



401 Clematis Street  
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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 (Interim) Jacqueline Mobley

**City of West Palm Beach  
City Commission  
DRAFT Agenda  
Monday, January 23, 2023  
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. 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.

- 6.1. Resolution No. 290-22 authorizing the Mayor to sign a Release of Unity of Title for Lots 8, 9,10, 11 and Tract 9-A of the Village Commerce Center.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 290-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A RELEASE OF UNITY OF TITLE WITH REGARD TO LOTS 8, 9, 10, 11 and TRACT 9-A, PLAT OF VILLAGE COMMERCE CENTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In September of 1996, a Unity of Title was created for Lots 8, 9, 10, and 11 of the Plat of Village Commerce Center and amended in May of 2001 to add Tract 9-A to the Unity of Title. In that Unity, was the provision that a release could be obtained from the City Commission with the approval of the Planning Director. Since that time, the parcels have been developed into three (3) separate complexes, and the owner has requested a Release of the Unity of Title, which the Director of Development Services has agreed to. Individual Unity of Titles for each complex have been prepared and signed by the owner and will be recorded following the recordation of the Release.

Commission District 2: Commissioner Shalonda Warren.

**Fiscal Note:**

No fiscal impact.

- 6.2. Resolution No. 9-23 accepting a Local Agency Program (LAP) Grant from the Florida Department of Transportation in the amount of \$5,110,000 for the Parker Avenue Rehabilitation project; and

Resolution No. 10-23(F) providing for the receipt and appropriation of the grant funds.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 9-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A

LOCAL AGENCY PROGRAM GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$5,110,000 FOR THE PARKER AVENUE REHABILITATION PROJECT; AUTHORIZING EXECUTION OF THE LOCAL AGENCY PROGRAM GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 10-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF FUNDS IN FISCAL YEAR 2022/2023 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE ONE-CENT SALES TAX CAPITAL IMPROVEMENTS AND GRANT CAPITAL PROJECT FUND BUDGETS TO PROVIDE FOR THE RECEIPT OF A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM (LAP) GRANT, MATCHING FUNDS, AND APPROPRIATIONS FOR THE CONSTRUCTION OF THE PARKER AVENUE REHABILITATION PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The Parker Avenue Rehabilitation project spans from Forest Hill Boulevard to Nottingham Boulevard, located approximately 1.3 miles in the southern part of the City of West Palm Beach. The existing right-of-way varies between 70' to 80' with broken sidewalks, ADA non-compliant curb ramps, and old signage, amongst other improvements needed. Located in the Dreher Park Neighborhood Association, Parker Avenue is primarily a safe route to school for many children. The project will complete a multimodal network connection from Forest Hill Boulevard to Nottingham Boulevard providing complete streets. The typical sections will include two (2) multi use paths, roadway reconstruction, wayfinding, signing, pavement markings, irrigation, landscaping, signal improvements, drainage improvements and pedestrian lighting. All these improvements are within the recommendations from the City's current Bicycle Master Plan and is part of the City's current Capital Improvement Plan. The project will also connect Forest Hill Community High School, Dreher Park, Hillcrest Memorial Park, Palmetto Elementary School, and local businesses located at the north end of the project at the intersection of Nottingham Boulevard and Parker Avenue.

On April 23, 2018, the City Commission approved Resolution No. 98-18, authorizing the submittal of an application for a Local Agency Program (LAP) grant to the Florida Department of Transportation (FDOT) through the Palm Beach Transportation Planning Agency (TPA) for the Parker Avenue Rehabilitation Project.

FDOT has awarded funding up to \$5,110,000 as a reimbursable LAP grant.

The total estimated construction cost of the project is \$7,521,351. The City of West Palm Beach is responsible for the matching funds of \$2,411,351. The construction match is being provided as part of the Parker Avenue Rehabilitation project under the One-Cent Sales Tax Capital Improvements Fund.

The City desires to enter into a Local Agency Program (LAP) Agreement with FDOT for receipt of \$5,110,000 in grant funding for the Parker Avenue Rehabilitation Project.

The City will be required to maintain the roadway improvements and traffic signals funded by the grant.

Resolution No. 9-23 authorizes the City to execute the LAP agreement for this project.

Resolution No. 10-23(F) provides for the appropriation of the funding in accordance with the LAP Agreement.

The Project Construction is estimated to be completed on or before June 20, 2025.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Approval will recognize the receipt of FDOT funding and provide appropriations for the Parker Avenue Rehab project. The City-match is fully budgeted per the FY23 adopted budget.

- 6.3. Resolution No. 11-23 ratifying a memorandum of agreement between the City of West Palm Beach and the Florida State Lodge, Fraternal Order of Police, Inc. Certified Unit 1985, and Certified Unit 1986 (“FOP”), pertaining to Article 30: Salary Plan Section 2.

