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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
Deputy City Clerk Jacqueline Mobley

**City of West Palm Beach
City Commission
Agenda
Monday, August 8, 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 August 2022 as Black Business Month. Proclamation to be accepted by Grasford W. Smith, President of the Black Chamber of Commerce of Palm Beach County, and Frank Hayden, Director Office of Small Minority/Women Business Programs for the City of West Palm Beach.

Originating Department:

Mayor's Office

- 6.2. Tribute Presentation to The Palm Beach County Community Remembrance Project Coalition. Tribute to be accepted by: Bryan Boysaw, Boysaw Law; Edith Bush, Martin Luther King Coordinating Committee of PBC; Josephine Gon, Jewish Federation of PBC; Charlene Farrington, Spady Cultural Heritage Museum; Charles Hagy, Jr., Head of the Benjamin Middle School; Tammy Fields, Director of Palm Beach County Youth Services.

Originating Department:

Mayor's Office

7. PRESENTATION

- 7.1. Legislative update by Congresswoman Sheila Cherfilus-McCormick.

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. Minutes of the Special City Commission Meeting of July 11, 2022

Originating Department:

Mayor's Office

- 8.2. Minutes of the Regular City Commission Meeting of July 11, 2022

Originating Department:

Mayor's Office

- 8.3. Resolution No. 78-22(F) amending the Fiscal Year 2021/22 Miscellaneous Trust Fund Budget to authorize appropriations of \$152,000 from the State Law Enforcement Forfeiture Receipts for law enforcement digital forensics software, equipment, and licensing; and

Resolution No. 147-22 approving an interlocal agreement to allow the Police Department to enter into a contract with other municipal police departments to share in the cost and use of the same digital forensics software, equipment, and licensing resulting in the ability to fund the initial cost and reduce the cost of providing services in the future for the digital forensic software that is required for extraction of digitally stored evidence in criminal investigations.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 78-22(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 MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR THE PURCHASE OF POLICE DIGITAL FORENSICS SOFTWARE, EQUIPMENT, AND LICENSING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 147-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PARTICIPATING PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES FOR THE OPERATION OF A METRO AREA CRIME CENTER (MACC) TO SHARE AGENCY RESOURCES TO FURTHER CRIMINAL INVESTIGATIONS, INCLUDING THE PURCHASE OF POLICE DIGITAL FORENSICS SOFTWARE, EQUIPMENT, LICENSING; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS

Pursuant to the Florida Contraband Forfeiture Act, the proceeds from forfeited property shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality. Such proceeds and interest earned therefrom shall be used for school resource officers, crime prevention, safe neighborhoods, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles, and providing matching funds to obtain federal grants. The

proceeds and interest may not be used to meet the normal operating expenses of the law enforcement agency. The Chief of Police certifies the expenditure of \$152,000 is in compliance with Section 932.7055, Florida Statutes.

The current need for Digital Forensics software is due to a reallocation of resources and office space at the Palm Beach County Sheriff's Office Digital Forensic Lab. As a result, the Police Department needs to purchase additional subscription-based digital forensic software, equipment, and licenses.

In order to acquire the software and expedite implementation for this critical operating need, the Police Department has partnered with other Palm Beach County Law Enforcement agencies to enable the initial startup and reduce the financial impact on the City General Fund. Through an Interlocal Agreement for the establishment of a Metro Area Crime Center (MACC) between the West Palm Beach Police Department and other Participating Palm Beach County Law Enforcement Agencies ("Participating Agencies"), the Police Department will be able to purchase the software and share services.

Upon appropriation of funding, the Police Department will work with the City Attorney's office to draft agreements and with the Information Technology Department for the software and licenses. The total implementation cost for this project is \$197,000, and the City's share of the cost for build-out and supplying the new lab in FY 2022 is \$98,500, of which \$22,500 is already included in the general fund budget for existing contracts.

The required additional funds needed for FY22 is \$76,000.

Resolution No. 78-22(F) requests the use of State Asset Forfeiture funds in the amount of \$152,000 to be utilized as follows:

- FY 2022 \$76,000
- FY 2023 \$76,000

In FY2024, the \$98,500 annual operating cost increase of \$76,000 for software maintenance and license fees will become a part of the Police Department General Fund operating budget.

