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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
DRAFT Agenda
Monday, April 18, 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. APPOINTMENTS

- 6.1. City Commission approval is requested for the Mayor's reappointment of David Rosenstein to the Audit Committee for a term of three years (3) to

expire March 31, 2025. Mr. Rosenstein has served over the maximum number of allowed terms (3), and it is required that the City Commission confirms his reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Mr. Rosenstein serves as the Mayor's designee in this committee.

7. 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.

7.1. Minutes of the Special City Commission Meeting of March 31, 2022

Originating Department:

Mayor's Office

7.2. Minutes of the Regular City Commission Meeting of April 4, 2022

Originating Department:

Mayor's Office

7.3. Resolution No. 85-22 adopting the non-legally binding International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 85-22: RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RECOGNIZING THE GROWING PROBLEM OF ANTISEMITISM IN AMERICA AND ADOPTING THE IHRA WORKING DEFINITION OF ANTISEMITISM AS AN IMPORTANT EDUCATIONAL TOOL TO ADDRESS IT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Antisemitism, including harassment on the basis of actual or perceived Jewish origin, ancestry, ethnicity, identify, affiliation, or faith, remains a persistent, pervasive, and disturbing problem in American society. Jews continue to be a targeted minority in the United States and are consistently the most likely of all religious groups to be victimized by incidents of hate, with such incidents increasing at an alarming rate. To that end, Florida saw a 20 percent increase in anti-Semitic incidents in 2019, with the largest increases in Miami-Dade, Broward, and Palm Beach Counties.

The International Holocaust Remembrance Alliance (IHRA), by consensus vote of its member states, adopted a Working Definition of Antisemitism in May 2016, which has become the internationally recognized, authoritative definition for use by governments and international organizations. That definition reads in full:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

“To guide IHRA in its work, the following examples may serve as illustrations:”

“Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.”

“Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:”

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.

- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

“Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).”

“Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.”

“Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.”

This Resolution adopts the IHRA's definition of "Antisemitism" as a educational tool to be used by the City and its Departments---especially the West Palm Beach Police Department---in combating antisemitism.

Fiscal Note:

There is no fiscal impact.

- 7.4. Resolution No. 97-22 authorizing the assessment of city liens in the total amount of \$25,764.68 for unpaid water service, sewer service and storm water charges for the month of January 2022.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 97-22: 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 JANUARY 2022; 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.97-22 are for unpaid water service, sewer service and stormwater service charges for the month of January 2022. The list of properties to be assessed and the associated charges totaling \$25,764.68 are attached to Resolution No. 97-22 as EXHIBIT A - UTILITY LIEN LIST - JANUARY 2022.

Fiscal Note:

No fiscal impact.

- 7.5. Resolution No. 95-22 for the execution of a Utility Work by Highway Contractor Agreement with the State of Florida Department of Transportation for performance of the City utility work in conjunction with FDOT's State Road No. 710/Beeline Highway Reconstruction Project (Northlake Boulevard to Blue Heron Boulevard); and

Resolution No. 98-22(F) appropriating \$2,000,000 from Public Utilities Water and Sewer Renewal and Replacement Fund Reserve for Future Projects for the cost of utility relocation within the State of Florida Department of Transportation (FDOT) Beeline Highway Reconstruction project between Northlake Boulevard and Blue Heron Boulevard.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 95-22:A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO THE FDOT'S IMPROVEMENTS OF STATE ROAD 710 – BEELINE HIGHWAY, FROM NORTHLAKE BOULEVARD TO BLUE HERON BOULEVARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 98-22(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 WATER AND SEWER RENEWAL AND REPLACEMENT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR UTILITY RELOCATION WITHIN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION STATE ROAD 710 BEELINE HIGHWAY RECONSTRUCTION PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In July 2022, the Florida Department of Transportation (FDOT) will be soliciting bids for the improvements of State Road No. 710/Beeline Highway Reconstruction (Northlake Boulevard to Blue Heron Boulevard)(“FDOT Project”). The FDOT Project involves reconstruction/widening of SR710 from (converting the existing roadway from four lanes to six lanes), drainage improvements, and gravity retaining wall construction. The total project length of the FDOT Project is approximately 4.33 miles which includes approximately 0.89 miles on Northlake Boulevard and 3.44 miles on Beeline Highway. The FDOT Project is anticipated to begin in March 2023 for a construction duration of thirty-six (36) months.