**Originating Department:**

Human Resources

**Ordinance/Resolution:**

RESOLUTION NO. 11-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, INC., CERTIFIED UNIT NO. 1985 AND CERTIFIED UNIT NO. 1986, MODIFYING ARTICLE 30 OF THE COLLECTIVE BARGAINING AGREEMENT CURRENTLY IN EFFECT AND GOVERNING EMPLOYEES REPRESENTED BY THE FRATERNAL

ORDER OF POLICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Resolution No. 11-23 seeks Commission ratification of a tentative Memorandum of Agreement (MOA) between the City and the Fraternal Order of Police (FOP). The proposed MOA modifies the police officer step plan that is currently in effect by adjusting the step plan pay scales for the police officer, sergeant, and lieutenant job classifications. The proposed changes will provide a market adjustment pay increase to police officers in the referenced job classifications of approximately 1.68%. Implementing this market adjustment will ensure the City's starting salary for police officers remains in the top five in the Palm Beach County market for the remainder of FY23 and FY24; and will also aid the City's efforts to recruit and retain police officers.

Specifically, Article 30 - Salary Plan, of the current collective bargaining agreement between the City and the FOP would be amended as follows:

Section 2 will provide for a new salary step plan for the positions of police officer, sergeant, and lieutenant effective on the first full payroll period that begins on Sunday, February 19, 2023.

The amended step plan, if ratified, will raise the current starting Step 1 salary for the police officer job classification by approximately 1.68% from \$61,961.12 to \$63,000.

The remaining steps in the police officer, sergeant, and lieutenant job classifications will also be adjusted upwards by a similar percentage to ensure the current 5% differential between steps remains unchanged.

This MOA was ratified unanimously by both bargaining units of the FOP and requires ratification by the Commission in order for it to take effect.

**Fiscal Note:**

The estimated FY23 MOA cost of \$315,000 will be absorbed from vacant position personnel savings in the Police Department Budget.

- 6.4. Resolution No. 14-23 authorizing the assessment of City liens in the total amount of \$93,067.89 for unpaid water service, sewer service, and storm water charges for the month of October 2022.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 14-23: 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 CHARGES FOR THE MONTH OF OCTOBER 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. 14-23 are for unpaid water service, sewer service, and stormwater service charges for the month of October 2022. The list of properties to be assessed and the associated charges totaling \$93,067.89 are provided in Resolution No. 14-23 as EXHIBIT A – Utility Lien List - October 2022.

**Fiscal Note:**

No fiscal impact.

- 6.5. Resolution No. 13-23 approving a Memorandum of Agreement regarding the City's participation in the United States Department of Homeland Security's Florida Task Force 2 of the National Urban Search and Rescue Response System.

**Originating Department:**

Fire

**Ordinance/Resolution:**

RESOLUTION NO. 13-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF MIAMI AS THE SPONSORING AGENCY OF THE FLORIDA TASK FORCE 2 OF THE NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

As approved at the January 22, 2013 Regular City Commission Meeting, Resolution No. 20-13 approved the Memorandum of Agreement regarding the City's participation in the Department of Homeland Security's Florida Task Force 2 of the National Urban Search and Rescue Response System.

The United States Department of Homeland Security's National Urban Search & Rescue Response System has annually funded the South Florida Urban Search and Rescue Task Force (Florida Task Force 2), which is coordinated by the City of Miami Department of Fire Rescue as the sponsoring agency. The West Palm Beach Fire Department has been a

participating agency in Florida Task Force 2 – Urban Search & Rescue Task Force, which responds to disasters where victims may be trapped or injured. FEMA is requiring all Urban Search & Rescue Task Forces in the nation to execute a new Memoranda of Agreement resulting from state statutory differences for participating agencies in various states.

By executing the Memorandum of Agreement, the City agrees to provide personnel to serve the Florida Task Force 2. Florida Task Force 2 will provide clothing and equipment to participating personnel and will reimburse City's costs for training, activation, and deployment to urban search and rescue incidents.

Resolution No. 13-23 authorizes the Mayor to execute the Memorandum of Agreement for the City of West Palm Beach to be a participating agency in Florida Task Force 2 - Urban Search and Rescue.

- 6.6. Resolution No. 15-23 accepting and approving the state-funded grant agreement by the Florida Division of Emergency Management in the amount of \$12,000 to reimburse for the maintenance and replacement of specialized equipment and personal protective items for the Florida Urban Search & Rescue Team; and

Resolution No. 19-23(F) authorizes the amendment of the General Fund to provide appropriations in the amount of \$12,000 for the maintenance and replacement of specialized equipment and personal protective items for the Florida Urban Search & Rescue Team.