- 8.4. Resolution No. 196-22 approves a Conditional Settlement Agreement totaling \$45,000 in the matter of Patricia Ann Long v. City of West Palm Beach, et al.

Originating Department:
City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 196-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$45,000 IN THE MATTER OF PATRICIA ANN LONG v. CITY OF WEST PALM BEACH, ET AL.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Patricia Ann Long has brought a claim by way of a complaint in the Fifteenth Judicial Circuit in Patricia Ann Long v. City of West Palm Beach, et al., for an accident that occurred on June 13, 2019. The City has reached a settlement agreement with Ms. Long and her attorney to resolve the matter for a total of \$45,000. Ms. Long 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. 196-22 approves the conditional settlement agreement.

Fiscal Note:

Upon approval, settlement agreement will be paid out of the General Liability claims expense account.

- 8.5. Resolution No. 202-22 authorizing the assessment of city liens in the total amount of \$24,873.69 for unpaid water service, sewer service and storm water charges for the month of May 2022.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 202-22: 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 MAY 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. 202-22 are for unpaid water service, sewer service and stormwater service charges for the month of May 2022. The list of properties to be assessed and the associated charges totaling \$24,873.69 are attached to Resolution No. 202-22 as EXHIBIT A – UTILITY LIEN LIST MAY 2022.

Fiscal Note:

No fiscal impact.

- 8.6. Resolution No. 200-22(F) appropriating a total of \$3.795 million in Fiscal Year 2022 for the purchase of Water, Wastewater and Storm Water vehicles and equipment which will otherwise be budgeted in Fiscal Year 2023.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 200-22(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 GENERAL RESERVE FUND, WATER AND SEWER EQUIPMENT REPLACEMENT RESERVE FUND, WATER AND SEWER CAPITAL OUTLAY FUND, STORMWATER GENERAL RESERVE FUND, STORMWATER EQUIPMENT REPLACEMENT RESERVE FUND AND STORMWATER CAPITAL IMPROVEMENT FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR CAPITAL MACHINERY AND EQUIPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Public Utilities Department is requesting approval to appropriate funding in the total amount of \$3,795,000 in fiscal year 2022, for the purchase of Water, Wastewater and Stormwater Utility vehicles and equipment which will otherwise be budgeted in fiscal year 2023. Appropriating funding in fiscal year 2022 will enable the placement of purchase orders with the factory(s) for the vehicles and equipment prior to November 2022, which is typically the earliest the purchase orders can be placed in each new fiscal year.

Recently, the Utility received notification the factory(s) cancelled orders placed in November 2021, for model year 2022 vehicles. The factory can build 2023 model year vehicles at a higher cost, with no price guarantee, and build preference will be given to the cancelled orders if reordered. The cost increases on the newer model year vehicles has ranged from 8-22% depending on the model.

The communication received from a factory's dealer included: "The automotive and heavy truck industry is in turmoil due to ongoing supply chain issues, production and factory capabilities... Compounding matters, we are experiencing record inflation, greater than at any time in the last forty years. Inflation, as well as significant impacts on raw material costs are affecting new vehicle pricing."

Appropriating funding in fiscal year 2022 will enable the orders for the vehicles and equipment to be placed with the factory(s) sooner, by September 30, 2022. And, depending on the the order placement window for the particular model, before the order window for the current year closes. The estimated cost savings is roughly \$500,000.

Funding in the amount of \$2.555 million for Water and Wastewater replacement equipment, Fund 451, will be appropriated from Water and Wastewater General Reserve Fund 459.

Funding in the amount of \$287,000 for Water and Wastewater new equipment, Fund 453, will be appropriated from Fund 453 Reserve for Future Projects.

Funding in the amount of \$613,000 for Stormwater replacement equipment, Fund 483, will be appropriated from Stormwater General Reserve Fund 484.

Funding in the amount of \$340,000 for Storm Water new equipment, Fund 487, will be appropriated from Fund 487 Reserve for Future projects.

