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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 Shaquita Edwards

**City of West Palm Beach
City Commission
Agenda
Monday, May 15, 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.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

6. PROCLAMATIONS

- 6.1. Tribute honoring the 90th Anniversary of Palm Beach State College. Tribute to be accepted by Ms. Barbara Cipriano, Provost & Dean, Palm Beach State College, Lake Worth Campus.

Originating Department:

Mayor's Office

- 6.2. Proclaiming May 21-27, 2023 as National Public Works Week. Proclamation to be accepted by Joshua McDermott, Public Works Director; Leon Pinder, Public Works Operations Manager; Amy Marks, Administrative Services Manager; Dave Persad, Fleet Manager; Jonathan Algaranaz, Facilities Manager.

Originating Department:

Mayor's Office

- 6.3. Proclaiming June 2023 as Automotive Service Professionals Month. Proclamation to be accepted by Joshua McDermott, Public Works Director; Dave Persad, Fleet Manager; Leon Pinder, Public Works Operations Manager; Amy Marks, Administrative Services Manager; Jonathan Algaranaz, Facilities Manager.

Originating Department:

Mayor's Office

7. PRESENTATION

- 7.1. Presentation: 2023 Boat Show

Originating Department:

Mayor's Office

- 7.2. Legislative update by State Representative David Silvers.

Originating Department:

Mayor's Office

8. CONSENT CALENDAR

All items listed under the consent calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items.

- 8.1. Resolution No. 98-23 authorizing the assessment of City liens in the total amount of \$108,918.71 for unpaid water service, sewer service, and stormwater charges for the month of January 2023.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 98-23: 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 JANUARY 2023 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. 98-23 are for unpaid water service, sewer service, and stormwater service charges for the month of January 2023. The list of properties to be assessed and the associated charges totaling \$108,918.71 are in EXHIBIT A - Utility Lien List - January 2023.

Fiscal Note:

No fiscal impact.

- 8.2. Resolution No. 120-23 approves a Conditional Settlement Agreement totaling \$95,000 in the matter of Earnest Jones v. City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 120-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT TOTALING \$95,000 IN THE MATTER OF EARNEST JONES V. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Earnest Jones brought a claim for damages by way of a complaint in the Fifteenth Judicial Circuit in Earnest Jones v. City of West Palm Beach for an accident that occurred on May 20, 2021. The City has reached a settlement agreement with Mr. Jones and his attorney to resolve the matter for a total of \$95,000. The Plaintiff has signed 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. 120-23 approves the Conditional Settlement Agreement.

- 8.3. Resolution No. 99-23 approving a Fifth Amendment to the Inter-local Agreement for Fire Vehicle Maintenance between Palm Beach County and the City of West Palm Beach.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 99-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIFTH AMENDMENT TO THE INTER-LOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR FIRE VEHICLE MAINTENANCE; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Background Information:

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

The parties mutually desire for the County to continue to provide maintenance and repair services for only certain types of the City's fire-rescue emergency response apparatus for one (1) additional year; and to extend the term of the Agreement for one (1) additional year from September 9, 2023 through September 8, 2024 ("Fifth Extension Period"), under the same terms and conditions set forth in the Agreement except as otherwise provided in this Fifth Amendment.

Fiscal Note:

131, Fire Assessment Fund.

- 8.4. Resolution No. 104-23 accepting a State of Florida Department of Environmental Protection Resilient Florida grant in the amount of \$3,625,000 for a total project cost of \$7,250,000 to be used for the City of West Palm Beach Pilot Sea Wall Elevation Project; and