Within the FDOT Project corridor, existing City’s utilities are in conflict with the proposed improvements and will need to be relocated. The City’s utility relocation will be accomplished in two (2) phases. Phase 1 consists of the relocation of the existing City utilities between Northlake Boulevard and Jog Road that are in direct conflict with the proposed gravity retaining wall and proposed drainage system. This phase will be accomplished by the City’s Contractor and must be completed prior to March 2023. Phase 2 involves incidental utility improvements, such as adjustment of valve boxes and manhole lids to finished grade, will be performed as part of the FDOT Project (Utility Work).

FDOT and the City have determined that it is in the best interest of the public and to the economic advantage of both parties to enter into a Utility Work by Highway Contractor Agreement to accomplish the City's incidental utility improvements in Phase 2 ("Agreement"). Accordingly, the City’s incidental utility work will be competitively bid as part of the FDOT project and constructed by FDOT Contractor. Under the terms of the Agreement, the City shall reimburse FDOT a total estimated amount of \$30,016, for the cost of the Utility Work. This amount includes the cost of utility items plus 10% construction contingency and 2% CEI (Construction, Engineering & Inspection).

Resolution No. 95-22 approves the Utility Work by Highway Contractor Agreement with FDOT for the Utility Work in Phase 2 which is the City’s

incidental utility relocation within FDOT's State Road No. 710/Beeline Highway Project, from Northlake Boulevard to Blue Heron Boulevard.

Resolution No. 98-22(F) appropriates \$2,000,000 from Public Utilities Water and Sewer Renewal and Replacement Fund reserve for future projects for utility relocation Phases 1 & 2, which includes \$30,016 for the Utility Work by Highway Contractor Agreement with FDOT ("Agreement").

COMMISSION DISTRICT: This project is located in Commission District No. 4: Commissioner Joseph Peduzzi.

Fiscal Note:

Post approval of the Water and Sewer Renewal and Replacement Fund 454.

Reserve for Future Projects balance will be approximately \$3.2M.

8. RESOLUTIONS

- 8.1. Resolution No. 87-22 amending the Comprehensive Fee Schedule for Sidewalk Café permits.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 87-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE FEE SCHEDULE FOR SIDEWALK CAFÉ PERMITS; PROVIDING FOR THE EXPIRATION OF EXISTING SIDEWALK CAFÉ PERMITS AND RENEWAL UNDER THE REVISED REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 87-22.

Background Information:

On March 22, 2021, the City Commission approved Ordinance No. 4936-21 amending the regulations regarding sidewalk café permits. At the time, Staff proposed a uniform usage fee charged per square feet of right of way utilized for sidewalk café seating. The City Commission asked Staff to revise the annual usage fees in consideration of the different market conditions between downtown businesses and Northwood Village businesses.

The proposed fees include:

- an application fee: \$200.00
- an annual renewal fee: \$50.00

- an annual fee per square feet utilized:
 - \$5.00 per square foot of permitted area for sidewalk café seating for restaurants within the DMP.
 - \$2.50 per square foot of permitted area for sidewalk café seating for restaurants within Northwood Village or other City-owned right-of-way.

The proposed fees are based on an evaluation of similar sidewalk café fees assessed by of neighboring municipalities, as well as the difference in rental price per square foot of commercial space between areas along Clematis Street and Northwood Road.

The new fees will be applicable city-wide, but primarily District 1 and District 3.

Commission District 1: Commissioner Kelly Shoaf.

Commission District 3: Commissioner Christy Fox.

- 8.2. Resolution No. 112-22(F) authorizing the transfer of City funds in Fiscal Year 2021/2022 to provide appropriations for the replacement of police vehicle technology equipment.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 112-22(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 PROVIDE APPROPRIATIONS FOR VEHICILE DATA SIGNAL ROUTERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution 112-22(F).

