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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, June 13, 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. APPOINTMENT

- 6.1. City Commission approval is requested for the Mayor's reappointment of Michael J. Stellino to the Construction Board of Adjustments and Appeals

for a term of three years (3) to expire February 1, 2025. Mr. Stellino has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms his reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Mr. Stellino's reappointment recommendations is due to his many years of experience serving on this board.

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 Regular City Commission Meeting of May 16, 2022

Originating Department:

Mayor's Office

7.2. Minutes of the Special City Commission Meeting of May 18, 2022

Originating Department:

Mayor's Office

7.3. Resolution No. 107-22 authorizing the abandonment of a 6-foot utility easement over a portion of St. Mary's Medical Center at 901 45th Street.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 107-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A 6 FOOT UTILITY EASEMENT WITHIN THE PROPERTY LOCATED AT 901 45th STREET; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN SUCH EASEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

St. Mary's Medical Center is proposing to add a westbound right-turn lane into their main entrance off of 45th Street. In April of 1974, the Boundary Plat Saint Mary's Hospital dedicated a 6-foot utility easement, a portion of which falls within the proposed turn lane. As part of their right-of-way permit with the County, all easements within the turn lane are required to be abandoned. Approval of Resolution No. 107-22 will allow for the abandonment and for the construction and maintenance of the proposed right-turn lane by the County.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No Fiscal Impact

- 7.4. Resolution No. 114-22 approving a Conditional Settlement Agreement totaling \$80,000 in the matter of Mary Spencer v. City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 114-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$80,000.00 IN THE MATTER OF MARY SPENCER v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Mary Spencer has brought a claim by way of a complaint in the Fifteenth Judicial Circuit in Mary Spencer v. City of West Palm Beach for an accident that occurred on February 9, 2018. The City has reached a settlement agreement with Ms. Spencer and her attorney to resolve the matter for a total of \$80,000. Ms. Spencer agrees to sign a general release that releases the City from all claims arising from this incident, which ends all of the claims for damages, including all attorneys' fees and costs, against the City of West Palm Beach.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims over \$30,000 shall require the approval of the City Commission by formal resolution. Resolution No. 114-22 approves the conditional settlement agreement.

- 7.5. Resolution No. 155-22 approving a fourth Amendment to the Inter-local Agreement for fire vehicle maintenance between Palm Beach County and the City of West Palm Beach.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 155-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FOURTH AMENDMENT TO THE INTER-LOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR FIRE VEHICLE MAINTENANCE PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Background Information:

On September 9, 2008, the County and City entered into an Inter-local Agreement For Fire Vehicle Maintenance (R2008-1567) for a term of ten (10) years, as amended on November 20, 2018 (R2018-1827) to extend the term through September 8, 2020 and to only include certain types of fire-rescue emergency response vehicles and/or apparatus; on October 20, 2020, (R2020-1592) to extend the term through September 8, 2021; and further amended on December 7, 2021(R2021-1842) to extend the term through September 8, 2022 (herein collectively referred to as the "Agreement").

WHEREAS, the parties mutually desire for the County to continue to provide maintenance and repair services for only certain types of the City's fire-rescue emergency response apparatus for one additional year; and

NOW, THEREFORE, in consideration of the terms and conditions set forth herein and the benefits following from each to the other, the County and the City do hereby agree as follows:

1. The Agreement is hereby amended to extend the term of the Agreement for one additional year from September 9, 2022 through September 8, 2023 ("Fourth Extension Period"), under the same terms and conditions set forth in the Agreement except as otherwise provided in this Fourth Amendment.

Fiscal Note:

131, Fire Assessment Fund.

- 7.6. Resolution No. 157-22 approving submittal by the City of West Palm Beach of one or more grant applications to the Resilient Florida grant program.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 157-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING SUBMITTAL TO THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF ONE OR MORE APPLICATIONS TO THE RESILIENT FLORIDA GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Resilient Florida program includes a selection of grants that are available to counties, municipalities, water management districts, flood control districts, and regional resilience entities. To effectively address the impacts of flooding and sea level rise that the state faces, eligible applicants may receive funding assistance to analyze and plan for vulnerabilities, as well as implement projects for adaptation and mitigation.

The City successfully applied for a FY2021-2022 Resilient Florida Vulnerability Assessment Grant and was awarded \$192,475.

Project proposals for FY 2022-23 are being accepted at this time for the Resilient Florida program grants with the grant application deadline of June 22, 2022.

While the CS/SB 1954 legislation was signed into law May 12, 2021, the State still has many unanswered questions about how this program will operate with the rulemaking to take place in the upcoming legislative session. The projects, scope, and applications are under development now.

The Planning Grants will be focused on vulnerability assessments; adaptation plans; resilience planning; peril of flood compliance; Comprehensive Plan amendments; and projects to adapt critical assets. These Planning Grants do not require a funding match. The request is to apply for one or more Resilient Florida Planning Grants with the 'Resilient Waterfront Adaptation Plan' currently identified.

Resilient Waterfront Adaptation Plan: The scope of work relates to resiliency planning specific to adapting the City's waterfronts to sea level rise. Changing water levels, combined with the long-term lifecycle of waterfront infrastructure, require forward thinking adaptation approaches today and pursuit of the grant opportunities to achieve them. The coastal resiliency planning effort may include adaptations to seawalls, marine structures, and public/critical infrastructure near waterfronts, as well as possible ordinances and policy development. The project scope would be sufficiently broad and phased to be applicable for an array of future grant funding opportunities and will be a planning level project to focus on adaptation of the City's waterfront areas subject to flooding/waves/surge (seawalls, marine structures, public/critical infrastructure), and an opinion of probable costs. Estimated grant request will exceed \$250,000.

Resilient Florida grant applications are digital and the Resolution authorizes the Office of Sustainability to submit the applications on behalf of the Mayor.

Fiscal Note:

No match or funding commitment required.