Resolution No. 106-23(F) amending the General, Capital Acquisition and Grant Capital Project Fund Budgets to recognize grant proceeds from the State of Florida Department of Environmental Protection and City match funds to provide appropriations for design and implementation of the City of West Palm Beach Pilot Sea Wall Elevation Project.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 104-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A RESILIENT FLORIDA GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$3,625,000 TO FUND THE PILOT SEAWALL ELEVATION PROJECT; APPROVING THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 106-23(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, CAPITAL ACQUISITION AND GRANT CAPITAL PROJECT FUND BUDGETS TO RECOGNIZE GRANT PROCEEDS FROM THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND CITY MATCH FUNDS TO PROVIDE APPROPRIATIONS FOR DESIGN AND IMPLEMENTATION OF THE CITY OF WEST PALM BEACH PILOT SEAWALL ELEVATION PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Florida Department of Environmental Protection Resilient Florida program includes various grants that are available to counties, municipalities, water management districts, flood control districts, and regional resilience entities to effectively address impacts of flooding and sea level rise facing the state, including funding assistance to analyze and plan for vulnerabilities, as well as implement adaptation and mitigation projects. Florida Statutes Section 380.093 establishes grant requirements.

Resolution No. 215-21 approved submittal of the application by the City for a Resilient Florida Implementation grant for the City of West Palm Beach Pilot Seawall Elevation Project. The grant requires a 50/50 match. The application was approved and the grant awarded to the City.

The Pilot Seawall Elevation Project includes the design, permitting, and reconstruction of a 1,425-foot segment of the seawall along Flagler Drive

between Avila Road and Pershing Way, as well as a 300-foot section north of the Bristol Condominium.

This project seeks to expand the work of City efforts to date and to develop a pilot elevation project for the seawalls along Flagler Drive. These segments of seawall were identified in the 2018 seawall assessment as being in critical condition and highly-vulnerable. Flagler Drive, given its waterfront location, is a vulnerable road providing important access to critical facilities and a critical evacuation route.

Procurement, design, permitting, and construction will be included and will focus on the two identified segments of seawall. Construction will include reconstructing the seawall, adjusting the height of wall to address future storm surge, sea level rise and King Tides, and the incorporation of green infrastructure components to address sea level rise and storm surge conditions. The project will include community outreach.

The grant funding covers the project development costs incurred and expended during the period of July 1, 2022 to September 30, 2026. The grant award is \$3,625,000 with an equal match by the City for a total project cost of \$7,250,000.

Resolution No. 104-23 accepts the grant and authorizes execution of the grant agreement.

Resolution No. 106-23(F) recognizes grant proceeds, and the City matches funds and provides appropriations for design and implementation of the City of West Palm Beach Pilot Seawall Elevation Project.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Approval recognizes grant proceeds. The grant is in the amount of \$3,625,000 for a total project cost of \$7,250,000.

- 8.5. Resolution No. 114-23 granting an easement to Florida Power & Light (FPL) at 1116 21st Street as part of the Coleman Park Gymnasium project.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 114-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A UTILITY EASEMENT TO FLORIDA POWER & LIGHT ON CITY PROPERTY LOCATED AT 1116 21ST STREET FOR

UNDERGROUNDING ELECTRICAL SERVICE AT COLEMAN PARK;
PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The existing community center at Coleman Park was constructed in 2002 and needs several improvements to meet the needs of this busy community hub to better serve the surrounding neighborhood. For example, the licensed after school and camp programs are at capacity based on facility size and cannot serve additional youth who desire these programs.

The new gymnasium building will include the following amenities: indoor basketball court, warming kitchen, indoor and exterior access restrooms, and a programming/multipurpose room. In addition, the existing community center would be renovated and expanded to provide room for additional programming, including space designated for arts/crafts, computer lab, offices, game room, and storage. The main entry into the Community Center would be redesigned to be more welcoming and functional.

On May 31, 2022, City Commission approved the amended GMP for Coleman Park for \$4,653,512.86.

As part of the project, FPL is looking to underground the power for the new gym and is requiring a 10' x 20' easement on the property.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact.