Resolution No. 200-22(F) appropriates the funding now, so that the vehicles can be ordered before the end of fiscal year 2022, in the hope of avoiding further pricing increases. However, the appropriated funds will be included in the 2023 budget and payment is anticipated to be made in 2023.

Fiscal Note:

Post approval of the Fund balances will be approximately: Fund 459: \$73M; Fund 451: \$400k; Fund 453: \$1.4M; Fund 484: \$18M; Fund 483: \$100k; Fund 487: \$300k.

- 8.7. Resolution No. 205-22 approving an interlocal agreement for hazardous materials emergency response services with Palm Beach County and funding from Palm Beach County in the amount of \$632,140.25.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 205-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT FOR HAZARDOUS MATERIALS EMERGENCY RESPONSE SERVICES AND FUNDING BY AND BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In the interest of public health, safety, and welfare, it is the desire of the City of West Palm Beach, Florida to enter into an Interlocal Agreement with the Board of County Commission, Palm Beach County Florida for a term of ten (10) years to remain as one of the four regional hazardous materials team established by the Palm Beach County Regional Hazardous Materials Ordinance. The City of West Palm Beach Fire Department has been one of the four emergency service delivery providers of this service since 1999.

The City agrees to assure sufficient staffing, apparatus, supplies, and equipment to provide regional hazardous materials response services to, and mitigation of, all hazardous materials emergencies in Zone 2. Furthermore, the City agrees that, upon request, they shall serve any incorporated or unincorporated areas within Palm Beach County as authorized by the Haz Mat Response Ordinance when necessary. In providing regional hazardous materials response team services, the City agrees to comply with the Haz Mat Response Ordinance, as may be amended from time to time, the Standard Operating Guidelines, as may be updated and/or revised from time to time by the Oversight Committee, and any other standards and procedures adopted by the Oversight Committee. All costs associated with maintaining the regional hazardous materials response team shall be borne by the City. The City agrees to provide access to City emergency response records for hazardous materials incidents, upon request, to the County and the Oversight Committee.

In accordance with the SWA Haz Mat Funding Agreement, the County agrees to provide annual funding to the City, for regional hazardous materials response team services, in the amount of Six Hundred Thirty-Two Thousand, One Hundred Forty Dollars and Twenty-Five Cents (\$632,140.25) for fiscal year 2023. The annual funding for each subsequent fiscal year will be increased by the same percentage increase, if any, received by the County from the SWA under the SWA Haz Mat Funding Agreement. However, notwithstanding anything to the contrary, the annual amount provided to the City shall not exceed 25% of the annual funding received by the County from the SWA pursuant to the SWA Haz Mat Funding Agreement.

Fiscal Note:

The County shall remit payment to the City in two equal installments, payable on February 1, and May 1, of each fiscal year covered by this Agreement, subject to the County's receipt of funding from the SWA. The City shall provide an invoice to the County no later than thirty (30) days prior to each due date.

- 8.8. Resolution No. 212-22 authorizing the submittal of an application to the State of Florida, Department of Financial Services for a Firefighter Cancer Decontamination Equipment Grant in the amount of \$26,800 for the purchase of Fire Equipment Decontamination Units.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 212-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF FINANCIAL SERVICES FOR A GRANT UNDER THE FIREFIGHTER CANCER DECONTAMINATION EQUIPMENT PROGRAM IN THE AMOUNT OF \$26,800 TO FUND EQUIPMENT TO DECONTAMINATE FIREFIGHTER GEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Florida Firefighter Cancer Decontamination Equipment Grant Program (FFCDEGP) was established by Florida Statute 633.137 and F.A.C 69A-37.503 to help protect the health and safety of firefighters and provide financial assistance to help fire departments, including volunteer fire departments, procure equipment, supplies, and educational training designed to mitigate exposure to hazardous, cancer-causing chemicals.

The City desires to apply for a Firefighter Cancer Decontamination Equipment Grant in the amount of \$26,800 to fund the purchase of a Self-Containing Breathing Apparatus (SCBA) washer that is also capable of washing helmets, boots and face pieces. The purchase of such equipment will help protect the health and safety of the City's firefighters by thoroughly decontaminating and cleaning breathing apparatus equipment of unseen and persistent carcinogenic particulates. It achieves this through advanced temperature, time and chemo-mechanical action in a self-contained system, cleaning PPE and SCBAs and providing protection from residual fire-related toxins while minimizing water and utility consumption.