- 7.7. Resolution No. 159-22(F) to provide appropriation of funds in the amount of \$1,249,109 in the Water Sewer Construction Fund 456 for the Northmore Neighborhood Utility Improvements Project to upsize the water distribution system.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION 159-22(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 AMENDING THE WATER SEWER CONSTRUCTION FUND BUDGET TO PROVIDE APPROPRIATION OF FUNDS FOR THE NORTHMORE NEIGHBORHOOD UTILITY IMPROVEMENTS PROJECT TO UPSIZE THE WATER DISTRIBUTION SYSTEM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Northmore Neighborhood Improvements project is centered around Northmore Elementary School. Through the Florida Department of Transportation (FDOT) and Palm Beach Transportation Planning Agency (TPA), the City received a Local Agency Program Grant to accomplish the Northmore Elementary Sidewalks Project ("LAP Project"). Within the limits of the LAP Project, upsizing and replacement of approximately 6,400 linear feet of the City's aging and undersized water mains and incidental replacement of the existing storm water pipelines will be required. Post-construction televising of the existing sanitary collection system will be performed to ensure there was no damage to the sanitary collection system during construction.

The estimated budget amount to accomplish the construction phase of the City's water distribution system is \$2.6 million, of which approximately \$1.25 million is for the upsizing of the water distribution system. The Utility's Water Sewer Construction Fund 456 can be utilized to fund the portion of a capital project that expands or upsizes the utility system. Accordingly, F-Resolution 159-22(F) appropriates \$1,249,109 for the estimated cost of upsizing the water distribution system.

The bidding and construction phase of the water main and storm water improvements is planned for Summer 2022.

No General Fund dollars are required.

The project falls within Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Post approval, the Water Sewer Construction Fund reserve for future projects balance will be approximately \$5.45 million.

- 7.8. Resolution No. 158-22 approving the installation of an outdoor walk-in freezer within the Palm Beach Zoo's leased premises, located at 1301 Summit Boulevard, to be completed by the Zoological Society of The Palm Beaches, Inc.

The above-referenced request is being made by Jason Witmer, Director of Facilities for the Palm Beach Zoo & Conservation Society.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 158-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INSTALLATION OF AN OUTDOOR FREEZER BY THE PALM BEACH ZOO WITHIN ITS LEASED PREMISES LOCATED AT 1301 SUMMIT BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On July 21, 1969, the City of West Palm Beach entered into a lease agreement with the Zoological Society of The Palm Beaches, Inc. (the "Zoo"), leasing a portion of City-owned property within Dreher Park, located at 1301 Summit Boulevard, for the construction, operation, and maintenance of a zoo facility.

As amended and restated from time to time, the lease agreement between the City and the Zoo requires that individual structures or improvements in excess of \$5,000 are to be submitted to the City Commission for prior approval, as such improvements would occur on City-owned property.

The Zoo is currently proposing to install an outdoor walk-in freezer as part of its existing commissary. As such improvements are in excess of \$5,000, the Zoo is requesting approval from the City Commission (see ATTACHMENT 1).

Commission District 5: Commissioner Christina Lambert.

- 7.9. Resolution No. 165-22(F) appropriating \$2.29 million from Water Sewer General Reserves to the Fiscal Year 2022 Water and Sewer System Revenue Fund Water Treatment Plant Operating Division budget for chemicals and replacement of granulated activated carbon filters at the Water Treatment Plant.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION 165-22(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 AMENDING THE WATER SEWER GENERAL RESERVE FUND AND THE WATER AND SEWAGE SYSTEM REVENUE FUND BUDGETS TO PROVIDE APPROPRIATION OF FUNDS FOR WATER TREATMENT PLANT CHEMICALS AND THE REPLACEMENT OF GRANULAR ACTIVATED CARBON FILTERS AT THE WATER TREATMENT PLANT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Public Utilities Department is requesting funding in the total amount of \$2.29 million for additional services related to the replacement of granular activated carbon (GAC) filters and to purchase treatment chemicals used at the drinking water plant.

In November 2015, the Department initiated a capital improvement project that included refurbishing 26 of the 32 filters at the water treatment plant. The project included replacement of the filter media's GAC along with the filter underdrains. The GAC plays an important role in the biologically active filters by supporting bacteria and algae that reduce taste and odor compounds.

The GAC has a reported life span of 5 to 7 years depending on water quality conditions. The Department has reviewed the GAC replacement dates as part of its review of the May 2021 cyanotoxin event and obtained cost estimates for its replacement. The Department is estimating the current cost to replace the GAC in all 32 filters at approximately \$2.5 million dollars. The replacement of the GAC has been determined to be an operating expense.

Public Utilities plans to issue an invitation to bid to solicit vendors for a 5-year contract (3-year initial term with 2 optional renewal years) to provide the replacement services including all labor, equipment, materials, and disposal costs. The Utility would like to initiate the program in Fiscal Year 2022 and is requesting \$550,000 and will include the out years in each of the water treatment plant's future operating budgets.

The Utility is experiencing significant increases in chemical costs and needs. Many of the increases are reportedly a result of COVID-19 and the impacts on raw material supplies, chemical production, and transportation costs.

On average chemical costs have increased nearly ten percent (10%) overall since development of the chemical budget with a recent request of

nearly 25% for one chemical. Our chemical contracts are competitively bid, and our suppliers are honoring their contracts which allow for adjustments based on economic factors. Each request is reviewed in detail, compared to the other bids, and priced checked prior to acceptance.

The most significant impacts to the Fiscal Year 2022 chemical budget are the increased usage of sodium hypochlorite (bleach), carbon dioxide, and powdered activated carbon (PAC) for controlling the cylindrospermopsin cyanotoxin which impacted the drinking water system last May.

