installation of cameras.

Huizenga Holdings, Inc., has also committed to subsequent donations in FY 2023 and 2024 of Sixty-Two Thousand, Five Hundred Dollars (\$62,500) to cover two (2) additional years of the technology subscription and related service fees.

The FY 2025 Police Department General fund budget for the Real Time Crime Center (RTCC) will need to be increased by Sixty-Two Thousand Five Hundred Dollars (\$62,500) to continue the subscription service.

The donation from Huizenga Holdings, Inc. will benefit several north end neighborhoods including the Old Northwood Historic Neighborhood, Northwood Shores Neighborhood Association, Northboro Park Historic Neighborhood, Northwood Gardens Neighborhood Association, Northwood Harbor Association, Northwood Legacy Association, Pinewood Park Neighborhood Association, and the Northwood Hills Neighborhood Association.

Resolution No. 82-22 accepts the donation and Resolution No. 83-22(F) appropriates the funds.

Commission District No. 2: Commissioner Shalonda Warren.

Fiscal Note:

No fiscal impact until FY 2025 to Police Budget.

- 11.2. Resolution No. 104-22 finding that approximately 5.37 acres located within the boundaries of Dreher Park is not needed for City purposes and declaring such as surplus, authorizing City Staff to negotiate an amended lease with the Cox Science Center and Aquarium, and authorizing submittal of the applications for governmental approvals.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 104-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT PROPERTY LOCATED WITHIN THE BOUNDARIES OF DREHER PARK IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; AUTHORIZING CITY STAFF TO NEGOTIATE AN AMENDED LEASE WITH THE COX SCIENCE CENTER AND AQUARIUM; AUTHORIZING SUBMITTAL OF APPLICATIONS;

PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 104-22.

Background Information:

Since 1995, the South Florida Science Museum (now known as the Cox Science Center and Aquarium) has leased property within Dreher Park from the City of West Palm Beach for the operation of a science museum and aquarium. The original lease area consisted of approximately 4.05 acres north of the Palm Beach Zoo and was expanded in 2015 to include an additional 2.05 acres, which was the former location of the West Palm Beach Garden Club.

In order to complete the next phase of their expansion plan, consisting of a multi-level addition with a new aquarium, additional gallery space, additional parking, and stormwater retention, the Cox Science Center has requested an additional ±5.37 acres, more or less, to the north of their existing lease area.

Resolution No. 104-22 provides that the additional lease area proposed within the boundaries of Dreher Park is not needed for City purposes and declares such as surplus, while also authorizing City Staff to negotiate with the Cox Science Center an amended lease for future consideration by the City Commission.

To expedite the processing of their proposed development, Resolution No. 104-22 also authorizes the Cox Science Center to submit their governmental approvals, with the Mayor's consent as the property owner, subject to the final approval of an amended lease by the City Commission.

The negotiated amended lease, along with the recommendation of the Parks and Recreation Advisory Committee, will be brought back to the City Commission for consideration.

Commission District 5: Commissioner Christina Lambert.

- 11.3. Resolution No. 91-22 approving a maintenance agreement with TDC DRI West Palm Beach LLC for landscape and hardscape maintenance of a portion of the city's ROW adjacent to 695 South Olive Avenue, Trinity Place and Tanglewood Court.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 91-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A

RIGHT-OF-WAY MAINTENANCE AGREEMENT BETWEEN TDC DRI WEST PALM BEACH LLC, AND THE CITY OF WEST PALM BEACH FOR MAINTENANCE OF A PORTION OF THE CITY RIGHT-OF-WAY ADJACENT TO 695 SOUTH OLIVE AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 91-22.

Background Information:

The 695 South Olive Avenue residential project including 219 residential units and located on the west side of South Olive Avenue between Trinity Place and Tanglewood Court, has completed its construction and it is requesting final certificate of occupancy (CO). Before final CO can be issued, the developer (TDC DRI West Palm Beach LLC) and the City shall enter into a maintenance agreement to transfer the maintenance of all landscape, irrigation, specialty hardscape, trash cans and bike racks installed within the city's ROW as part of the project to the developer. The street lighting will remain the responsibility of the City.