**Originating Department:**

Fire

**Ordinance/Resolution:**

RESOLUTION NO. 15-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING AN URBAN SEARCH AND RESCUE GRANT OF TWELVE THOUSAND DOLLARS FROM THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, TO REIMBURSE THE COSTS FOR THE MAINTENANCE AND REPLACEMENT OF SPECIALIZED EQUIPMENT AND PERSONAL PROTECTIVE ITEMS FOR THE FIRE DEPARTMENT'S URBAN SEARCH AND RESCUE TEAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 19-23(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 2022/2023 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO RECOGNIZE THE RECEIPT OF A STATE OF FLORIDA, DIVISION

OF EMERGENCY MANAGEMENT GRANT, PROVIDING APPROPRIATIONS FOR THE MAINTENANCE AND REPLACEMENT OF SPECIALIZED EQUIPMENT AND PERSONAL PROTECTIVE ITEMS FOR THE FIRE DEPARTMENT'S URBAN SEARCH AND RESCUE TEAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In 2022, the Florida Division of Emergency Management awarded the West Palm Beach Fire Department with a reimbursement grant in the amount of \$12,000. The intent of this grant is to sustain the Statewide Urban Search and Rescue capabilities to prepare for and respond to disasters throughout the State of Florida by providing funding in support of the eight (8) Florida Urban Search & Rescue and thirty-nine (39) Light Technical Rescue Teams.

As the recipient, the West Palm Beach Fire Department will use the award amount to reimburse expenditures in one spending category: Sustainment. Sustainment consists of maintenance of specialized equipment, plus replacement and enhancement of equipment and personal protective items.

By Resolution No. 15-23, the City Commission accepts this grant.

Resolution No. 19-23(F) authorizes the amendment of the General Fund to provide appropriations in the amount of \$12,000 for the maintenance and replacement of specialized equipment and personal protective items for the Florida Urban Search & Rescue Team.

**Fiscal Note:**

Approval recognizes grant proceeds and provides appropriations for the maintenance and replacement of specialized equipment and personal protective items for the Florida Urban Search & Rescue Team.

## 7. RESOLUTIONS

- 7.1. Resolution No. 1-23 terminating the West Palm Beach Small and Minority/Women Business COVID-19 Recovery Assistance Loan Program; converting such loans to grants and approving an amendment to the agreement with Pathway Capital Funding; and

Resolution No. 2-23 approving the West Palm Beach Small and Minority/Women Business Grant Programs and authorizing the execution of all documents and instruments necessary for operation of the program.

**Originating Department:**



Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 1-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TERMINATING THE WEST PALM BEACH SMALL AND MINORITY/WOMEN BUSINESS COVID-19 RECOVERY ASSISTANCE LOAN PROGRAM; CONVERTING SUCH LOANS TO GRANTS; APPROVING AN AMENDMENT TO THE AGREEMENT WITH PATHWAY CAPITAL FUNDING; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 2-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE WEST PALM BEACH SMALL AND MINORITY/WOMEN BUSINESS "FIRST STEPS" GRANT PROGRAMS; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS AND INSTRUMENTS NECESSARY FOR OPERATION OF THE PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 1-23 and Resolution No. 2-23.

**Background Information:**

The City of West Palm Beach intends to terminate its SBE M/WBE COVID-19 Recovery Assistance Loan Program, convert existing loans to grants, and launch a new program to assist City-certified small and minority/women business enterprises in their continued recovery from adverse COVID-19 impacts.

Resolution No.1-23 terminates the loan program and converts the loans to grants.

Offered by the City's Office of Small Minority Business Programs (OSMBP) the new program named First Steps, Small Business (SBE) and Minority/Women Business (M/WBE) Grant Program will offer funds in amounts between \$20,000 and \$50,000 to qualified certified SBE M/WBEs. The program aims to support and promote strong business recovery and continuity within the community, after a recent survey revealed some businesses continue to suffer from the economic uncertainty presented by the pandemic.

The following four (4) grants will be developed:

1. Marketing Grant
2. Inventory/Equipment Grant
3. Property Improvement Grant
4. New Business Grant

To be eligible for the program, a business must meet the following qualifications at a minimum:

- Located in the City of West Palm Beach (within City limits);
- Business must be a for-profit organization;
- Business must be registered to do business with the State of Florida Division of Corporations;
- Be City-certified as an SBE and/or M/WBE; (For those small, minority, and/or women-owned businesses that are not certified, the City will provide the necessary information to enable interested businesses to obtain the applicable certification.)
- Properties must be free of any City lien encumbrances and code violations; and
- Property taxes on the property must be current, if the business owner is the property owner.

Additionally, each type of grant will require specific information and documentation.

Resolution No. 2-23 approves and establishes the SBE M/WBE First Steps grant program.

**Fiscal Note:**

\$500,000

- 7.2. Resolution No. 5-23 approves as Face of the City, a site-specific public artwork titled "Botanical Preserve" by local artist Jill Hotchkiss to be installed at South Olive Park. Resolution No. 285-21(F) approved the allocation of \$50,000 for this Public Art Commission.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO 5-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE ARTWORK ENTITLED "BOTANICAL PRESERVE" BY ARTIST JILL HOTCHKISS TO BE INSTALLED AT SOUTH OLIVE PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 5-23.

**Background Information:**

On December 7, 2022, the ArtLife Committee voted unanimously to recommend to City Commission as Face of the City "Botanical Preserve",

a site-specific artwork by local artist Jill Hotchkiss to be installed at South Olive Park.