A requested increase of \$1,740,000 is being requested. This includes:

| | |
|---------------------------------|----------------|
| Powdered Activated Carbon (PAC) | \$1,420,000 |
| Lime | \$100,000 |
| Polymer (Cationic and Anionic) | \$75,000 |
| Sodium Hypochlorite (Bleach) | \$65,000 |
| Carbon Dioxide | \$50,000 |
| Aqueous Ammonia | \$20,000 |
| Analytical Reagents | \$5,000 |
| Hydrofluosilicic Acid | <u>\$5,000</u> |
| Total | \$1,740,000 |

Public Utilities Representative: Darrel Graziani, Public Utilities Assistant Director.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Post approval, the Water Sewer General Reserve Fund 459 will have an approximate balance of \$75.9 million.

- 7.10. Resolution No. 167-22 ratifying the submittal of applications to the U. S. Department of Justice for Edward Byrne Memorial Justice Assistance Grants under the 2019, 2020, and 2021 programs.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 167-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF APPLICATIONS TO THE U.S. DEPARTMENT OF JUSTICE FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS UNDER THE 2019, 2020 AND 2021 PROGRAMS; PROVIDING AN OPPORTUNITY FOR PUBLIC COMMENT TO CITIZENS, NEIGHBORHOODS AND COMMUNITY BASED ORGANIZATIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR

OTHER

PURPOSES.

WHEREAS, the U.S. Department of Justice, Office of Justice, Bureau of Justice Assistance, provides grant funding for various law enforcement expenses under the Edward Byrne Memorial Justice Assistance Grant Program (JAG); and

WHEREAS, a requirement of the grant is that citizens, neighborhood and community-based organizations be given the ability to comment on the application; and

WHEREAS, by Resolution No. 271-19, the City Commission authorized submittal of an application to the U.S. Department of Justice, Edward Byrne Justice Assistance Grant Program for a grant in the amount of Sixty-Six Thousand Nine Hundred Thirty-One Dollars (\$66,931) for specialized police equipment. The grant was awarded and by Resolution No. 317-19, the City Commission accepted the grant; and

WHEREAS, by Resolution No. 234-20, the City Commission authorized submittal of an application to the U.S. Department of Justice, Edward Byrne Justice Assistance Grant Program for a grant in the amount of Sixty-Five Thousand Seven Hundred Eighty-Two Dollars (\$65,782) to purchase technology services to enhance law enforcement officer wellness. The grant was awarded and by Resolution No. 280-20, the City Commission accepted the grant; and

WHEREAS, by Resolution No. 182-21, the City Commission authorized submittal of an application to the U.S. Department of Justice, Edward Byrne Justice Assistance Grant Program for a grant in the amount of Seventy-Five Thousand Nine Hundred Thirty-One Dollars (\$75,931) to purchase surveillance equipment and allocate funds to the investigative funds expenditure (IFE) account. The grant was awarded and by Resolution No. 305-21, the City Commission accepted the grant; and

WHEREAS, in each case, although each agenda item and Resolution authorizing submittal of a grant application specified the grant amount sought and the proposed use of the grant funds, the actual grant application was not attached to the agenda items, as the applications were still in the process of being completed; and

WHEREAS, it is the City's belief that having each agenda item specify the amount of grant funding sought and the proposed use of the funds was sufficient to meet the requirement that citizens, neighborhood and community-based organizations be given the ability to comment on the application; and it fact, citizen comments were received on such agenda items; and

WHEREAS, however, as a result of a recent audit by the U.S. Department of Justice, the Department of Justice found fault that the grant application itself was not attached to the agenda items; and

WHEREAS, the U.S. Department of Justice requires that the citizens, neighborhood and community-based organizations again be given the ability to comment on the applications for the 2019, 2020 and 2021 JAG grants by having the opportunity to review the narrative and budget portions of each grant application; and

WHEREAS, the U.S. Department of Justice also requires the City Commission, after consideration of any comments by the public, ratify the submittal of the applications for the 2019, 2020 and 2021 JAG grants and authorize the Mayor to again sign the required certifications for each grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission finds that the public interest is served by seeking grant funding for Police Department needs and that the use of such grant funds will benefit the public safety and serve a public purpose.

SECTION 2: The City Commission of the City of West Palm Beach hereby ratifies the submission by the City of an application to the U.S. Department of Justice, Edward Byrne Justice Assistance Grant, under the 2019 program, for a grant in the amount of Sixty-Six Thousand Nine Hundred Thirty-One Dollars (\$66,931.00) for specialized police equipment, as described in the grant narrative and budget for the 2019 grant, attached as Exhibit A.

SECTION 3: The City Commission of the City of West Palm Beach hereby ratifies submission by the City of an application to the U.S. Department of Justice, Edward Byrne Justice Assistance Grant, under the 2020 program, for a grant in the amount of Sixty-Five Thousand Seven Hundred Eighty-Two Dollars (\$65,782.00) to purchase technology services to enhance law enforcement officer wellness, as described in the grant narrative and budget for the 2020 grant, attached as Exhibit B.

SECTION 4: The City Commission of the City of West Palm Beach hereby ratifies submission by the City of an application to the U.S. Department of Justice, Edward Byrne Justice Assistance Grant, under the 2021 program, for a grant in the amount of Seventy-Five Thousand Nine Hundred Thirty-One Dollars (\$75,931.00) to purchase surveillance equipment and allocate funds to the investigative funds expenditure (IFE) account, as described in the grant narrative and budget for the 2021 grant, attached as Exhibit C.

SECTION 5: The Mayor is authorized to sign the certifications for

each grant any other necessary grant documents.

SECTION 6: This Resolution shall take effect in accordance with law.

Background Information:

The U.S. Department of Justice, Office of Justice, Bureau of Justice Assistance, provides grant funding for various law enforcement expenses under the Edward Byrne Memorial Justice Assistance Grant Program (JAG). A requirement of the grant is that citizens, neighborhood and community-based organizations be given the ability to comment on the application.

