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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
Agenda
Monday, May 2, 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 May 1 through May 7, 2022 as National Small Business Week. Proclamation to be accepted by Althea Harris, Deputy District Director, South Florida District Offices for the Small Business Administration and Frank Hayden, City of West Palm Beach Director of the Office of Small & Minority Business Programs.

Originating Department:
Mayor's Office

7. PRESENTATIONS

- 7.1. Legislative update by Senator Bobby Powell, Jr. and presentation by Jervonte Edmonds, Florida State Representative, District 88.

Originating Department:
Mayor's Office

- 7.2. Gina Levesque, Intake and Compliance Manager for the Palm Beach County Commission on Ethics.

Originating Department:
Mayor's Office

8. 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.

- 8.1. Resolution No. 92-22 authorizing acceptance of a federal entitlement grant under the HOME Investment Partnerships American Rescue Plan Program (HOME-ARP) in the amount of \$1,734,257 and authorizing execution of the grant agreement; and

Resolution No. 110-22(F) providing for the receipt and appropriation of \$1,734,257 in HOME-ARP proceeds in the HOME Program Grant fund.

Originating Department:
Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 92-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING ACCEPTANCE OF A FEDERAL ENTITLEMENT GRANT IN THE AMOUNT OF \$1,734,257 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE HOME INVESTMENT PARTNERSHIPS – AMERICAN RESCUE PLAN (HOME-ARP) PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE THE GRANT AGREEMENT AND RELATED DOCUMENTS NECESSARY TO RECEIVE

THE GRANT FUNDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 110-22(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 HOME PROGRAM GRANT FUND FOR THE RECEIPT OF THE HOME-AMERICAN RESCUE PLAN ACT PROCEEDS TO PROVIDE APPROPRIATIONS FOR ACTIVITIES TO ADDRESS THE IMPACT OF COVID-19 ON HOMELESS AND OTHER VULNERABLE POPULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach is an entitlement recipient of federal funds from the U.S. Department of Housing and Urban Development (HUD). The American Rescue Plan Act of 2021 appropriated supplemental HOME Investment Partnerships Program (HOME) funds to address the impact of the COVID-19 pandemic on individuals experiencing homelessness and other vulnerable populations through the provision of housing, services, and shelter. HOME-ARP funds can be used for rental assistance, provision of supportive services, development or rehabilitation of affordable rental housing, and acquisition and development of non-congregate shelter units.

The City has been awarded a HOME-ARP allocation of \$1,734,257. To receive the grant funds, the City is required to execute a HOME-ARP Grant Agreement and to develop and submit a HOME-ARP Allocation Plan outlining how the funds will be distributed to activities that address the needs of the qualifying populations. The Housing and Community Development Department (HCD) must engage with residents, consult with agencies and service providers, and conduct a needs assessment to determine the best use of the funds to meet the greatest needs.

Of the \$1,734,257 awarded, HUD is making available five percent or \$86,712.85 for program administration and planning costs. The balance of the grant funds, \$1,647,544.15, which includes another 10 percent set-aside for planning and administration activities, will become available when HUD reviews and accepts the HOME-ARP Allocation Plan. HCD will bring the proposed HOME-ARP Allocation Plan to the City Commission for approval prior to submittal to HUD.

Resolution No. 92-22 authorizes acceptance of the funds and authorizes the Mayor to execute the grant agreement and all other documents necessary for the receipt of the grant funds.

Resolution No. 110-22(F) authorizes the appropriation of HOME-ARP proceeds in the HOME Program Grant fund to address the impact of COVID-19 on homeless and other vulnerable populations.

Fiscal Note:

This grant provides funding for activities to address homelessness as a result of the COVID-19 pandemic. Grant period is October 1, 2021 - September 30, 2030.

- 8.2. Resolution No. 109-22(F) providing for the receipt and appropriation of \$150,000 from the West Palm Beach Downtown Development Authority to the City's Homelessness Engagement program in the Donation Fund and the General Fund for homeless outreach and services.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 109-22(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 DONATION FUND, COMMUNITY DEVELOPMENT FUND, AND GENERAL FUND BUDGETS FOR A CONTRIBUTION FROM THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY TO SUPPORT THE CITY'S HOMELESS PREVENTION PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On December 16, 2019, by Resolution No. 414-19, the City Commission approved the Interlocal Agreement between the West Palm Beach Community Redevelopment Agency, the City of West Palm Beach, and the West Palm Beach Downtown Development Authority (DDA) regarding the DDA Work Plan and other matters.

On February 18, 2022, by Resolution No. 22-4, the City Commission approved an amendment to the aforementioned Interlocal Agreement. Pursuant to the Amendment, the DDA agreed that its Work Plan shall include annual funding in the amount of \$150,000 to the City, to be combined with the City's funding for homelessness services within the downtown area.