Resolution No. 91-22 approves the Right of Way maintenance agreement with the project's developer.

Commission District 3: Commissioner Christy Fox.

12. PUBLIC HEARING-ALL APPROVED

- 12.1. Public Hearing and Second Reading of Ordinance No. 4973-21 establishing standards for reliable and consistent transmission and reception of public safety radio signals.

Originating Department:

Police

Ordinance/Resolution:

ORDINANCE NO. 4973-21: 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 18 (BUILDING AND BUILDING REGULATIONS) TO CREATE ARTICLE VIII (PUBLIC SAFETY RADIO COVERAGE); AMENDING CHAPTER 26, CODE ENFORCEMENT, AT SECTIONS 26-65 AND 26-66 REGARDING ENFORCEMENT PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 4973-21.

Background Information:

The City of West Palm Beach maintains and operates an L3Harris, 800MHz multi-site simulcast P25 radio system. The P25 radio system services the public safety operations of the city and is a critical component of the public safety infrastructure. Reliable consistent and unobstructed radio signal transmission and reception within buildings located in the city is necessary to provide public safety services. An ordinance referred to as the "Public Safety Radio Coverage Ordinance" establishing guidelines and standards for achieving proper radio signal strength is necessary to ensure reliable emergency services communications within certain buildings and structures located within the city.

Modern building design and construction techniques, especially those required to satisfy requirements for hurricane rated building code compliance make it difficult or impossible for the city to provide reliable two-way radio coverage for first responders operating inside of buildings. Two-way radio communications enhancement systems help ensure the safety of building occupants and first responders by extending the coverage of a public safety communications system to the interior areas of the building using special bi-directional amplifiers (BDAs) and a network of indoor antennas strategically located to provide reliable public safety radio system coverage throughout the interior of a building. The BDA and network of antennas is known collectively as a Distributed Antenna System (DAS). An In-Building Public Safety Communications System ensures that radio signals can penetrate all areas of the buildings, including areas that are difficult for radio frequencies to penetrate such as stairwells, elevators, basements, and thick-walled or shielded areas.

The need for in-building wireless communications has given rise to efforts to develop and standardized national model codes by various professional associations and institutions including the National Fire Protection Association (NFPA). Codes established by these groups include the National Fire Code, National Electrical Code, International Fire Code, and the International Building Code. The NFPA continues to develop national level model codes focused on In-Building Public Safety Communication Systems.

Throughout the nation jurisdictions have enacted local ordinances and codes which require a requisite level of public safety communications reliability in building as a condition for occupancy.

The purpose of Ordinance No. 4973-21 is to ensure a reasonable degree of reliable two-way communication between city emergency dispatch and public safety personnel within certain buildings and structures within the city.

Ordinance No. 4973-21 will apply to most high-rise commercial and apartment buildings, industrial and other large structures within the City. Single-family residential buildings constructed of wood or metal frame,

Multi-family buildings constructed of wood frame, and buildings with a gross area of less than 5,000 sq. feet are among the structures exempted from the requirements of the Ordinance.

Ordinance No. 4973-21 establishes the following:

- No building shall be constructed or modified which inhibits or interferes with adequate radio coverage for the public safety radio system.
- The technical requirements for adequate radio coverage.
- Requires a building owner to retain qualified firms to design, install and test the signal coverage in the building.
- Requires installation of a radio coverage enhancement system if radio coverage is not adequate.
- Requires annual testing of all active components of the radio coverage enhancement system on an annual basis.
- Requires verification of the radio coverage every five (5) years.
- Provides enforcement by the withholding or revocation of a certificate of occupancy for the building; through code enforcement processes; and other legal means.