- 8.6. Resolution No. 109-23 authorizing the provision of Child Care Services at Gaines and South Olive Community Centers; approving a State of Florida Statewide School Readiness Provider Contract and a Children's Services Provider Contract providing funding for the provision of said services.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 109-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PROVISION OF CHILD CARE SERVICES AT THE GAINES COMMUNITY CENTER AND THE SOUTH OLIVE COMMUNITY CENTER; APPROVING AND AUTHORIZING THE MAYOR TO SIGN A STATE OF FLORIDA STATEWIDE SCHOOL READINESS PROVIDER CONTRACT BETWEEN THE EARLY LEARNING COALITION OF PALM BEACH AND THE CITY FOR APPROXIMATELY \$50,000 IN FUNDING FOR THE PROVISION OF SAID SERVICES; APPROVING AND AUTHORIZING THE MAYOR TO SIGN A CHILDREN'S SERVICES

COUNCIL PROVIDER CONTRACT BETWEEN CHILDREN'S SERVICES COUNCIL AND THE CITY FOR ADDITIONAL FUNDING FOR THE PROVISION OF SAID SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City's Parks and Recreation Department, in conjunction with the Palm Beach County Early Learning Coalition and the Children's Services Council, provides child care services for school age children at the City's two (2) licensed facilities, Gaines Park and South Olive Community Centers. The services are provided part-time for afterschool hours and full-time on days when there is no school and during the summer. The services provided include: child care, instructions and activities, and character development programs.

The City receives financial assistance for the provision of these services through Palm Beach County Early Learning Coalition (the "Coalition"). The terms and conditions for the receipt of this assistance are set forth in the State of Florida Statewide School Readiness Provider Contract (Form OEL-SR 20) between the City and the Coalition and the Children's Services Council ("CSC") Provider Contract, which is funded by the Coalition through the CSC. The School Readiness Provider Contract generally provides that the City will provide the facility, the services, and service personnel for the provision of the services; and the Coalition will provide the funds, training for City staff, and monitoring. Through the CSC Contract, scholarships are provided for eligible children participating in the School Readiness Program. The CSC Contract requires that City meet various obligations to receive funding, including the requirement that the City must be a member of Prime Time Afterschool QIS, exclusive to PBC. The City meets this requirement. Approximately thirty (30) children are funded directly through the Coalition, and approximately twenty (20) children are funded directly through the CSC scholarship program. The City expects to receive approximately \$50,000.

The term of each agreement is one (1) year. Agreements are identified as Exhibit A and Exhibit B in Resolution No. 109-23. Staff recommends approval of the Resolution and the Agreements.

Commission District 1: Commissioner Cathleen Ward.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 8.7. Resolution No. 110-23(F) authorizes the amendment of the General, Housing Trust, Capital Acquisition, and Fleet Management Fund budgets, recognizing Transfer of Development Rights sale proceeds, and providing appropriations for various City needs.

Originating Department:

Finance

Ordinance/Resolution:

RESOLUTION NO. 110-23(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, HOUSING TRUST, CAPITAL ACQUISITION, AND FLEET MANAGEMENT FUND BUDGETS TO RECOGNIZE PROCEEDS FROM THE TRANSFER OF DEVELOPMENT RIGHTS SALES TO PROVIDE APPROPRIATIONS FOR VARIOUS CITY NEEDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City has received proceeds from Transfer of Development Rights (TDRs) sales totaling \$6,577,832. Resolution No. 110-23(F) recognizes receipt of these proceeds and provides appropriations from these funds for the following one-time funding items as presented at the April 10, 2023, Mayor/Commission Work Session as noted below.

Police: \$350,000

As part of the continued process to update the City's technology infrastructure, the current building access control system at Police Headquarters has reached its end-of-life and is in need of replacement. Replacing the current system will ensure appropriate controls related to building and property access in order to continue to remain up to date.

Fire: \$80,000

Funding will allow for the sealing and rehabilitation of station office space and to upgrade space into a mini clinic for the Community Paramedic program.

Parks & Recreation: \$625,000

Lincoln Park Basketball Courts Renovations: \$350,000

Funding is needed to repair/replace basketball courts that are heavily used by the community. The current court has excessive wear and tear.