### ABOUT THE ARTIST

Local artist Jill Hotchkiss was born in Hollywood, Florida. She received her Master of Fine Arts in Sculpture from Pratt Institute and a Bachelor of Fine Arts in Graphic Design from the University of Florida. She has participated in artists residencies in Public Art at the School of Visual Arts in New York and at Oolite Arts in Miami. After working for the past ten (10) years in New York City as a practicing artist and teaching artist (instructing children and adults), she has recently returned back to her home state and has a working studio, open to the public, based in downtown Delray Beach, Florida. Her work has been included in numerous exhibitions, private and public collections throughout the United States, South America, Japan, and Europe along with a variety of large-scale hospitality and architectural commissions.

### LOCATION

South Olive Park - racquetball courts east facing wall.  
Concrete wall 80' x 30'

### ARTWORK

Ms. Hotchkiss is creating a large-scale gilded mural titled: "Botanical Preserve." Her black ink on paper drawings often illustrates organized root systems, combining gold leaf paint creates a process, which she refers to as "Painting with the Sun" to demonstrate a "Botanical Rooted Fungi Cross-Section."

The gilded mural will illustrate native Florida Flora, specifically indigenous plants that are endangered, thriving, and wild flowers. Ms. Hotchkiss aims to demonstrate how these plants are interconnected and the bond between all biological systems. The use of her specific metallic materials will, over time, patina into a multitude of deep rich colors. As part of her piece, she is including an educational component, a Floriography sign that illustrates the key plant species: commons name, biological name, status (endangered, thriving, or wild) and properties of the plant/root.

### CRITERIA

Art: The proposed art conforms to the definition of art contained in this article. The proposed artwork is unique and reflects the community and the artist's art practice.

Master Plan: The proposed art complies with the Public Art Master Plan.

Historic Significance: Not applicable as this is a contemporary art piece.

Cultural Significance: The project brings a distinct educational and cultural experience to the City and its public art program, while reinforcing the City's identity as an Arts & Cultural destination. The site-specific work is one-of-a-kind in materials and approach, and will be inclusive, and accessible to the community to experience and enjoy.

Visual Accessibility: The proposed work will be accessible to the public day and night.

Quality: The artwork will be made of high quality and durable materials.

Appropriateness to Site: The siting of the artwork is intentionally placed on the east facing request ball wall that can be viewed from South Olive.

Diversity: The artwork contributes to the diversity of the Public Art program and the City in terms of media, innovation, and creativity.

Public Welfare: The proposed work is not detrimental to the public welfare, nor will it constitute a safety hazard.

Maintenance: The proposed artwork will require minimal maintenance. The work is unique because it will patina overtime and change color with the sun. Maintenance is overseen by the Public Art program with a separate maintenance and restoration budget outside of the general fund.

Valuation: The proposed artwork meets the valuation requirements of the Public Art requirement.

Location: The proposed location for the artwork is an exterior place and accessible to the public.

Artist Qualifications: The artist meets the definition in the Public Art code.

Budget: \$50,000 has been budgeted for this project.

Resolution No. 5-23 grants Face of the City approval of "Botanical Preserve" by local artist Jill Hotchkiss for South Olive Park.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

- 7.3. Resolution No. 7-23 amending the restrictive covenant between SHP VI Datura West Palm Owner LLC (formerly IVY at Clematis, LLC) and the City of West Palm Beach for the property located at 445 Datura Street (formerly 401 Datura Street).

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 7-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FURTHER AMENDMENT TO THE AMENDED AND RESTATED RESTRICTIVE COVENANT BETWEEN SHP VI DATURA WEST PALM OWNER, LLC (FORMERLY IVY AT CLEMATIS, LLC) AND THE CITY OF WEST PALM BEACH, FOR THE PROPERTY LOCATED AT 445 DATURA STREET (FORMERLY 401 DATURA STREET); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 7-23.

**Background Information:**

On December 2, 2019, the City Commission approved Resolution No. 385-19 amending and restating a restrictive covenant between Ivy at Clematis, LLC and the City of West Palm Beach for a property located at 401 Datura Street (now 445 Datura Street). The amended and restated restrictive covenant required the Developer to:

- i. Construct a building a minimum of five (5) stories in height;
- ii. All floors above the ground floor of the building shall be residential units;
- iii. Developer will provide a total of 31 public parking spaces on site (26 spaces inside the parking garage and 5 on-street). The City will be entitled to all the revenues from these spaces; and
- iv. Developer will design, construct and maintain an access controlled and air-conditioned room for the City's trash compactors for the use of the businesses on the 400 block of Clematis.

The Developer is completing the 8-story residential project and is requesting an amendment to the parking provisions of the agreement. The proposed change includes a modification on the location of the public parking spaces by reducing the number of on-street parking spaces from five (5) to four (4), but increasing the number of parking spaces inside the parking garage from twenty-six (26) to twenty-seven (27).

The remaining provisions of the agreement are maintained in place.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 7.4. Resolution No. 8-23 approving the design features of the City for the Parker Avenue Rehabilitation Project.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 8-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE ABOVE-GROUND DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR PARKER AVENUE REHABILITATION PROJECT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 8-23.