Background Information:

The Police Department has contracted with Utility Associates Inc. for providing "RIOT" and "ROCKET" routers. The Police Department configures each marked police vehicle with the updated "RIOT" system that acts as a router for the technology-based systems within the vehicle. The system functions as an internet connection and WIFI hotspot that incorporates GPS location capability for the AVIL system and Computer Assisted Dispatching (CAD). The equipment requires a monthly cellular

service fee. Installation of the system requires a wiring harness, antenna and locker.

In FY 2022 the Police Department is required to upgrade all older model "ROCKET" devices that are end of life and will no longer be supported to the updated "RIOT" devices. In FY 2022 the Police Department will have to replace eighty-six (86) Utility "ROCKET" devices replacing with updated Utility "RIOT" devices at a cost of \$2990 per device (device, hardware bundle and diagnostic cable) (86 X \$2990 = \$257,140) and installation cost of \$255 per device (86 X \$ 255 = \$21,930). Total installed cost per device = \$3245. Total installed cost of (86) devices = \$279,070.

- 8.3. Resolution No. 84-22 authorizing the submittal of an application for a Transportation Alternatives grant for up to \$1,000,000 to the Florida Department of Transportation through the Palm Beach Transportation Planning Agency for the construction of the 49th Street Traffic Calming and Bicycle Improvements project from Greenwood Avenue to North Flagler Drive.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 84-22: AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR A TRANSPORTATION ALTERNATIVES GRANT FOR UP TO \$1,000,000 TO THE FLORIDA DEPARTMENT OF TRANSPORTATION THROUGH THE PALM BEACH TRANSPORTATION PLANNING AGENCY FOR CONSTRUCTION OF 49TH STREET TRAFFIC CALMING AND BICYCLE IMPROVEMENTS PROJECT FROM GREENWOOD AVENUE TO NORTH FLAGLER DRIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 84-22.

Background Information:

49th Street is a residential road that serves as a connector between North Flagler Drive and Greenwood Avenue. It also serves as an access road to the St. Mary's Medical Center. Currently the segment of 49th Street between Pinewood Avenue and Broadway Avenue does not have any sidewalks or ADA accessibility. Everyday residents and children walk along a very busy street with very little space between them and cars.

In 2018, this segment of 49th Street was identified as part of the West Palm Beach Citywide Bicycle Masterplan as a recommended Bike Boulevard. The City has identified this road as a great candidate for a Transportation Alternatives (TA) Grant. The TA Grants are awarded by the Palm Beach Transportation Planning Agency (TPA) and are focused on providing safe

infrastructure for non-motorized users, such as pedestrians and bicyclists, and traffic calming.

The proposed project will include:

1. Construction of Sidewalks and Ramps to achieve compliance with the Americans with Disabilities Act (ADA) of 1990.

The project will include the construction of ADA compliant ramps and sidewalks along 49th Street between Broadway Avenue and Pinewood Avenue to provide a safe passageway for residents and children to walk.

2. Installation of Traffic Calming Devices

The scope of work will include the installation of traffic calming devices such as:

- a. Speed humps between Broadway Ave and Pinewood Ave
- b. Re-construction of the traffic circle at 49th Street and Pinewood Avenue
- c. Replacement of the existing speed humps between N Flagler Drive and Broadway Avenue to bring them up to standard.

3. Installation of Shared-Lane Markings for Bicyclists

The project will include the installation of bicycle shared-lane markings or “sharrows” between Greenwood Avenue and Flagler Drive to alert drivers of the potential presence of bicyclists, encourage safe passing by motorist and to provide a connection within the bike network.

4. Milling and Resurfacing

The scope of work includes the milling and resurfacing of 49th Street between Flagler Drive and Greenwood Avenue.

Resolution No. 84-22 authorizing the submittal of an application for a Transportation Alternatives grant for up to \$1,000,000 to the Florida Department of Transportation through the Palm Beach Transportation Planning Agency for the construction of the 49th Street Traffic Calming and Bicycle Improvements project from Greenwood Avenue to North Flagler Drive.

If awarded, the Transportation Alternatives grant program will require a City match of approximately \$358,000 for design, permitting and construction engineering inspection, which can come from gas tax or penny sales tax funding.

Commission District 1: Commissioner Cathleen Ward.