Park Maintenance Complex Parking Lot: \$275,000

Funding is needed to mill and re-pave the parking lot surface. Existing conditions have caused ongoing damage to vehicle tires and equipment.

Public Works/Fleet Maintenance: \$477,000

Funding will temporarily fill current staff shortage gap. A one (1) year labor contract will consist of four (4) technicians on a second shift to provide maintenance for Sanitation vehicles.

Engineering: \$515,000

Funding will allow for mandated rail crossing safety improvements for the 7th Street crossing to be implemented.

Library: \$42,007

Funding will replace the Library's five (5) self-check-out machines, which are reaching the end of life. The current machines are over thirteen (13) years old and are critical to library operations.

Housing & Community Development: \$724,825

Funding will be booked in the Housing Trust Fund for future projects.

The remaining \$3,764,000 of TDR revenue has been allocated towards City-match funding for two (2) upcoming grant awards. The match funding of these two (2) grant awards from this TDR revenue will be recognized and appropriated for those items via separate agenda item F-Resolutions.

Fiscal Note:

Approval authorizes the amendment of the General, Housing Trust, Capital Acquisition and Fleet Management Fund budget, recognizing Transfer of Development Rights sale proceeds, and providing appropriations for various City needs.

- 8.8. Resolution No. 111-23 related to the Tortoise One (formerly 'Cielo') mixed-use residential project at 740 and 840 N. Dixie Highway; accepting maintenance responsibility for improvements to be constructed along the east side of Dixie Highway between 6th Street and 8th Street; approving a Maintenance Memorandum of Agreement with the Florida Department of Transportation; and approving a Right-of-Way Maintenance Agreement with the project Developer, KJWPB1, LLC.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 111-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING MAINTENANCE RESPONSIBILITY FOR A PORTION OF STATE ROAD 5 (NORTH DIXIE HIGHWAY) FOR IMPROVEMENTS TO BE CONSTRUCTED WITHIN THE EAST SIDE OF THE RIGHT-OF-WAY, BETWEEN 6TH STREET AND 8TH STREET FOR THE TORTOISE ONE MIXED-USE PROJECT; APPROVING A MAINTENANCE

MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; APPROVING A RIGHT OF WAY MAINTENANCE AGREEMENT WITH KJWPB1, LLC, DEVELOPER OF THE TORTOISE ONE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On September 29, 2021, site plan approval was granted for FSPR 20-01 'Cielo', which is a mixed-use residential project. The project, consists of approximately 255,331 square feet of new building, including 3,401 square feet of retail, 264 residential units (256 regular units and 8 micro-units), and 371 parking spaces. The project location is at the real properties of 740 and 840 North Dixie Highway.

The project, now 'Tortoise One', is proposed to install both landscape, streetscape, and hardscape improvements within the Florida Department of Transportation (FDOT) right-of-way of North Dixie Highway.

FDOT has jurisdiction over State Road 5/Dixie Highway. FDOT allows for specialty landscape, streetscape, and hardscape only if the City agrees to assume maintenance responsibilities of the improvements.

The City will agree to assume the maintenance responsibility only if the Developer (KJWPB1, LLC) agrees to assume the City's maintenance obligations and liability for any claims, damages, or payments made as a result of the assumption of such maintenance obligations.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

9. RESOLUTIONS

- 9.1. Resolution No. 94-23 authorizing an Interlocal Agreement between the Downtown Development Authority and the City of West Palm Beach funding the project to repair certain damaged sidewalks in the downtown area.

Originating Department:

Public Works & Support Services

Ordinance/Resolution:

RESOLUTION NO. 94-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING CERTAIN SIDEWALK REPAIRS IN THE DOWNTOWN AREA; APPROVING A PROJECT FUNDING INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE CITY OF WEST

PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY FOR FUNDING THE SIDEWALK REPAIRS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 94-23.