By Resolution No. 271-19, the City Commission authorized submittal of an application to the U.S. Department of Justice, Edward Byrne Justice Assistance Grant Program for a grant in the amount of Sixty-Six Thousand Nine Hundred Thirty-One Dollars (\$66,931) for specialized police equipment. The grant was awarded and by Resolution No. 317-19, the City Commission accepted the grant.

By Resolution No. 234-20, the City Commission authorized submittal of an application to the U.S. Department of Justice, Edward Byrne Justice Assistance Grant Program for a grant in the amount of Sixty-Five Thousand Seven Hundred Eighty-Two Dollars (\$65,782) to purchase technology services to enhance law enforcement officer wellness. The grant was awarded and by Resolution No. 280-20, the City Commission accepted the grant.

By Resolution No. 182-21, the City Commission authorized submittal of an application to the U.S. Department of Justice, Edward Byrne Justice Assistance Grant Program for a grant in the amount of Seventy-Five Thousand Nine Hundred Thirty-One Dollars (\$75,931) to purchase surveillance equipment and allocate funds to the investigative funds expenditure (IFE) account. The grant was awarded and by Resolution No. 305-21, the City Commission accepted the grant.

In each case, although each agenda item and Resolution authorizing submittal of a grant application specified the grant amount sought and the proposed use of the grant funds, the actual grant application was not attached to the agenda items, as the applications were still in the process of being completed.

It is the City's belief that having each agenda item specify the amount of grant funding sought and the proposed use of the funds was sufficient to meet the requirement that citizens, neighborhood and community-based organizations be given the ability to comment on the application; and in fact, citizen comments were received on such agenda items.

However, as a result of a recent audit by the U.S. Department of Justice, the Department of Justice found fault that the grant application itself was not attached to the agenda items.

The U.S. Department of Justice requires that the citizens, neighborhood and community-based organizations again be given the ability to comment on the applications for the 2019, 2020 and 2021 JAG grants by having the opportunity to review the narrative and budget portions of each grant application.

The U.S. Department of Justice also requires the City Commission, after consideration of any comments by the public, ratify the submittal of the applications for the 2019, 2020 and 2021 JAG grants and authorize the Mayor to again sign the required certifications for each grant.

Resolution No. 167-22 ratifies the submittal of the grant applications for the 2019, 2020 and 2021 JAG grants.

Fiscal Note:

Previously approved via Resolution No.: 271-19; 234-20; 182-21.

8. RESOLUTIONS

- 8.1. Resolution No. 116-22 requesting Face of the City approval of the design for the Gaines Park Community Center Renovation and Expansion.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 116-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE PROPOSED GAINES PARK COMMUNITY CENTER RENOVATION AND EXPANSION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 116-22.

Background Information:

The Gaines Park Community Center Renovation and Expansion project began with community meetings in 2018 after the passing of the Palm Beach County sales tax measure, providing \$5 million for the project. Working with Alfonso Hernandez, Architect, several design meetings were held over the year with the Friends of Gaines Park and surrounding community members and stakeholders. The community was very vocal at the community meetings about the need for the Gymnasium at the existing Community Center to be regulation size for proper basketball practices,

games, and tournaments. The construction of a new gymnasium to replace the existing facility was estimated at approximately \$7 million, which was \$2 million over the current budget of \$5 million. After meeting with the community, the decision was made to put the project on hold and request the additional \$2 million needed in the 2020 Parks Bond. If the bond was successful, then the project could resume with the enhanced gymnasium. If the bond was unsuccessful then staff move forward with the renovation with the gymnasium staying the current size.

On March 17, 2020, the voters approved the Parks Bond Referendum allowing the City to issue bonds in an amount not to exceed \$30 million for the purpose of upgrading many the City's park amenities. The Parks Bond funding allows the City to execute large-scale upgrades and enhancements to its parks. The additional \$3 million needed to complete the Gaines Park Community Center renovation and expansion was included on the project list.

The Project Team then began to work with procurement to secure an architect to finish the initial building design documents that were started in 2018.

An architect was selected and a follow up design meeting with the new architect under contract was held on December 16, 2021, with the Friends of Gaines Park, local community members, stakeholders and shared with the Roosevelt Estates Association. The community was very enthusiastic about the project moving forward with the full size gymnasium. The total project budget is \$8 Million for design, permitting and construction.

Resolution No. 116-22 provides Face of the City approval of the design for the Gaines Park Community Center Renovation and Expansion.

Commission District 1: Commissioner Catherine Ward

- 8.2. Resolution No. 169-22 approving a Term Sheet for the development and sale of 8111 South Dixie Highway with an joint venture entity created by Flagler Realty and Development, Inc. and Woodfield Development Company; establishing the purchase price; waiving the timing requirement for appraisals; granting access to the property for due diligence investigations; and granting owner's consent for submittal of development permit applications.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 169-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING A TERM SHEET WITH FLAGLER REALTY &

DEVELOPMENT, INC., FOR DEVELOPMENT OF 8111 SO. DIXIE HIGHWAY; AUTHORIZING ACCESS TO THE PROPERTY TO PERFORM DUE DILIGENCE INSPECTIONS; AUTHORIZING OWNER'S CONSENT FOR SUBMITTAL OF APPLICATIONS FOR LAND DEVELOPMENT APPROVALS; WAIVING THE TIMING REQUIREMENT FOR THE APPRAISALS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 169-22.

Background Information:

On May 18, 2022 and in accordance with Invitation to Negotiate ("ITN") 20-21-503, the City of West Palm Beach Commission selected Flagler Realty & Development, Inc. in joint partnership with Woodfield Development Company, as the developer with whom agreement(s) for the development and sale of City-owned property located at 8111 S. Dixie Highway will be negotiated.