A minimum of 25 percent (25%) nonstate matching funds is required by the eligible applicant for the Florida Firefighter Cancer Decontamination Equipment Grant Program. The decontamination unit as quoted is \$26,800 and the 25% match (\$6,700) is funded within the Fire Department budget.

Resolution No. 212-22 authorizes submittal of the grant application.

Fiscal Note:

25% match (\$6,700) is funded within the Fire Department budget.

9. RESOLUTIONS

- 9.1. Resolution No. 188-22 granting Face of the City approval of the design for Gaines Park Tennis Courts and Tennis Center.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 188-22: 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 TENNIS COURT AND TENNIS CENTER IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 188-22.

Background Information:

The Gaines Park Jimmie "Doc" Horne Tennis Center was approved for \$1,500,000 in renovations through the 2020 General Obligation Parks Bond. The scope of work includes renovating the existing courts, lights, fencing and tennis center building.

During the initial public input for the Parks Bond, it was a request of the Gaines Park tennis community to not renovate the existing tennis offices but to design and construct a new tennis center building.

A community engagement meeting was held on November 17, 2021 to gather input for design. A follow up meeting was held January 27, 2022 to present the design of the renovated tennis courts and the proposed new tennis center building. During the January meeting, additional input was collected to complete the design. On May 24, 2022, a digital survey with design images of the proposed Jimmie "Doc" Horne Tennis Center was sent to the public to gather final feedback to ensure consensus. The survey was sent to all who had attended the public engagement meetings and others who had expressed an interest in the project.

Commission District 1: Commissioner Cathleen Ward.

- 9.2. Resolution No. 178-22 approving the transfer of development rights under the historic property incentive to WPB Fern Holdings, LLC, for the development of the property at 464 and 418 Fern Street along with 401 S. Dixie Highway.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 178-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE TRANSFER OF DEVELOPMENT RIGHTS UNDER THE HISTORIC PROPERTY INCENTIVE TO WPB FERN HOLDINGS, LLC, FOR THE DEVELOPMENT OF THE PROPERTY AT 464 AND 418 FERN STREET, ALONG WITH 401 S. DIXIE HIGHWAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 178-22.

Background Information:

Section 94-132 of the City's Downtown Master Plan (DMP) has a Transfer of Development Rights (TDR) program that allows developers to purchase development rights from one site and transfer them to another as defined in Figure IV-35 of the DMP - the TDR Sending and Receiving Sites map. The program was established to preserve historic properties and open space in the downtown area. Historically, the City's TDRs came from the preservation of Gateway Park located on Okeechobee Boulevard and Australian Avenue but the one million square feet of TDRs originating from this preservation has since been depleted for use in the development of such projects as the Grand, Flagler Station, Evernia Place, County Block D, the old City Hall site, 360 Rosemary and numerous churches throughout the downtown.

Recently, the City completed improvements to the historic Seaboard Train Station on Tamarind Avenue thereby creating a total of 378,231 square feet of development rights that could be transferred to other developments. These improvements included repairs to windows, doors, light fixtures, replacement of landscaping and a complete washing and painting of the building. At the same time, City staff is also working with the Palm Beach County School District to designate four historic structures at the Dreyfoos School of the Performing Arts which will preserve those structures and net the School Board approximately \$8.1 million in revenue through the creation of approximately 477,392 square feet of TDRs.

WPB Fern Holdings, LLC is proposing a new development located at 464 and 418 Fern Street and the adjacent 401 South Dixie Highway. The project, resubmitted on June 14, 2022 and requiring Downtown Action Committee approval, will include a mixture of residential and commercial space that will also include a grocer.

The Developer is in need of a total of 102,000 square feet of TDRs from the City to complete this project. The City is selling that amount of TDRs

at \$17 per square foot for a total sale price of \$1,734,000. This revenue can then be placed in the City's General Fund.