To support homelessness services, the City will add the three new full-time equivalent positions to the Housing and Community Development Department. Two Homeless Outreach Specialist(s) who will conduct outreach and engagement activities and one Social Services Administrator/Licensed Clinical Social Worker who will oversee the

homeless outreach team as well as conduct homeless engagement activities.

Resolution No. 109-22(F) receives the \$150,000 from the West Palm Beach Downtown Development Authority and appropriates these funds to the City's Homeless Engagement program in the Donation Fund and General Fund for homeless outreach and services.

Resolution No. 109-22(F) re-appropriates \$124,550 within the Community Development Fund to provide appropriations for the Licensed Clinical Social Worker and Public Services funding.

At the April 18, 2022 City Commission meeting, Resolution No. 120-22 approved and added the new full-time equivalent positions to the City's Salary Plan for FY 2021-22.

Fiscal Note:

Approval will provide appropriations for a pro-rated portion of 3 positions June through September and Donations for Homeless Engagement.

- 8.3. Resolution No. 113-22 authorizing the assessment of city liens in the total amount of \$34,183.57 for unpaid water service, sewer service and stormwater charges for the month of February 2022.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 113-22: 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 FEBRUARY 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. 113-22 are for unpaid water service, sewer service, and stormwater service charges for the month of February 2022. The list of properties to be assessed and the associated charges totaling \$34,183.57 are attached to Resolution No. 113-22 as EXHIBIT A – UTILITY LIEN LIST - FEBRUARY 2022.

Fiscal Note:

No fiscal impact.

- 8.4. Resolution No. 106-22 approving District Four (4) Amendment Number Two (2) Landscape Memorandum of Agreement with the State of Florida Department of Transportation (FDOT) allowing the City to construct certain improvements within the FDOT right-of-way located at Quadrille Boulevard and Clematis Street, Permit: 2020-I-496-00008.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 106-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING DISTRICT FOUR (4) AMENDMENT NUMBER TWO (2) LANDSCAPE MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ALLOWING THE CITY TO CONSTRUCT CERTAIN IMPROVEMENTS WITHIN THE FDOT RIGHT-OF-WAY LOCATED AT QUADRILLE BOULEVARD AND CLEMATIS STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City and CRA worked together on the design and construction of the Clematis Streetscape. Phase 1 of the project was completed in October 2018 on the 300 block of Clematis. The design that features a curbless street, wider sidewalks, and more tree canopy was continued through Phase 2 on the 100 and 200 Blocks of Clematis that was completed in December 2019. Phase 3 is the final phase of construction that will include similar improvements to the 400 and 500 Blocks of Clematis and will also include some aesthetic improvements to the 600 Block of Clematis including the Clematis Street and Quadrille Boulevard intersection.

The Intersection is under FDOT jurisdiction. In order to complete the project, the City needs to execute this agreement to allow Burkhardt Construction to make the needed improvements at the above mentioned intersection, as per the approved design.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

9. PUBLIC HEARING

- 9.1. Public Hearing of Resolution No. 89-22 a request by Heather Danforth of Integrated Perspectives, on behalf of 2385 Atlas Peak, LLC., for the

abandonment of an approximately 20-foot wide by 192.48-foot long platted alley, consisting of approximately 0.053 acres located east of Mercer Avenue, between 1700 Mercer Avenue and 1320 and 1254 Okeechobee Road.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 89-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING AN APPROXIMATELY 0.053 ACRE (2,310 SQUARE FOOT) ALLEY LOCATED EAST OF MERCER AVENUE, BETWEEN 1700 MERCER AVENUE AND 1320 AND 1254 OKEECHOBEE ROAD, AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY, UPON THE SATISFACTION OF CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 89-22.

Background Information:

The subject property is a strip of land approximately 20 feet wide by 192.48 feet long (2,310 square feet), and is located east of Mercer Avenue, between 1700 Mercer Avenue and 1320 and 1254 Okeechobee Road. The alley way is a 20-foot-wide platted alley as recorded in Official Records Plat Book 8, Page 31, of the Public Records of Palm Beach County. The alley is a part of an existing alley system in the Grove Dale Plat that runs east/west between Mercer Avenue and Wilkins Avenue and north/south between Okeechobee Road and Alpha Street. The owner of the adjacent property on either side of the alley (1700 Mercer Avenue and 1320 and 1254 Okeechobee Road) desires to vacate the alley to combine his properties. The applicant has no redevelopment plans at this time.

The abandonment of the subject property will not result in any negative impact to the surrounding area since the alley is located adjacent to the applicant's property. Access to the remaining east alley and north/south alley will be maintained. Due to its small size and narrow width, the subject alley has very little (if any) development potential or use to anyone other than the adjacent owner; it could not readily be developed as a stand-alone parcel. Properties of this type are almost exclusively purchased privately by the adjacent landowners for assemblage into their property and it has been determined that there will be no negative impact by the abandonment on the City's street system.

An appraisal for the abandonment of the subject property was prepared by Anderson & Carr, Inc., on December 27, 2021, and submitted to the City. According to the appraisal report, the market value for the subject area is

\$88,000.00. The applicant has agreed to pay the City the appraised value for the abandonment.