City staff and the developers have negotiated a Term Sheet, setting forth the purchase price and primary terms for further negotiation. A general description of the primary terms is as follow:

- Project - The development will be a mixed-use project that will incorporate residences, grocery store, retail, public space and parking in accordance with a Concept Plan approved by the City and consisting of: Residential - Up to 210 dwelling units/ 32.27 units per acre; Mix of studio and 1, 2 and 3-bedroom units; Structured parking & amenity deck Grocery Store tenant; Retail – smaller businesses; and a Gateway plaza.
- Workforce Housing - 25% of the residential units (52 units) shall be workforce housing, structured as follows: 25% (13 units) for qualified residents at 60% Area Median Income (AMI); 25% (13 units) for qualified residents at 80% AMI and 50% (26 units) at 100% AMI. Workforce housing shall be restricted by restrictive covenant for a period equal to the useful life of the residential portion of the Project commencing from occupancy by the first tenant, but not less than forty (40) years.
- Purchase Price. Upon issuance of a temporary or final certificate of occupancy for the Project, Developer will purchase the Property from the City for the total sum of Ten Million Five Hundred Thousand Dollars (\$10,500,000).
- Lease during Construction- Developer will lease the Property from the City during construction and until the Closing of the sale to the Developer. Rent for the lease will be in the amount of Two Million

Dollars (\$2,000,000) to be paid within ten (10) days of execution of the Property Development and Sale/Purchase Agreement.

The final Term Sheet is attached to this agenda item which provides a detailed description of the terms and conditions that will be further negotiated amongst all parties.

In order to provide staff with set parameters for final negotiations, staff is also seeking approval of the purchase price of the site. In accordance with Section 2-31 of the City's Code of Ordinances, any city property which is assessed by the county property appraiser for more than \$500,000 shall require two appraisals. As such, City staff obtained appraisal as follows:

- Appraisal Report from Anderson Carr, dated January 26th, 2022 , opined the value of the site to be \$11,000,000; and
- Appraisal Report from Valbridge Property Advisors, dated February 10, 2022, opined the value of the site to be \$7,490,000.

Section 2-31(27)(c) of the Code of Ordinances requires that two appraisals be obtained for the Property, and that the sale price shall not be less than 85 percent of the average of the two appraisals. Section 2-31(27)(c) further requires that the appraisals not be earlier than six months before the first reading of the ordinance approving the conveyance agreement; yet allows waiver of this provision by unanimous vote of the membership of the City Commission.

Two appraisals were obtained for the Property: 1) an appraisal by Anderson & Carr, Inc., dated January 26, 2022 (valued as of January 13, 2022), setting a value at \$11,000,000; and 2) an appraisal by Valbridge Property Advisors, dated February 10, 2022, setting a value at \$7,490,000. The purchase price offered by Flagler Realty complies with the Code requirements.

The purchase price will be established by approval of the Term Sheet by this Resolution and both appraisals are not earlier than six months before the date of this Resolution. Because the establishment of the purchase price within six months of the appraisal dates meets the intention of the Code of Ordinances to ensure current valuation, City staff seeks a unanimous waiver by the Commission of the requirement to obtain updates to the appraisals before bringing the development and sales agreement back to the Commission for approval, as such updates will be a additional cost to the City but will not impact the agreed purchase price.

Additionally, in the interest of maintaining a reasonably short timeline for the completion of the Project, the Developer seeks authorization from the

City to perform due-diligence and to submit various applications for development approval while the development agreement is being drafted.

Resolution No. 169-22 approves the following:

1. Approves the Term Sheet and accepts the purchase price of \$10.5 million;
2. Waives the requirement for updated property appraisals;
3. Authorizes the Developer to access the Property to perform due diligence inspections; and
4. Gives the owner's consent for submittal of applications for land development approvals and permits.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Sale proceeds of \$10,500,000.

9. PUBLIC HEARING

- 9.1. Public Hearing and First Reading of Ordinance No. 4999-22 amending chapter 86 of the City's Code of Ordinances to establish the City's Wrecker Operator System.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 4999-22: 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 86 (TRAFFIC) BY AMENDING AND RESTATING ARTICLE I (IN GENERAL) TO AMEND SECTION 86-1(DEFINITIONS) TO ADD NEW DEFINITIONS AND ADDING A NEW SUBSECTION 86-9 TO CREATE A WRECKER OPERATOR SYSTEM; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 4999-22 on first reading and schedule second reading.

Background Information:

The City previously provide for the towing or storage of disabled vehicles or vessels by entering into franchise agreements with towing companies

selected through the City's procurement process. The franchise agreements, among other things, charged the towing companies a franchise fee, payable to the City, for the privilege of operating within the City. Florida Statute 166.04464 now prohibits Municipalities from imposing a fee or charge on an authorized wrecker operator or towing business for towing, impounding or storing a vehicle or vessel. The statute does authorize a Municipality to impose a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel to cover the cost of enforcement when the vehicle or vessel is towed from public property. The fee may not exceed 25 percent of the maximum towing rate and may be collected on behalf of the city by an "authorized wrecker operator" or towing business. The Legislature also adopted Section 166.043 which requires counties to establish the maximum rates (rates chargeable by towing companies). Palm Beach County's current rates are attached to this item. This section also provides that Municipalities may opt-out of the applicability of the county rates by adopting their own ordinance establishing such rates. The City does not presently have such an ordinance. Based on the County's current towing rates and cost factors associated with vehicle removal, the finance department has determined that the approximate cost to the City to remove a vehicle is one hundred nine and 09/100 Dollars (\$109.09). This amount would be the City's current administrative fee.

Section 323.002, Florida Statutes defines an "authorized wrecker operator" as "any wrecker operator who has been designated as part of the "wrecker operator system" established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle". That section defines "Wrecker Operator System" as "a system for the towing or removal of wrecked, disabled, or abandoned vehicles under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways. A wrecker operator system must include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods".

Section 323.004 defines "unauthorized wrecker operator" as any wrecker operator who has not been designated as part of the wrecker operator system. That section prohibits unauthorized wrecker operators from monitoring police radio communications in order to determine the location of a disabled vehicle; from driving by the scene of a disabled vehicle to offer towing services and if they are driving by the scene of a disabled vehicle and is stopped by the disabled vehicle operator, it regulates the disclosures that must be made to the operator. Violation of these provisions is an offense ranging from a noncriminal violation to a first degree misdemeanor.