The Developer will comply with the DMP Workforce Housing Incentive program for use of the TDRs.

Resolution No. 178-22 approves the sale of the TDRs for the project at 464 and 418 Fern Street and the adjacent 401 South Dixie Highway.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

\$1,734,000 in revenue to be generated.

10. PUBLIC HEARING

- 10.1. Public Hearing and First Reading of Resolution No. 194-22: Major DPUD Amendment to Phillips Point Planned Development, revising the master sign plan and site signage.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 194-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PHILLIPS POINT DOWNTOWN PLANNED DEVELOPMENT (DPUD), LOCATED AT 777 SOUTH FLAGLER DRIVE AND 201 LAKEVIEW AVENUE, TO AMEND THE MASTER SIGN PLAN ORIGINALLY APPROVED UNDER RESOLUTION 177-13 IN ORDER TO REMOVE EXISTING SIGNAGE, REFURBISH EXISTING SIGNAGE, AND TO PROPOSE ADDITIONAL SIGNAGE; 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. 194-22.

Background Information:

The Phillips Point Downtown Planned Development (DPUD) was established in 1982 under Ordinance 1666-82. Since its inception, the Phillips Point PD has had several amendments to its originally approved plans.

Under Resolution 177-13, a Master Sign Plan was developed for the property; to provide oversight and regulations for the Planned Development's signage. The master sign plan provided conditions that mimic or are appropriate to the DMP's current signage standards.

The applicant is requesting to amend the master sign plan within the proposed resolution, in order to removing existing signage, relocate existing signage, refurbish existing signage, and propose new signage.

This case is scheduled for the July 19, 2022 Planning Board meeting.

Commission District 3: Commissioner Christy Fox.

- 10.2. Public Hearing and First Reading of Resolution No. 195-22: Major DPUD Amendment to Esperante Planned Development, revising the master sign plan and site signage.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 195-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE ESPERANTE DOWNTOWN PLANNED DEVELOPMENT (DPUD), LOCATED AT 222 LAKEVIEW AVENUE, TO AMEND THE MASTER SIGN PLAN ESTABLISHED ORIGINALLY UNDER RESOLUTION 107-15 AND PREVIOUSLY AMENDED UNDER RESOLUTION 176-26, IN ORDER TO REMOVE EXISTING SIGNAGE, REFURBISH EXISTING SIGNAGE, RELOCATE EXISTING SIGNAGE, AND TO PROPOSE ADDITIONAL SIGNAGE; 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. 195-22.

Background Information:

The Esperante Downtown Planned Development (DPUD) was established in 1985 under Ordinance 1909-85. Since its inception, the Esperante PD has had several amendments to its originally approved plans.

Under Resolution 107-15, and later 176-16, a Master Sign Plan was developed and amended for the property; to provide oversight and regulations for the Planned Development's signage. The master sign plan provided conditions that mimic or are appropriate to the DMP's current signage standards.

The applicant is requesting to amend the master sign plan within the proposed resolution, in order to remove existing signage, relocate existing signage, refurbish existing signage, and propose new signage.

This request is scheduled to go to the Planning Board on July 19, 2022.

Commission District 3: Commissioner Christy Fox.

- 10.3. Public Hearing and First Reading of Ordinance No. 5014-22: A City initiated request for a text amendment to Chapter 94 Zoning and Land Development Regulations (ZLDR) to correct numbering and formatting errors created by the adoption of regulations for Community Residence and Currie Mixed-Use District.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5014-22: 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 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE V - COMMERCIAL DISTRICTS, ARTICLE VII - SPECIAL DISTRICTS, ARTICLE IX - PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS AND SPECIAL USES, ARTICLE XV - PARKING AND APPENDIX A - MASTER USE LIST, TO CORRECT NUMBERING AND FORMATTING ERRORS CREATED BY THE ADOPTION REGULATIONS FOR COMMUNITY RESIDENCE AND CURRIE MIXED-USE DISTRICT; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; 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. 5014-22: A City initiated request for a text amendment to Chapter 94 Zoning and Land Development Regulations (ZLDR) to correct numbering and formatting errors created by the adoption of regulations for Community Residence and Currie Mixed-Use District.