- 8.4. Resolution No. 90-22 granting a substation utility easement to and approving a Memorandum of Understanding with Florida Power & Light Company for construction of an electrical utility facility on City property located on 47th Place North.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 90-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A SUBSTATION UTILITY EASEMENT TO, AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH, FLORIDA POWER & LIGHT COMPANY FOR CONSTRUCTION OF AN ELECTRICAL UTILITY FACILITY ON CITY PROPERTY LOCATED ON 47TH PLACE NORTH, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 90-22.

Background Information:

The East Central Regional Water Reclamation Facility (ECR) in West Palm Beach is currently being served by feeders from three separate substations located two to three miles away. These substations are at their physical space and load capacity limits and have little to no new feeder routes available. A new source of electrical capacity is needed to support load and customer growth in the area and will supply long term capacity and contingency needs for the Water Reclamation Facility. The existing feeders to the ECR are very long and serve a high volume of customers. The FPL capacity plan for the area indicates a need for a new distribution substation to be located in the vicinity of Roebuck Road and the Florida Turnpike. Development of the proposed substation will allow these surrounding substations to service their own neighborhoods more effectively and efficiently while providing the subject neighborhood and ECR with its own critically needed power distribution source. This will reduce the length of the feeders which will improve reliability by reducing exposure to lightning, foreign interference, or other debris that could cause an outage. A new underground feeder would be built for the ECR site to reduce exposure, provide contingency support, and improve coordination and reliability performance.

Typical site size for a distribution substation is around five acres depending on the stormwater requirements and wetland impacts. FPL is proposing to locate the substation facility on the north side of the existing FPL transmission line north of the ECR. This location will eliminate the need to extend the transmission line to the substation facility. Access is proposed from 47th Place North.

In exchange for the Grant of Easement, FPL will improve and pave approximately .75 miles of 47th Place North which is currently a dirt road for access to the substation and additional access to the ECR.

Due to the location of the substation, mitigation of existing wetlands is required. FPL has agreed to provide the mitigation and to restore an approximate 17.5 +/- acre portion within the City's Water Catchment Area. The City would perform the Mitigation Work for FPL, at FPL's cost.

Commission District 4: Commissioner Joseph Peduzzi.

- 8.5. Resolution No. 96-22 accepting three (3) properties from the CRA for the purposes of providing affordable housing and community development.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 96-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND ACCEPTING THE CONVEYANCE OF THREE PROPERTIES BY THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY TO THE CITY OF WEST PALM BEACH, FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT IN THE HISTORIC NORTHWEST DISTRICT; APPROVING THE FORM OF CONVEYANCE OF THE PROPERTIES BY QUIT-CLAIM DEED; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 96-22.

Background Information:

One of the primary objectives of the City of West Palm Beach is to provide homeownership and affordable housing in neighborhoods with low homeownership rates. In accordance with the City of West Palm Beach Community Redevelopment Agency's (CRA)s Strategic Finance Plan for the City Center/Downtown CRA District is to revitalize the area through thoughtful development. The CRA and the City of West Palm Beach through its Housing and Community Development Department (HCD) are partnering to provide much needed homeownership opportunities.

In these efforts, the CRA desires to convey the following properties.

Parcel 1 (621 10 Street):

Lot 11 Block 20, FRESHWATER Addition to the City of West Palm Beach, Florida, according to the plat thereof on file in the office of the Clerk in and

for Palm Beach County, Florida, filed in Plat Book 6, Page 29; PCN 74-43-43-16-01-020-0110.

Parcel 2 (613 10 Street):

The South 88.5 feet of Lot 12, Block 20, Amended Plat of FRESHWATER Addition, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 6, Page 29; PCN 74-43-43-16-01-020-0121.

Parcel 3 (1109 Henrietta Avenue):

The North 58.5 feet of Lot 12, Block 20, Amended Plat of FRESHWATER Addition to the Town of West Palm Beach, Florida according to the Plat recorded in Plat Book 6, Page(s) 29 & Plat Book 7 Page 84 as recorded in the Public Records of Palm Beach County, Florida; PCN 74-43-43-16-01-020-0123.