Background Information:

Sections of sidewalks in the downtown area have become damaged and uneven over time, due to settling, uplifting by tree roots, and damage by underground water leaks. The damaged areas are potential hazards for pedestrians, unsightly, and in urgent need of repair.

The Downtown Development Authority (DDA) has agreed to pay the City \$169,852 specifically for the purpose of funding repairs to damaged sidewalks located at 399 Datura Street, 331 Datura Street, 109 S. Olive Avenue, and 111 S. Olive Avenue. The City will use these funds to procure a contract for the repairs and provide staff for project management for the duration of the work. Repairs are expected to be completed within ninety (90) days from issue of the Notice to Proceed. The Funding Interlocal Agreement sets forth the terms and conditions for receipt and use of the funds.

Resolution No. 94-23 approves the sidewalk repairs and the Funding Interlocal Agreement between the City and the DDA.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

\$169,852 fully funded by the Downtown Development Agency (DDA).

- 9.2. Resolution No. 87-23 granting Face of the City approval for streetscape improvements and landscape enhancements along Chase Street (between Okeechobee Boulevard and South Flagler Drive) and Trinity Place (between Chase Street and South Flagler Drive) within the Downtown Master Plan (DMP) area.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 87-23: 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 CHASE STREET AND TRINITY PLACE STREETSCAPES, GENERALLY LOCATED BETWEEN S. FLAGLER DRIVE AND OKEECHOBEE BOULEVARD, INCLUDING GENERAL RIGHT-OF-WAY ENHANCEMENTS, LANDSCAPE AND LIGHTING INSTALLATIONS, AND HARDSCAPE IMPROVEMENTS WITHIN THE PUBLIC REALM;

PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 87-23.

Background Information:

In July 2022, the City was approached by The Related Companies with a proposal for the revitalization of the streetscapes between Okeechobee Boulevard, South Olive Avenue, and South Flagler Drive, primarily along Chase Street and Trinity Place. Related, a prominent stakeholder, has acquired or manages property within the immediate vicinity of Chase and Trinity. Their property portfolio includes the planned developments of Phillips Point (777 South Flagler Drive) and Esperante (222 Lakeview Avenue), in addition to the 25-story office tower currently under construction, One Flagler (180 Lakeview Avenue). Within the initial discussions between Related, the City, and CRA, it was quickly understood all parties shared a vision for the improvement of the public realm and pedestrian environment within the area.

The Related Companies engaged the professional services of DSBoca, a landscape architecture and planning consulting firm, to finalize an overall streetscape and landscape plan. Additionally, the engineering services of Kimley-Horn and Associates Inc., were brought in to work with the City on the preparation of a site, civil, and traffic plans for the subject rights-of-way.

After several months of collaborative efforts, the team arrived at a general vision and code compliant redesign for the area. The design plans are to be presented to both the Downtown Action Committee and the City Commission for their support and approval of this concept. Once approval is obtained, the City and CRA shall proceed with the legal agreements and transferring of planning documents between Related and the City, the procurement of design and construction contractors, the finalization of maintenance agreements, and any necessary regulatory changes to promote the redevelopment of the Chase and Trinity rights-of-way.

Final plans have been completed, and The Related Companies have agreed to donate the plans to the City.

The City will construct the roadway improvements, the CRA shall fund the development, and Related is to maintain the improved rights-of-way.

As this portion of the downtown is experiencing development growth and revitalization strategies are currently underway, streetscape improvement opportunities have materialized. The first of which is retrofitting and upgrading the Chase Street and Trinity Place corridor to further facilitate the future growth of the area and provide safe, aesthetically improved, and efficient pedestrian circulation.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Funding for the project is being provided by the CRA.