Background Information:

When the City adopted Ordinance No. 4957-21 (Community Residences) and Ordinance No. 4963-21 (Currie Mixed-Use District), it created some numbering inconsistencies in the Zoning and Land Development Regulations. In addition, staff is correcting some formatting and typo errors found after the adoption of both ordinances. No substantive changes to the regulations are being proposed. The proposed text amendment is provided in the attached Code Revision staff report.

This item was presented to the Planning Board at their June 21, 2022 meeting and approved by a 4-0 vote.

Fiscal Note:

Not applicable.

- 10.4. Public Hearing and First Reading of Ordinance No. 5015-22: A City initiated request for a text amendment to Chapter 94 Zoning and Land Development Regulations (ZLDR) to amend the threshold requirements between a Major and Minor Amendment for Development of Significant Impacts (DSI) and Planned Developments (PD).

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5015-22: 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 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE II - ORGANIZATION, ADMINISTRATION AND ENFORCEMENT AND ARTICLE VII - SPECIAL DISTRICTS, TO AMEND THE THRESHOLD REQUIREMENTS BETWEEN A MAJOR AND MINOR AMENDMENT FOR DEVELOPMENTS OF SIGNIFICANT IMPACTS AND PLANNED DEVELOPMENTS; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; 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. 5015-22: A City initiated request for a text amendment to Chapter 94 Zoning and Land Development Regulations to amend the threshold requirements between a Major and Minor Amendment for Development of Significant Impact and Planned Developments. This motion is based upon the finding that the amendment is consistent with the City's Comprehensive Plan and meets the the standards for amendments set forth in Section 94-32 of the City Code.

Background Information:

As staff reviews and updates the ZLDR, one of the areas that staff is focusing on is improving the review and approval process to make the process more efficient for developers, applicants, and staff. One such area is the review and approval process for developments within a Planning Development (PD) and Development of Significant Impacts (DSI). All developments in a PD or DSI are approved with specific square footages as part of a master plan and any changes to that approved master plan require some form of approval by the City. These changes could either trigger a minor amendment (staff approval), or a major amendment (Commission approval) process. There are two (2) determining factors that staff is proposing to amend to distinguish what may constitute a minor versus major amendment. These include traffic generation and an

increase in building square footage. Currently, any increase in traffic, including one (1) trip, requires a major amendment even if the developer is only adding 100 square feet or changing the use of a proposed building. Also, any increase in a building square footage over five (5) percent of the total amount within a building also trips the threshold between a minor and a major amendment.

The Planning Staff worked with the City's Traffic Engineer on a threshold that would provide a little flexibility to the developer while making the process more efficient for staff. Staff is proposing to change the increase in traffic to either three (3) percent of the average daily traffic (ADT) or 100 ADT trips over the original master plan and increase the building square footage from five (5) percent to 10 percent. In either case, the developer/applicant is still required to obtain a traffic currency approval letter from Palm Beach County. The proposed changes will still permit staff to review the changes in the projects for impacts on the surrounding area. The proposed text amendment is shown in attached Code Revision Case.

This item was presented to the Planning Board at their June 21, 2022 meeting and approved by a 4-0 vote.

Fiscal Note:

Not applicable.

- 10.5. Public Hearing of Resolution No. 193-22 authorizing acceptance of federal entitlement grants in the amount of \$4,741,369; approving and authorizing submission of the One-Year Action Plan for Fiscal Year 2022-2023; and authorizing execution of all related documents.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 193-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING ACCEPTANCE OF FEDERAL ENTITLEMENT GRANTS FROM THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, THE HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM; AND THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM; APPROVING THE CITY'S ANNUAL ACTION PLAN FOR FISCAL YEAR 2022-2023 FOR USE OF THE FUNDS; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND RELATED DOCUMENTS NECESSARY TO RECEIVE THE GRANT FUNDS AND TO AWARD THE GRANT FUNDS TO SUBRECIPIENTS; AUTHORIZING AND DIRECTING THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO SUBMIT THE ONE-YEAR ACTION PLAN TO THE U.S.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;
PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 193-22.