High-rise commercial or apartment buildings will be required to apply for a building permit for a radio coverage system by January 1, 2024 and show compliance by January 1, 2025. All other buildings and structures shall be in compliance no later than October 1, 2022.

Fiscal Note:

No fiscal impact.

- 12.2. Resolution No. 288-21 finding that five (5) City-owned properties are not needed for City purposes, declaring the properties as surplus, and providing the method of disposition; and

Public Hearing and First Reading of Ordinance No. 4980-21 authorizing the conveyance of five (5) City-owned properties to the City of West Palm Beach Community Redevelopment Agency.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 288-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT FIVE CITY OWNED PROPERTIES LOCATED IN THE TAMARIND CORRIDOR WITHIN THE COMMUNITY REDEVELOPMENT AGENCY DOWNTOWN/CITY CENTER DISTRICT, AS MORE PARTICULARLY DESCRIBED HEREINBELOW, ARE NOT NEEDED FOR CITY PURPOSES AND ARE DECLARED TO BE SURPLUS; SELECTING THE METHOD OF DISPOSITION TO BE CONVEYANCE TO THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4980-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE CONVEYANCE OF FIVE CITY OWNED PROPERTIES LOCATED IN THE TAMARIND CORRIDOR WITHIN THE COMMUNITY REDEVELOPMENT AGENCY DOWNTOWN/CITY CENTER DISTRICT, AS MORE PARTICULARLY DESCRIBED HEREINBELOW, TO THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE CONVEYANCE OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 288-21.

Approve Ordinance No. 4980-21 on First Reading and schedule a Public Hearing and Second Reading for April 18, 2022.

Background Information:

The City of West Palm Beach Community Redevelopment Agency (CRA) and the City's Department of Housing and Community Development are involved in various efforts to provide economic and housing opportunities, to revitalize certain distressed areas of the City. The City currently owns five (5) vacant properties on Tamarind Avenue that are being considered for future redevelopment by the CRA. The properties are as follows:

- Parcel 1 (9th Street West of N. Tamarind Avenue)
- Parcel 2 (1006 9th Street)
- Parcel 3 (N. Tamarind Avenue Between 9th & 8th Street)
- Parcel 4 (1028 N. Tamarind Avenue)
- Parcel 5 (9th Street West of N. Tamarind Avenue)

In furtherance of City and CRA objectives, City staff recommends that these five parcels be transferred to the CRA for the purposes of completing redevelopment projects that will result in the following targeted outcomes:

- Increased Property Value.

- Increased Tax Base and TIFF.
- Reduction of Vacant Land.
- Additional construction and private development.
- Substantial visual impact on the corridor.

Section 2-31(27)(b) of the City Code of Ordinances requires that prior to the disposition of City property, the City Commission must make a legislative finding that the property is not needed for City purposes, declare the property surplus, and select the method of disposition. The method of disposition may be formal negotiation with an interested party, in this case, the City of West Palm Beach Community Redevelopment Agency.

Pursuant to Section 2-31(27)(c) of the City Code of Ordinances, appraisals are not required for conveyance to another government agency. Due to the public benefits derived, staff desires to transfer the properties at no cost to the CRA.

Resolution No. 288-21 declares that five (5) City-owned properties are not needed for City purposes, declares the properties as surplus, and selects the method of disposition of the properties to be conveyance to the City of West Palm Beach Community Redevelopment Agency.

Ordinance No. 4980-21 authorizes the conveyance of five (5) City-owned properties to the CRA for purposes of furthering the redevelopment efforts in the Tamarind Corridor.

This Ordinance will be scheduled for a Second Reading on April 18, 2022.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

13. PUBLIC HEARING - QUASI-JUDICIAL-APPROVED

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

- 13.1. Public Hearing of Resolution No. 71-22 approving the re-plat entitled "STYX PROMENADE" associated with the CRA's redevelopment of the Styx Promenade, within properties along 7th Street, containing approximately 0.964 acres; and

Resolution No. 72-22 approving various public easements related to property at 710 North Sapodilla Avenue, owned by Queen of Sheeba, LLC, related to the Styx Promenade and the Northwest Cultural Trail (7th Street).