**Background Information:**

The Parker Avenue Rehabilitation Project is one of the priority projects in the updated FY22-23 Strategic Plan under the Built Environment Pillar 2, specifically, to improve gateways into the community (Forest Hill, South end).

The Parker Avenue Rehabilitation project spans from Forest Hill Boulevard to Nottingham Boulevard, located approximately 1.3 miles in the southern part of the City of West Palm Beach. The existing right-of-way varies between 70' to 80' with broken sidewalks, ADA non-compliant curb ramps, and old signage, amongst other improvements needed. Located in the Dreher Park Neighborhood Association, Parker Avenue is primarily a safe route to school for many children. The project will complete a multimodal network connection from Forest Hill Boulevard to Nottingham Boulevard providing complete streets. The typical sections will include two (2) multi use paths, roadway reconstruction, wayfinding, signing, pavement markings, irrigation, landscaping, signal improvements, drainage improvements, and pedestrian lighting. All these improvements are within the recommendations from the City's current Bicycle Master Plan and is part of the City's current Capital Improvement Plan. The project will also connect Forest Hill Community High School, Dreher Park, Hillcrest Memorial Park, Palmetto Elementary School, and local businesses located at the north end of the project at the intersection of Nottingham Boulevard and Parker Avenue.

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes

involving streets, parks, buildings, or landscaping, referred to as the “Face of the City”.

Resolution No. 8-23 approves "Face of the City" design approval for the Parker Avenue Rehabilitation project, as presented to the Commission.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact from Face of the City.

## 8. PUBLIC HEARING

- 8.1. Public Hearing and Second Reading of Ordinance No. 5026-22 amending Chapter 94 Article IV: Downtown Master Plan, Sec. 94-131 - Incentive Programs - General; to modify and clarify special provisions regarding historic structure relocation and designation.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5026-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ARTICLE IV - DOWNTOWN MASTER PLAN URBAN REGULATIONS - SECTION 94-131 – INCENTIVE PROGRAMS – GENERAL (B.)(5.); TO MODIFY CERTAIN REQUIREMENTS REGARDING ELIGIBLE HISTORIC STRUCTURES AND CLARIFY SPECIAL PROVISIONS FOR THE RELOCATION AND DESIGNATION OF ELIGIBLE HISTORIC STRUCTURES; DECLARING THESE PROPOSED ZONING TEXT AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE ZONING AND LAND DEVELOPMENT REGULATIONS OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5026-22 amending Article IV, Downtown Master Plan Urban Regulations - Section 94-131 - Incentive Programs - General (b.)(5.).

**Background Information:**

A request by Harvey E. Oyer III, of Shutts & Bowen LLP, on behalf of CityPlace North I LLC for a text amendment to the Zoning and Land Development Regulations, Article IV-Downtown Master Plan Urban Regulations, Section 94-131 Incentive Programs - General to modify and clarify special provisions regarding eligible historic structures.

Many of the Downtown's Incentive Districts identified within the Zoning Atlas Figure 4 - TDR Sending and Receiving Sites map contain structures eligible to designate themselves as historically significant. As a result, many developments seeking to utilize these incentives must integrate said structures into the proposed new development; often times this method is utilized by incorporating façade elements, preserving portions or the structure wholly. The proposed language allows for eligible historic structures, which perhaps will not integrate optimally, or be appropriately positioned in relation to the new developments, to be preserved, but relocated to areas more suitable to its scale, context, and use.

The City's Planning staff recognizes the request and finds the suggested text amendment to be an adequate alternative, which preserves the eligible historic buildings, maintains the structural integrity, appropriately relocates, and subsequently formally designates the eligible historic structure.

This code revision was heard by the Downtown Action Committee on December 14, 2022, with an unanimous recommendation of approval (7-0); and by the Planning Board on November 15, 2022, also with an unanimous recommendation of approval (7-0). The results of both meetings will be presented to the City Commission.

Commission District 3: Commissioner Christy Fox.

- 8.2. Public Hearing and Second Reading of Ordinance No. 5032-23 approving an amendment to the Downtown Master Plan Housing Incentive Program; and

Resolution No. 228-22 approving the Downtown Master Plan Housing Incentive Program implementation guide.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5032-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS AT ARTICLE IV - DOWNTOWN MASTER PLAN, SECTION 94-134 DOWNTOWN MASTER PLAN HOUSING INCENTIVE PROGRAM, TO MODIFY CERTAIN REQUIREMENTS AND CLARIFY SPECIAL PROVISIONS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 228-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DOWNTOWN MASTER PLAN HOUSING INCENTIVE



PROGRAM IMPLEMENTATION GUIDE; ESTABLISHING COMPLIANCE REQUIREMENTS; AFFORDABILITY REQUIREMENTS; APPLICATION PROCESS; INCENTIVES; AND MONITORING REQUIREMENTS; PROVIDING AND EFFECTIVE DATE AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5032-23 amending the Zoning and Land Development Regulations at Article IV Downtown Master Plan Section 94-134 Downtown Master Plan Housing Incentive program. This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 228-22 adopting the Downtown Master Plan Housing Incentive Program implementation guide will be considered at second reading.