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) under the Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME), and the Housing Opportunities for Persons with AIDS Program (HOPWA). For Fiscal Year (FY) 2022-2023, the City anticipates receiving a total of \$4,741,369 as follows:

- CDBG: \$988,328;
- HOME: \$508,961; and
- HOPWA: \$3,244,080.

The funds are intended to address the community development and housing needs within the corporate limits of the City of West Palm Beach by achieving the overall goal of decent housing, providing a suitable living environment, and expanding economic development opportunities principally for low and moderate income persons. As a part of developing the Plans, federal regulations require the City to hold public meetings to receive public input on the use of the funds. In addition to this public hearing, the City held an input meeting in-person and via Zoom on June 23, 2022. No public comments were received at the meeting.

In order to receive these funds, the City is required to submit an Annual One-Year Action Plan to HUD which describes the City's intended use of these funds. The submission deadline of the Annual One-Year Action Plan is August 16, 2022.

Resolution No. 193-22: (a) authorizes the acceptance of the funds, (b) approves the uses of funds for the federal programs, (c) authorizes the Mayor to execute grant agreements and all other documents necessary for the submission of the Action Plan and the receipt and use of grant funds, and (d) authorizes submittal of the Action Plan to HUD for its review and approval.

Fiscal Note:

Budget line item appropriations will be set up in the FY23 Grant fund budget.

11. PUBLIC HEARING - QUASI-JUDICIAL

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

- 11.1. Public Hearing and First Reading of Ordinance No. 4988-21 to designate the former Hatch's Department store and related sites at 301 Clematis Street, 300 Banyan Boulevard and 161 North Olive Avenue on the West Palm Beach Register of Historic Places.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 4988-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 301 CLEMATIS STREET, 300 BANYAN BLVD AND 161 NORTH OLIVE AVENUE AS A HISTORIC SITE ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

THIS ITEM TO BE CONTINUED TO THE DECEMBER 12, 2022 CITY COMMISSION MEETING.

- 11.2. Resolution No. 197-22: A request by Dale Hedrick, of Electronics Properties, LLC, for an abandonment of the 27th Street right-of-way, located west of Electronics Way, between 25th Street and Technology Place, consisting of approximately 0.80 acres (35,162 square feet).

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 197-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING THE 27TH STREET RIGHT-OF-WAY, APPROXIMATELY 0.80 ACRES (35,162 SQUARE FEET) IN SIZE, LOCATED WEST OF ELECTRONICS WAY BETWEEN 25TH STREET AND TECHNOLOGY PLACE; RESERVING MAINTENANCE, DRAINAGE AND UTILITY EASEMENTS; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 197-22.

Background Information:

The subject property, 27th Street, is an approximate 80-foot wide right-of-way, located west of Electronics Way, between 25th Street and Technology Place, just east of the Carver Canal where the street dead-ends. The street is encumbered by underground public utilities and overhead FPL powerlines. The applicant, who is also the owner of the tracts of land immediately north and immediately south of the right-of-way, desires to vacate the right-of-way to assemble the tracts for future

redevelopment. A location map of the subject area is provided in EXHIBIT A.

The abandonment of the subject property will not result in any negative impact to the surrounding area, since the right-of-way considered for abandonment dead-ends into the Carver Canal and it is not functional for any pedestrian or vehicular access. It has also become a common illegal dumping site. Due to the current location and existing conditions, the subject right-of-way has very little development potential or use to anyone other than the adjacent property owners as part of an assemblage into their property.

An appraisal for the abandonment of the subject property was prepared by Anderson and Carr, Inc., on January 20, 2022 and submitted to the City. According to the appraisal report (EXHIBIT B), the market value for the subject area with the maintenance, drainage, and utility easements reservation is \$105,000.00. 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.

NOTICES: Pursuant to the requirements of Sec. 78-215(b) of the City's Code of Ordinances, individual notices were mailed to property owners within 400 feet of the subject property, the site was posted, and the Resolution was advertised in the Palm Beach Post. 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 1: Commissioner Cathleen Ward.

Fiscal Note:

\$105,000 consideration to be paid by Applicant.

12. 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.

13. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

14. 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.