The City does not have a Wrecker Operator System. Ordinance No. 4999-22 establishes the City's Wrecker Operator System. It provides the method of selection and qualifications for operators; imposes an administrative fee in the amount of 25 percent of the maximum towing rate established by Palm Beach County from time to time; authorizes operators to collect the fee on behalf of the City; regulates the operation of unauthorized operators and provides for the right of disabled vehicle owners or operators to choose an operator of their own choice.

Fiscal Note:

No fiscal note

- 9.2. Public Hearing and First Reading of Ordinance No. 5005-22 approving the First Amendment to the Ground Lease, Development and Operating Agreement with the West Palm Golf Community Trust to add two (2) parcels to the leased property.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 5005-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE GROUND LEASE, DEVELOPMENT AND OPERATING AGREEMENT BETWEEN THE CITY AND THE WEST PALM GOLF COMMUNITY TRUST, INC., AMENDING THE DEFINITION OF THE LEASED PROPERTY; AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THESE PURPOSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approved Ordinance No. 5005-22 at First Reading and schedule the Second Reading on June 27, 2022.

Background Information:

As approved by Ordinance No. 4943-21, the City of West Palm Beach and the West Palm Golf Community Trust, Inc., entered into that certain Ground Lease, Development and Operating Agreement dated May 24, 2021, with an effective date of June 17, 2021 (the "Lease"), demising the City's Golf Course property, which prior to redevelopment had a street address of 7001 Parker Avenue, West Palm Beach, Palm Beach County, Florida and referred to therein as the "Property".

Although the City has utilized the overall approximately 170 acre Golf Course property as part of the municipal golf course for more than 50 years, at the time of lease, review of the property records determined that the City did not have record title to two small portions of the Golf Course – at 15 foot wide strip of land and a 200 foot wide strip of land.

The City obtained title to the 15-foot strip of property located within the Golf Course by virtue of an Order Granting Final Summary Judgment, dated October 13, 2021, in Civil Case No. 502021CA007107XXXXMB, recorded in Official Record Book 32978, Page 935, of the Public Records of Palm Beach County, Florida ("Parcel B").

The City obtained title to an approximately 200 foot-wide strip of land, consisting of 2.103 acres, more or less, by conveyance from the State of Florida Department of Transportation by Quitclaim Deed, dated February 7, 2022, recorded in Official Record Book 33303, Page 977, of the Public Records of Palm Beach County, Florida ("Parcel C").

The City and the West Palm Golf Community Trust desire to amend the Lease to include Parcel B and Parcel C as part of the leased Property for use as the redeveloped Golf Course.

Ordinance No. 5005-22 approves a First Amendment to the Lease to include Parcel B and Parcel C as part of the leased Property.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 9.3. Public Hearing and First Reading of Ordinance No. 5006-22 relocating Article V (Rental Dwelling Units) from Chapter 18 to Chapter 22.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 5006-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELOCATING ARTICLE V (RENTAL DWELLING UNITS) FROM CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, TO CHAPTER 22 (BUSINESS REGULATIONS), CREATING ARTICLE XII (RENTAL DWELLING UNITS), WITH SECTION 22-441 LICENSE AND BUSINESS TAX RECEIPT REQUIRED FOR RENTAL DWELLINGS; EXEMPTION; SECTION 22-442 APPLICATION; SECTION 22-443 LICENSE FEES; SECTION 22-444 TEMPORARY CERTIFICATE; SECTION 22-445 ISSUANCE OF LICENSE; SECTION 22-446 DESIGNATION OF RESIDENT AGENT; SECTION 22-447 DUTY TO ACCEPT NOTICE OF VIOLATION; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5006-22.

Background Information:

The purpose of this Ordinance is to relocate Article V (Rental Dwelling Units) from Chapter 18 (Buildings and Building Regulations) of the Code of Ordinances to Chapter 22 (Business Regulations) and create a new Article XII (Rental Dwelling Units) for the public's ease of reference. Article XII (Rental Dwelling Units) provides regulations to govern the licensing of rental dwelling units.

This Ordinance is enacted pursuant to the home rule powers of the City of West Palm Beach as set forth in Article VIII, Section 2, of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and other applicable controlling law. The City Commission of the City of West Palm Beach is vested with the authority to adopt ordinances to protect the health, safety and welfare of the City's residents and visitors. Ordinance No. 5006-22 will relocate Article V (Rental Dwelling Units) from Chapter 18 (Buildings and Building Regulations) of the Code of Ordinances to Chapter 22 (Business Regulations) and create a new Article XII (Rental Dwelling Units).

- 9.4. Public Hearing and First Reading of Ordinance No. 5007-22 amending the Code of Ordinances at Chapter 22 (Business Regulations), Article XII (Rental Dwelling Units) by creating Section 22-448 and Section 22-449 requiring landlords to give 60 days' written notice for termination of residential tenancies and increases in rent of more than five percent (5%) for rental tenancies.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 5007-22: 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 22 (BUSINESS REGULATIONS), ARTICLE XII (RENTAL DWELLING UNITS), BY CREATING SECTION 22-448 NOTICE OF TERMINATION OF MONTHLY RESIDENTIAL TENANCY WITHOUT SPECIFIC DURATION AND SECTION 22-449 WRITTEN NOTIFICATION REQUIREMENTS RELATED TO RENTAL PAYMENT INCREASES FOR RESIDENTIAL TENANCIES TO REQUIRE 60 DAYS' WRITTEN NOTICE FOR TERMINATION OF TENANCIES AND INCREASES IN RENTAL RATES; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5007-22.

Background Information:

The purpose of this Ordinance is to provide all residents of the City with fair notice if their rents are to increase.

This Ordinance is enacted pursuant to the home rule powers of the City of West Palm Beach as set forth at Article VIII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and other applicable controlling law.