**Background Information:**

On August 9, 2021, the City Commission adopted Ordinance No. 4958-21 establishing the Downtown Master Plan (DMP) Housing Incentive Program (HIP). The incentive allowed additional development capacity and height for eligible properties in exchange for the provision of residential units for families with income between 60%-100% of the Area Median Income (AMI).

Since the adoption of the program, staff has been working with developers in the implementation of the program and identifying possible details that require adjustment or clarification. Two (2) projects have been submitted utilizing the new DMP Housing Incentive Program. One is a 25-story residential project located at Fern Street and Quadrille Boulevard (Residences of Palm Beach West), and the other is a 10-story residential project at Datura Street and Tamarind Avenue (Solana). The two (2) projects have the potential to produce approximately 67 units (63 units from Residences of Palm Beach West and 4 from Solana) for families with incomes between 60% and 100% of the Area Median Income (AMI).

Based on feedback received by staff during the first year of implementation, staff is recommending some adjustments to the program.

In addition to the proposed amendment to the ZLDRs, staff is presenting to the City Commission, the DMP Housing Incentive Program Implementation Guide. The implementation guide includes further details on requirements for the program such as affordability controls, application process, additional incentives and monitoring requirements as well as the specific language for the Community Redevelopment Agency supplemental incentive. The implementation guide is included in

Resolution No. 228-22, and it will be presented for approval during the second reading of Ordinance No. 5032-22.

A companion CRA Resolution No. 22-50 will be presented to the CRA Board for approval of the TIF incentive program that supports the DMP Housing Incentive Program.

This item was approved on first reading by the City Commission on January 9, 2023. Increasing the number of affordable workforce housing units by 20% is one of the priority projects in the Updated FY22-23 Strategic Plan under the Arts, Community and Engagement Strategic Pillar 1.

Commission District 1: Commissioner Cathleen Ward; and

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 8.3. Public Hearing and Second Reading of Ordinance No. 5033-23 amending the Commission Rules of Procedure to regulate connection to the City's network and equipment.

**Originating Department:**

Information Technology

**Ordinance/Resolution:**

ORDINANCE NO. 5033-23: 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 2 (ADMINISTRATION), ARTICLE II (CITY COMMISSION), SECTION 2-31 (RULES OF PROCEDURE) REGARDING THE USE OF TECHNOLOGY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Staff Recommended Motion:**

Approve Ordinance No. 5033-23 on second reading.

**Background Information:**

In 2017, the Mayor adopted Technology Use Policy 1-28. One of the stated purposes of the Technology Use Policy is "to protect City networks and infrastructure resources against threats." The policy provides that only City sanctioned and approved removable media for City official purposes can be used on City equipment. The policy is applicable to all employees, contractors, consultants, temporary staff, and other City workers.

In order to further protect the City's network and infrastructure, it is necessary to adopt a policy applicable to the public's use of City equipment

during public meetings. The City Commission's Rules of Procedure is codified in Section 2-31 of the City of West Palm Beach Code of Ordinances. Ordinance No. 5033-23 amends section 2-31 to prohibit the public from connecting to the City's network and from attaching removable media to City equipment.

**Fiscal Note:**

No fiscal impact.

- 8.4. Public Hearing and First Reading of Ordinance No. 5029-22 approving an Agreement for Purchase and Sale of 8111 South Dixie Highway to Woodfield-Flagler Venture, LLC, a joint venture entity created by Flagler Realty and Development, Inc., and Woodfield Development Company.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

ORDINANCE NO. 5029-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY WITH WOODFIELD-FLAGLER VENTURE, LLC, FOR THE SALE OF CITY PROPERTY LOCATED AT 8111 SO. DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5029-22 on First Reading.

The Ordinance must be approved by four (4) Commissioners at either First or Second Reading.

**Background Information:**

By Resolution No. 220-20, the City Commission made a determination of surplus of property located at 8111 South Dixie Highway and authorized City staff to develop an invitation to negotiate proposals for the purchase or lease and development of 8111 South Dixie Highway for a development of significant impact and prominence that will maximize the development potential of the site and act as a catalyst for additional development and positive economic impact for the City's south end, as well as provide a noticeable gateway to the City.

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 a joint venture, Woodfield-Flagler Venture LLC), as the developer with whom agreement(s) for the development and sale of City-owned property located at 8111 South Dixie Highway will be negotiated.

By way of Resolution No. 169-22, the City Commission authorized execution of a Term Sheet setting the material terms for the transaction.