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 71-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "STYX PROMENADE"; ACCEPTING DEDICATION OF THE STYX PROMENADE ROADWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Along

with,

RESOLUTION NO. 72-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AND ACCEPTING EASEMENTS REGARDING THE PROPERTY AT 710 N. SAPODILLA AVENUE, OWNED BY QUEEN OF SHEEBA, LLC, RELATED TO THE NORTHWEST CULTURAL TRAIL 7th STREET AND THE STYX PROMENADE PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 71-22 approving the re-plat entitled "Styx Promenade." This motion is based upon the plat submitted, factual testimony and the findings that the plat is consistent with the Comprehensive Plan, complies with the requirements set forth in Sections 94-44 and 94-342 of the Zoning and Land Development Regulations and complies with all applicable provisions of Chapter 177, Florida Statutes.

Approve Resolution No. 72-22 granting and accepting various easements between the Queen of Sheeba, LLC and the City of West Palm Beach related to the property at 710 North Sapodilla Street.

Background Information:

Since mid-2016, the West Palm Beach Community Redevelopment Agency (CRA) has been leading an initiative called Historic Northwest Rising (HNWR) to revitalize the Historic Northwest Neighborhood. The vision of the initiative is to provide the Historic Northwest District with a multi-purpose venue and public space focused on culture and arts. Through the rehabilitation and expansion of the Sunset Lounge, the creation of the Heart and Soul park, improvements to 7th Street, and the creation of a "Styx Promenade," the initiative aims to bring job opportunities to the Northwest Neighborhood and create a cultural destination for residents and visitors.

As part of the reinvestment into the neighborhood, the CRA purchased lots within the neighborhood, including four (4) lots on the south of 7th Street (Lots 5-9 of Block 3, Clows Addition) between North Sapodilla Avenue and Rosemary Avenue and is currently constructing four new commercial

structures, rehabilitating one structure and constructing a new bi-directional right-of-way from 7th Street to North Sapodilla Avenue ("Styx Promenade").

Resolution No. 71-22 approves the plat entitled "Styx Promenade" to create a new right of way extending from 7th Street to where it meets the Queen of Sheeba property at 710 North Sapodilla Avenue; and plat the five (5) lots where the new individual commercial structures are being constructed. The Queen of Sheeba property is not included in this replat; however, through easements over the Queen of Sheeba property, the new Styx Promenade will connect to North Sapodilla Avenue. The replat is a condition of site plan approval.

The Styx Promenade Plat dedicates the Styx Promenade to the City as a public right-of-way. The City will assume the maintenance of the Styx Promenade.

The portion of the Promenade within the 710 North Sapodilla Avenue property is not part of the replat, and is remaining under private ownership with an access easement for public access across that property.

Resolution No. 72-22 approves a series of easements to allow the Styx Promenade to connect to North Sapodilla Avenue through a private property. Resolution No. 72-22 includes various easements for sidewalk public access, utility easement, and a public roadway easement for the public use of this portion of the Queen of Sheeba, LLC, property at 710 North Sapodilla Avenue as part of the Styx Promenade.

Also included within this Resolution, is an encroachment agreement for the existing Queen of Sheeba restaurant within the 7th Street ROW. This is an existing encroachment. The encroachment agreement allows the existing building encroachment to remain as long as the current building exists.

PREVIOUS APPROVALS:

The commercial structures received site plan approval on March 27, 2020.

PUBLIC NOTICE:

Resolution No. 71-22 was advertised in the Palm Beach Post on Friday March 25, 2022. The property was posted with signs on Sunday March 20, 2022. Public mailers were sent out to all properties within 500 feet of the affected replat properties on March 4, 2022.

Commission District 3: Commissioner Christy Fox.

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.

15. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

16. 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.