STANDARDS: Staff has found the requested abandonment complies with the abandonment criteria as established in Sec. 78-217 of the City's Code of Ordinances.

PUBLIC NOTICE: Pursuant to the requirements of Sec. 78-25(b) of the City's Code or Ordinances, individual notices were mailed to property owners within 400 feet of the subject property, and the site was posted. To date, the City has not received any inquiry regarding the general nature of this request.

COMMISSION DISTRICT: The subject area is located within Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

10. PUBLIC HEARING - QUASI-JUDICIAL

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

- 10.1. Public Hearing of Resolution No. 100-22 regarding a request by Carlos Florian of Kimley-Horn & Associates, Inc., on behalf of BrandsMart USA of South Dade, Inc., for the approval of a Major Planned Development Amendment to the BrandsMart USA Commercial Planned Development to increase the size of the previously approved BJ's Wholesale Club store by approximately 2,000 square feet and to grant a waiver to permit two gasoline price signs.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 100-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE BRANDSMART USA COMMERCIAL PLANNED DEVELOPMENT, LOCATED AT 751 WEST EXECUTIVE CENTER DRIVE, TO INCREASE THE SIZE OF THE BJ'S WHOLESALE CLUB STORE BY APPROXIMATELY 2,000 SQUARE FEET AND TO GRANT A WAIVER TO PERMIT GASOLINE PRICE SIGNS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 100-22 regarding the Major Planned Development Amendment to the BrandsMart USA CPD to increase the size of the previously approved BJ's Wholesale Club store by approximately 2,000 square feet and to grant a waiver to permit two gasoline price signs. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

On November 15, 2021, the City Commission approved Ordinance No. 4971-21 and Resolution No. 256-21, which approved the construction of a stand-alone BJ's Wholesale Club store (BJ's), including an accessory motor vehicle fuel sales facility to replace the Steak n' Shake and the Golfsmith buildings, as well as other site improvements.

During the building permit review for the new BJ's, staff noted the presence of a mezzanine within the building that was not included as part of the approved building square footage. The additional square footage resulted in an increase in the number of vehicle trips, which triggered the need for a Major Planned Development Amendment. Additionally, BJ's submitted sign permits which exceeded the number of gasoline price signs permitted by the ZLDR. The waiver to the number of signs requires a Major Planned Development Amendment. Both requests are explained in detail below.

Additional Square Footage

Resolution No. 256-21 approved a 103,611 square foot BJ's. The building that was submitted for the building permit contains 105,568 square feet, which is 1,957 square feet larger than the building approved by Resolution No. 256-21. The additional square footage is due to mezzanine space that was not included by the applicant in the original application.

Section 94-207(e) of the ZLDR governs the process to amend planned developments. Section 94-207(e)(1)(f) requires that an increase in traffic impact for an approved planned development requires the approval of a Major Planned Development Amendment. The City has determined that an increase in vehicle trips is the trigger for increased traffic impact. BJ's provided an updated traffic study for the additional square footage to the Palm Beach County Traffic Engineering Department and the resulting Traffic Performance Standards approval letter showed an increase in vehicle trips, which required the Major Planned Development Amendment.

Since the additional square footage is located within a mezzanine, neither the footprint nor the elevations of the building change based on this amendment. With no change in the footprint, the site, landscape and civil

plans are not impacted by the added square footage and do not need to be reviewed by the Planning Board or City Commission.

Staff's main concern is whether there is sufficient parking on the site to accommodate the added square footage. Resolution No. 256-21 included a waiver that reduced the required on-site parking to 737 parking spaces. This was based on the Kimley-Horn Parking Study submitted with the original application. The Resolution No. 256-21 approved plans include 10 excess on-site parking spaces (747). Based on the updated Kimley-Horn Parking Study, the additional square footage will require a total of 745 on-site parking spaces. A shift in a terminal landscape island by the loading docks to assist with the truck movements has reduced the parking spaces provided on-site to 746, so after the amendment, there will be one excess parking space provided on-site. The additional square footage complies with the ZLDR.

Additional Gasoline Price Sign

During the initial review for the proposed BJ's, the applicant requested, and was granted, a waiver to install six wall mounted signs on the BJ's, instead of the code permitted three signs. At the time, BJ's stated that all the free-standing sign requirements would comply with the ZLDR. However, the permits submitted for the free-standing signs on the site included more than the one gasoline price sign that is permitted by Section 94-408(g)(1).

Waiver - Section 94-408(g)(1). Number of gasoline price signs for BJ's: One sign is permitted by Code and the applicant is requesting two signs.

BJ's has frontage on both Interstate 95 and West Executive Center Drive, so they would like to install a gasoline price sign on each frontage. The gasoline price signs would be integrated into the overall free-standing sign on each frontage. The signs meet all other requirements of the ZLDR. Staff does not object to this waiver request.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

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.