City staff and the developer have negotiated the following final terms and conditions for approval by the City Commission:

- 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 and 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.
- Grocery Store: Within 120 days after execution of the agreement, developer will be required to provide the City with evidence of the commitment by a grocery store tenant. In the event that the developer cannot obtain commitment from a grocery store tenant, the developer would be permitted to divide the grocery store space into two (2) retail buildings.
- Purchase Price: Upon issuance of a temporary or final certificate of occupancy for the project, the developer will purchase the Property from the City for the total sum of Ten Million Five Hundred Thousand Dollars (\$10,500,000). The purchase price offered by Flagler Realty complies with the requirements of the Code of Ordinances, and by Resolution No. 169-22. The City Commission has accepted the purchase price.
- Lease During Construction/Lease Payment: In order to ensure that the agreed Project is constructed, the developer will lease the property from the City until completion of construction. 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 Purchase and Sale Agreement. The lease payment will be credited toward the purchase price. The lease payment shall be refunded should the Agreement be terminated due to factors not within the control of the developer. Any refund of the lease payment shall be in full, but shall

be made in installment payments of Five Hundred Thousand Dollars (\$500,000) each over four (4) fiscal years of the City.

- Concept Plan: No later than six (6) months after execution of the Agreement, the Developer shall submit to the City for approval by the City Commission, in its proprietary capacity as property owner (and not in its regulatory capacity), a final Concept Plan for the Project.
- Small and Minority Business Participation: The Developer shall engage no less than twenty-four percent (24%) of its contractors and subcontractors from small businesses and minority/women-owned businesses certified by the City.
- Local Workforce Plan: Developer shall obtain the City's written approval of its Local Workforce Plan detailing its plan to inform and hire at least fifteen percent (15%) of its on-site workforce from City residents.
- Construction Schedule: Completion of the project is projected for June 2026, subject to force majeure, with a one-time right to extend the time by six (6) months.
- Mineral Rights: Section 270.11, Florida Statutes, provides that unless the City chooses not to reserve its interest, deeds for the sale of land shall reserve to the City an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals and metals that are or may be in, on or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same. The City has no indication that any such minerals exist on the property and has no intent to enter the property to mine for minerals.

The Purchase and Sale Agreement is provided with this agenda item, which provides a detailed description of the terms and conditions that were negotiated among all parties.

Section 2-31 of the City Code of Ordinances provides that the Purchase and Sale Agreement is subject to approval of the City Commission by Ordinance, which requires approval at two (2) readings of the approving ordinance. One such vote must be by super majority of the City Commission.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Anticipated revenue of \$10,500,000 upon closing of the property sale.

- 8.5. Public Hearing and First Reading of Ordinance No. 5034-23: A City initiated renaming of "Iris Street" to "Alexander W. Dreyfoos Street" located east of South Tamarind Avenue and west of South Sapodilla Avenue, between Okeechobee Boulevard and Fern Street.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

ORDINANCE NO. 5034-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RENAMING A STREET, KNOWN AS "IRIS STREET" TO "ALEXANDER W. DREYFOOS STREET"; WHICH IS LOCATED EAST OF SOUTH TAMARIND AVENUE AND WEST OF SOUTH SAPODILLA AVENUE, AND BETWEEN OKEECHOBEE BOULEVARD AND FERN STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5034-23 pursuant to Section 177.142, Florida Statutes.

**Background Information:**

The Alexander W. Dreyfoos School of the Arts Foundation, Raymond F. Kravis Center for the Performing Arts, West Palm Beach City Commission and the Mayor recognize the extraordinary contributions that Alexander W. Dreyfoos has made to the local community.

The City of West Palm Beach Mayor and City Commission initiate this name change of "Iris Street" to "Alexander W. Dreyfoos Street", which is located east of South Tamarind Avenue and west of South Sapodilla Avenue, between Okeechobee Boulevard and Fern Street, in recognition of the extraordinary contributions of Alexander W. Dreyfoos.

Alexander W. Dreyfoos (hereinafter "Mr. Dreyfoos") born in 1932 and holding a Bachelor of Science degree from the Massachusetts Institute of Technology (MIT, 1954) and a Master of Business Administration degree from Harvard Business School (1958), is a resident of West Palm Beach, Academy Award winner, inventor, cultural catalyst, philanthropist, husband, and father. From 1973 to 1996, Mr. Dreyfoos owned WPEC TV-12, the CBS television affiliate in West Palm Beach. From 1977 until its sale in 2004, Mr. Dreyfoos, as Chairman and owner of "The Dreyfoos Group", owned and operated The Sailfish Marina, a marina-restaurant-motel in Palm Beach Shores, docking one of the largest charter fishing fleets in South Florida.

Mr. Dreyfoos was the driving force behind Palm Beach County's cultural jewel and world-class performing arts center, The Raymond F. Kravis

Center for the Performing Arts, a \$67 million, 2,189-seat multipurpose facility that opened fully funded in September 1992 with the Concert Hall named in his honor. Mr. Dreyfoos was also instrumental in the formation of the Cultural Council, Scripps Research Institute, and Max Planck Institute of Neuroscience in Palm Beach County.

In 1997, Mr. Dreyfoos made the largest private contribution ever made to a public school in Florida, when he pledged \$1,000,000 to support Palm Beach County's public arts magnet high school, which was subsequently named for him. Mr. Dreyfoos has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's wellbeing and long-term quality of life.