Over the past year, the City has experienced a significant increase in rental rates being paid by tenants. Studies have shown that more than half of renters' households in Palm Beach County are severely cost-burdened.

Part II of Chapter 83, Florida Statutes, commonly known as the "Florida Residential Landlord and Tenant Act" ("the Act") applies to the rental of residential dwelling units and sets forth the rights and duties of landlords and tenants. However, it does not provide specific notification requirements for landlords seeking to increase rental rates. Although some lease agreements contain provisions regarding increases in rental rates, a landlord generally may not raise rent during the term of a lease and will have to wait until the end of the term of the lease to raise the rent and it is expected that notice of such will be provided in accordance with termination notices set forth by law or in accordance with the lease agreement. With respect to termination of tenancy, if there is a written lease, Section 83.575 of the Act provides that the notice required to terminate a tenancy is no more than 60 days' notice. Where there is no lease, Section 83.57 of the Act provides that the landlord should provide a seven-day notice to a tenant renting week-to-week, a 15-day notice to a tenant renting month-to-month, a 30-day notice to a tenant renting quarter to quarter, and a 60-day notice to a tenant renting year-to-year.

The Florida Legislature has not preempted local governments from enacting ordinances that enlarge the notification period for month-to-month tenancies without a specific duration pursuant to section 83.57 of the Act.

This Ordinance will require landlords to give 60 days' written notice before the rent can be increased more than five percent (5%) and before a tenant can be forced to leave for month-to-month residential tenancies without a lease.

- 9.5. Public Hearing of Resolution No. 145-22 regarding a request by Joe Verdone of Carlton Fields, on behalf of Flagler Residential, LLC., for the approval of a Subdivision (Minor - Plat) to replat the Flagler Forte site, consisting of approximately 1.35-acres located at 1333 South Flagler Drive, into one development tract and one submerged land tract and authorizing the Mayor to accept a special warranty deed for Acacia Alley.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 145-22: 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 "FLAGLER FORTE RESIDENCES" CONSISTING OF ONE DEVELOPMENT TRACT AND ONE SUBMERGED LAND TRACT TOTALING APPROXIMATELY 1.35 ACRES LOCATED AT 1333 SOUTH FLAGLER DRIVE; AUTHORIZING THE MAYOR TO ACCEPT A SPECIAL WARRANTY DEED FOR ACACIA ALLEY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 145-22 approving a minor subdivision to replat the Flagler Forte Residences site, consisting of approximately 1.35-acres located at 1333 South Flagler Drive, into one development tract and one submerged land tract and authorizing the Mayor to accept a special warranty deed for Acacia Alley. This motion is based upon the factual testimony presented, the application submitted, and the findings that the plat is consistent with the Comprehensive Plan and complies with the subdivision design standards set forth in Section 94-342 of the City's Zoning and Land Development Regulations.

Background Information:

The Flagler Forte Residences project was approved by Resolution No. 13-19 as the 1309 South Flagler Drive Residential Planned Development. The development regulations required that the site be platted and that the applicant deed the property designated at the Acacia Road Pedestrian Walkway/Artwalk in Resolution No. 13-19 and now known as Acacia Alley to the City. This resolution resolves both requirements.

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

NOTICE: Individual notices were mailed to all property owners within 500 feet of the Flagler Forte Residences site. Signs for this application were posted on the property in accordance with the Zoning and Land Development Regulations.

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

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 and Second Reading of Ordinance No. 4990-22 to designate the Sunshine Park neighborhood on the West Palm Beach Register of Historic Places.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 4990-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING THE SUNSHINE PARK NEIGHBORHOOD AS AN HISTORIC DISTRICT ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 4990-22 on Second Reading.

Background Information:

This application for designation of the Sunshine Park neighborhood as an Historic District in the West Palm Beach Register of Historic Places was requested by the Historic Preservation Board on January 25, 2022.

Pursuant to section 94-48(a)(1), Code of Ordinances of the City of West Palm Beach, pertaining to designation of historic districts, district eligibility is based on the establishment of historic contexts or themes which describe the historical relationship of the properties within the district. In the case of designation of districts, at least 50 percent of the buildings shall be at least 50 years old, and shall be significant in one or more areas including: association with events that have made a significant contribution to the broad patterns of the city's history; or, association with the lives of persons significant in the city's past; or, embodies distinctive characteristics; or, yielded, or likely to yield, information important in prehistory or history (sec. 94-48(a)(1)(a)-(d)).

The Sunshine Park Historic District is significant under Criteria A and C. Criterion A is for significance because of association with events that have made a significant contribution to the broad patterns of the City's History. Under Criterion A, Sunshine Park is significant for its role in community development, specifically as a boom time subdivision in West Palm Beach in the years 1920-1929 and the Post-War Period. Development of the Sunshine Park area began circa 1920.

Criterion C is for significance related to distinctive characteristics of a type, period or method of construction, representative works of a master,

possession of high artistic value, or representation of significant and distinguishing entity whose components may lack individual distinction. Under Criterion C, Sunshine Park is significant for its collection of architecture representative of the period from 1925 to 1960. The area has a significant collection of Mission Revival style houses, as well as a number of houses that reflect Post-War architecture. The district maintains the integrity of setting, design, materials and scale that reflect its development during the Florida Land Boom era of the 1920s and the Post-War Period from 1945-1960.

The Sunshine Park Historic District consists of approximately 117 contributing properties (80%), 17 non-contributing properties (11 %), and 12 properties that are either vacant or in the process of being built on currently (8%).

Staff sent consent petitions to the property owners of Sunshine Park. Upon receiving a 23% response in favor of designation (short of 51%), the Historic Preservation Board directed staff to initiate designation.

On March 22, 2022, the Historic Preservation board voted (6-1) in favor of designation.

The subject site is located in Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact to the City.