These properties will be conveyed at no cost to the City for the purpose of developing affordable housing.

The City intends to partner with developers, contractors and non-profit agencies to perform all services necessary to complete the development and occupancy of the properties. If any of the projects are deemed historic, the City will keep the development consistent with the historic architecture of the area as well as meet the requirements under zoning and land development regulations.

Commission District 3: Commissioner Christy Fox.

9. PUBLIC HEARING

- 9.1. Public Hearing and Second 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:

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 second reading for Ordinance No. 4980-21.

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, was approved April 4, 2022 and the First Reading of Ordinance No. 4980-21 which authorizes the conveyance of five (5) City-owned properties to the CRA was also approved on April 4, 2022.

Commission District 3: Commissioner Christy Fox.

10. PUBLIC HEARING - QUASI-JUDICIAL

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

- 10.1. Public Hearing of Resolution No. 86-22 regarding a Class A Special Use Permit to construct a dock extension on the property located at 3000 North Flagler Drive.

The above-referenced request is being made by Donna Isham of Docks and More Construction Co., on behalf of William Finneran.

Originating Department:
Development Services

Ordinance/Resolution:
RESOLUTION NO. 86-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A DOCK EXTENSION ON THE PROPERTY LOCATED AT 3000 NORTH FLAGLER DRIVE; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:
Approve Resolution No. 86-22, approving a Class A Special Use Permit to construct a dock extension on the property located at 3000 North Flagler Drive. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, the findings that the request complies with the Comprehensive Plan, and the standards in Section 94-36(e)(3) through (5), 94-313(a)(3) and 94-273(a)(2) of the City's Zoning and Land Development Regulations.

Background Information:
(THE INFORMATION PROVIDED BELOW IS A GENERAL SUMMARY. A FULL ANALYSIS IS INCLUDED IN THE STAFF REPORT)

Located on North Flagler Drive, northeast of the 29th Street terminus, the subject property consists of approximately 0.48 acres and currently contains an existing single-family home built in 2004; the property does possess contiguous riparian rights and has an existing dock that extends approximately 130 feet in length (as measured from the bulkhead).

The Applicant has stated that during low tide the first 50 feet of the existing dock is out of the water completely, and that at 75 feet from the seawall the

depth at low tide is approximately three (3) feet. In order to moor their planned 70-foot boat, the property owner has requested a minimum of six (6) feet depth at low tide. To accomplish this, the Applicant is proposing to extend the existing dock by 31 feet, move the existing boatlift to the end of the proposed terminus, and install a new boatlift to replace the one being moved. The improvements would result in an adequate depth at mean low tide so as not to create dredging of the bottom or damage to marine life. Upon extension of the dock, it is estimated that there would only be 8-12 feet from mean low tide to the bottom of the Intracoastal.

With the proposed extension, the dock would be approximately 161 feet in length. Currently, the City's Zoning and Land Development Regulations (ZLDRs) limit docks to a maximum of 100 feet in length unless a waiver is granted through the issuance of a Class A Special Use Permit. Other than the dock length, the dock conforms to all other requirements of the ZLDRs.

While the proposed dock extension would result in a dock that is longer than those in the immediate surrounding area, the additional length allows the dock to reach deeper water levels and thus permits the owner full use and enjoyment of the dock. The extension will not adversely affect surrounding properties and, with the exception of the proposed waiver request, the dock has been found to conform to all of the provisions of the City's ZLDR. The Florida Department of Environmental Protection (FDEP) and United States Army Corps of Engineers (USACE) have approved the scope of the improvements, and a Bethnic Seagrass Survey was also provided indicating that the proposed improvements would not pose a danger to existing marine life in the area.

The Planning Division has found that the request, including the one (1) waiver, satisfies all the required standards found within the City's Zoning and Land Development Regulations. As such, Staff is recommending approval of the requests, subject to the conditions outlined in Resolution No. 86-22.

PLANNING BOARD: After a Public Hearing on November 16, 2021, the Planning Board recommended approval (7-0).

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. 86-22 was also advertised in the Palm Beach Post on April 8, 2022.

COMMISSION DISTRICT 1: Commissioner Cathleen Ward.

11. 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.

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. 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.