The City Commission of the City of West Palm Beach, Florida is the governing body of the City and has plenary authority of the roads, alleys, and rights-of-way within the City street system. Pursuant to Sec. 177.142, Florida Statutes, allowing a local governing body to rename a platted street by Ordinance, the City desires to rename "Iris Street" to "Alexander W. Dreyfoos Street" in recognition of the extraordinary contributions by Mr. Dreyfoos.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

**9. PUBLIC HEARING - QUASI-JUDICIAL**

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

- 9.1. Public Hearing and Second Reading of Ordinance No. 5028-22: A request by Jon Schmidt, of Schmidt Nichols, on behalf of Rosarian Academy Inc., for an abandonment of the terminus portion of Eucalyptus Street (155' east of North Olive Avenue) and the alleyway between 7th Street and Eucalyptus Street, generally located west and adjacent to the Rosarian Academy; consisting of approximately 0.23 acres or 10,101 square feet.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5028-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING THE TERMINUS PORTION OF THE EUCALYPTUS STREET RIGHT- OF-WAY (APPROXIMATELY 155 FT. EAST OF N OLIVE AVENUE) AND THE ALLEYWAY BETWEEN 7TH STREET AND EUCALYPTUS STREET, CONSISTING OF

APPROXIMATELY 0.23 ACRES (10,101 SQUARE FEET), GENERALLY LOCATED WEST AND ADJACENT TO THE ROSARIAN ACADEMY; RESERVING DRAINAGE, AND UTILITY EASEMENTS; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN AND CONVEYANCE OF THE AFORESAID RIGHTS-OF-WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5028-22 at Second Reading based on the finding of compliance with the criteria contained in Section 78-217 of the City Code.

**Background Information:**

A request by Jon Schmidt, of Schmidt Nichols, on behalf of Rosarian Academy Inc.

The subject property, the terminus portion of Eucalyptus Street (155' east of North Olive Avenue) and the alleyway between 7th Street and Eucalyptus, are approximately 45-foot and 25-foot wide right-of-way and alleyway respectively, located east of North Olive Avenue, between 7th Street and 8th Street, just east of the Rosarian Academy. The Eucalyptus Street portion is encumbered by underground public utilities and overhead FPL power lines.

The applicant, who is also the owner of the tracts of land immediately north, south, and east of the right-of-way and alleyway, desires to vacate the right-of-way and alleyway to assemble the tracts for future redevelopment to the Rosarian Academy.

Pursuant to the appraisal performed by Robert Banting of Anderson & Carr, the applicant will pay the City \$115,000 for the Eucalyptus parcel and \$520,000 for the alley parcel.

Commission District 3: Commissioner Christy Fox.

- 9.2. Public Hearing of Resolution No. 6-23: A request for a Minor Subdivision to approve the plat entitled "West Palm Beach Golf Park."

The above-referenced item is being requested by Harvey E. Oyer, III, of Shutts & Bowen LLP, on behalf of West Palm Golf Community Trust, Inc.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 6-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION (REPLAT) OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "WEST PALM BEACH GOLF PARK,"



CONTAINING A TOTAL OF APPROXIMATELY 176.326 ACRES LOCATED SOUTH OF MADDOCK STREET AND WEST OF GEORGIA AVENUE; ACCEPTING THE DEDICATION OF ROADWAYS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 6-23, creating the plat entitled "West Palm Beach Golf Park." 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 requirements set forth in Sections 94-44 and 94-342 of the City's Zoning and Land Development Regulations.

**Background Information:**

The subject property, consisting of ±176.326 acres south of Maddock Street and west of Georgia Avenue is the location of the former municipal golf course.

On May 24, 2021, the City Commission entered into a Ground Lease, Development and Operating Agreement for the Subject Property with West Palm Beach Golf Community Trust, Inc. (Ordinance No. 4943-21) providing for the redevelopment of the golf course along with the construction of offices for The South Florida Section, Professional Association of America, Inc. (SFPGA).

On August 2, 2021, the City of West Palm Beach Development Services Department – Planning Division conditionally approved an application for a Formal Site Plan Review (FSPR 21-02) approving the redevelopment. Condition #8.1 of FSPR 21-02 provided that the property shall be replatted prior to the issuance of the first Certificate of Occupancy, and as such, a request to replat the subject property has been submitted.

The proposed plat consists of two (2) tracts:

- Tract A (176.25 acres) is the bulk of the subject property and is utilized for the redeveloped golf course and the SFPGA offices, as well as a portion of the old clubhouse parking lot that is leased to the adjacent Forest Hill Community High School.
- Tract B (0.076 acres) is a small piece located at the southern terminus of Parker Avenue that is being dedicated for right-of-way purposes to cover a portion of the existing Parker Avenue / Maddock Street roundabout.

Conclusion: It is Staff's professional opinion that the proposed plat complies with the Florida Statutes, the standards required by the City's Comprehensive Plan, and the Subdivision General Design Standards

required by Section 94-342 of the City's Zoning and Land Development Regulations.

Planning Board: As a Minor Subdivision, the subject plat was not required to be reviewed by the City's Planning Board.

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. 6-23 was also advertised on January 13, 2023.

Commission District 5: Commissioner Christina Lambert

## 10. 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.

## 11. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

## 12. 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.