- 10.2. Public Hearing and Second Reading of Ordinance No. 4993-22 for a compatible rezoning of the Sunshine Park neighborhood to be consistent with its new historic designation.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 4993-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY REZONING ±30 ACRES LOCATED APPROXIMATELY BETWEEN THE NORTH SIDE OF ARDMORE ROAD TO THE NORTH, THE SOUTH SIDE OF AVON ROAD TO THE SOUTH, THE EAST SIDE OF GEORGIA AVE TO THE WEST, THE WEST SIDE OF FLORIDA AVE TO THE EAST, AS WELL AS PORTIONS OF THE 400 BLOCKS OF ARDMORE, UPLAND, WESTWOOD AND SUNSET ROADS FROM SINGLE-FAMILY HIGH DENSITY RESIDENTIAL TO HISTORIC SINGLE-FAMILY HIGH DENSITY RESIDENTIAL, CONTEXT 2 AND FROM MULTIFAMILY MEDIUM DENSITY RESIDENTIAL TO HISTORIC MULTIFAMILY

MEDIUM DENSITY RESIDENTIAL, CONTEXT 1; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 4993-22 on Second Reading. 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 rezoning 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:

A City-initiated request for a Rezoning to change the zoning designation of ±30 acres from Single-Family High Density (SF14) Residential to Historic Single-Family High Density Residential, Context 2 (SF14-C2), and from Multifamily Medium Density (MF20) Residential to Historic Multifamily Medium Density Residential, Context 1 (MF20-C1).

Located approximately between the north side of Ardmore Road to the north, the south side of Avon Road to the south, the east side of Georgia Avenue to the west, the west side of Florida Avenue to the east, as well as portions of the 400 blocks of Ardmore, Upland, Westwood and Sunset Roads, the subject property consists of ±30 acres and currently consists of a mix of SF14, MF20 and GC as seen in the current zoning map . The City is requesting that the SF14 and MF20 zonings be rezoned to their corresponding historic zonings of SF14-C2 and MF20-C1 as a result of the Historic Preservation Board designating the neighborhood as the Sunshine Park Historic District at the March 22, 2022 meeting, as seen in the proposed Zoning Map.

On April 19, 2022, the Planning Board voted (6-0) in favor for the rezoning.

The area is located in Commission District 5, Commissioner Christina Lambert.

- 10.3. Public Hearing of Resolution No. 124-22 regarding a Major Subdivision to replat Tract L2 of the Banyan Cay RPD/CPD, consisting of ±10.10 acres, into the following: 31 fee-simple single-family lots; three (3) open space tracts; and one (1) private roadway tract.

The above-referenced request is being made by Joni Brinkman, of Urban Design Studio, on behalf of Banyan Cay Dev. LLC.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 124-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, PURSUANT TO THE CODE OF ORDINANCES OF WEST PALM BEACH, FLORIDA AND THE FLORIDA STATUTES, APPROVING A MAJOR SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "BANYAN CAY RESORT REPLAT OF TRACT 'L2'"; CONSISTING OF 31 SINGLE FAMILY PARCELS, A PRIVATE ROADWAY TRACT, AND COMMON OPEN SPACE, CONTAINING A TOTAL OF APPROXIMATELY 10.10 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 124-22, creating the plat entitled "Banyan Cay Resort Replat of Tract L2". This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with all applicable provisions of Chapter 177, Florida Statutes, the Comprehensive Plan and the standards in Section 94-342 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 north of Presidential Way and east of Congress Avenue, the Banyan Cay Residential/Commercial Planned Development (RPD/CPD) currently consists of a total of ±123.68 acres and is the location of the former north golf course of The President Country Club, within the Lands of the President. In July 2013, the City Commission approved redevelopment of the subject property as an exclusive resort-style community with a master-planned development consisting of residential homes; a resort hotel with spa, meeting space, and restaurant; golf clubhouse; two (2) multifamily buildings; and resort cottages.

Amended from time to time, the current approved build-out provides for the following:

- 150 room hotel with restaurant, spa, meeting space, etc.;
- Golf clubhouse;
- 146 single family homes;
- 22 villas (11 duplexes); and
- 370 multifamily dwelling units.

With the 94 single family homes in Pod A nearing completion, the development is progressing with the sale and construction of the remaining single-family homes. As such, the developer is proposing to move forward with the "resort cottages" within Tracts L1 and L2. The approved Master Plan provides that these two (2) tracts in the interior of the development

are to consist of 52 single family homes on larger lots nearing 10,000 square feet. Tract L1 was previously subdivided into its 21 single family lots with the adoption of Resolution No. 299-18 on November 5, 2018.

The replat for Tract L2 was previously approved on March 23, 2015 (Resolution No. 38-15) when the development was known as Sea Palm Resort; the approval at the time was to subdivide Tract L2 into 30 single family lots, but this plat was never recorded. Since the approval, the name of the development has changed, and the Master Plan has been amended allowing for one (1) additional single-family home. Therefore, the applicant has brought forward a revised plat for Tract L2 that reflects the current name, as well as subdivides the tract into 31 single family lots, three (3) open space tracts; and one (1) private roadway tract.

The proposed plat is consistent with the approved Master Plan and all single-family homes within tract will be required to comply with the adopted Banyan Cay Design Guidelines & Development Regulations; compliance with such will be reviewed at the time of permitting.

CONCLUSION: Based upon the provision that the plat is consistent with the already-approved Master Plan and that's simply a matter of creating the individual lots, Staff has no objection to the proposed replat. Subject to the conditions of approval contained herein, the project complies with all the requirements of the Banyan Cay RPD/CPD, and the Development Services Department – Planning Division has found that the request satisfies all the standards found within the City's ZLDRs. Therefore, Staff is recommending approval of the request, subject to the conditions outlined herein.

PLANNING BOARD: After a Public Hearing on October 19, 2021, the Planning Board recommended approval (6-0).

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. 124-22 was also advertised in the Palm Beach Post on May 6, 2022.

COMMISSION DISTRICT 3: Commissioner Christy Fox.

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.