- 9.3. Resolution No. 112-23 amending Resolution No. 351-19 approving a new site plan for Rosarian Academy that includes the demolition of four (4) existing structures, onsite improvements to traffic circulation, installation of a sports field, and the relocation of campus facilities.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 112-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE ROSARIAN ACADEMY COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD), LOCATED GENERALLY AT 807 NORTH FLAGLER DRIVE, AUTHORIZING THE DEMOLITION OF FOUR (4) STRUCTURES, FOR MODIFICATIONS TO THE SPORTS FIELDS, FOR ONSITE TRAFFIC CIRCULATION AND PARKING ADJUSTMENTS, AND FOR THE RELOCATION OF EARLY CHILDHOOD LEARNING FACILITIES; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

THIS ITEM IS BEING CONTINUED TO THE MAY 30, 2023 CITY COMMISSION MEETING.

10. PUBLIC HEARING - QUASI-JUDICIAL

Disclosure of ex-parte communications, if any*

Swearing-in of witnesses.

- 10.1. Public Hearing and First Reading of Ordinance No. 5046-23 amending Rosarian Academy Community Service Planned Development (CSPD) to expand the boundary of the CSPD, so it shall encompass the entire ±6.3 acres of the school campus.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5046-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE PRIOR ORDINANCES RELATING TO THE ROSARIAN ACADEMY COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD), GENERALLY LOCATED AT 807 NORTH FLAGLER DRIVE, TO EXPAND

THE COMMUNITY SERVICE PLANNED DEVELOPMENT TO ENCOMPASS THE ENTIRE APPROXIMATE 6.3 ACRES OF LAND UNDER THE OWNERSHIP OF ROSARIAN ACADEMY; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5046-23 on First Reading and schedule a Second Reading for May 30, 2023.

This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the Major Development of Regional Impact Amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

Prior to 1996, properties within downtown West Palm Beach were not regulated under the Downtown Master Plan (DMP). The downtown area was generally grouped under the City Center districts, including CC-1 City Center (CBD) Core District, CC-1 Downtown Planned Development District, CC-2 Lakefront District, and CC-3 City Center General Commercial District, among other designations. Planned Developments (PD) and Community Service Planned Developments (CSPD) were also permitted in the downtown area prior to 1994.

On June 29, 2009, the City Commission of the City of West Palm Beach approved Ordinance No. 4212-09 and Ordinance No. 4213-09 adopting the Downtown Master Plan Zoning Atlas and the Downtown Master Plan Urban Regulations. Prior to the adoption, the DMP area had contained both Planned Developments (PD) and Community Service Planned Developments (CSPD). A total of seventeen (17) PDs were approved within the current DMP area; of which fourteen (14) exist today. These fourteen (14) PDs create sites within the downtown that are regulated by codes and ordinances which predate DMP regulations and the properties effectively function as nonconforming or 'grandfathered-in' conditions.

Within Ordinance No. 3030-97, Ordinance No. 3031-97, Ordinance No. 3032-97, and Ordinance No. 3033-97 signed on June 2, 1997; Rosarian Academy was rezoned and had its future land use designation changed from Public Semi Public Planned Development (PSPPD) to Community Service (CS) and then to Community Service Planned Development (CSPD). The Rosarian CSPD has since had numerous amendments (PB Case No. 1153A-1153Q).

As planned developments predate and are regulated separately from the DMP, code contradictions between the controlling documents exist.

Planning Staff took forward to Planning Board on March 21, 2023 a proposed text amendment to Chapter 94, Article VII - Special Districts, Section 94-203 - Community Service Planned Development (CSPD) District.

Planning Board had unanimously voted in favor of the text change (6-0) as did the City Commission on April 3, 2023 and April 17, 2023.

Respective to the City's text amendment request, a request by Jon Schmidt, on behalf of Rosarian Academy Inc., has been submitted and received by the Planning Division for improvements to the Rosarian Academy school property. As part of these improvements, the applicant is seeking to process three (3) separate applications:

1. A text-amendment to modify language allowing for the expansion of the planned development boundary or allowing the rezoning of Downtown Master Plan (DMP) subdistricts directly into Community Service Planned Developments (CSPD) without an underlying Community Service (CS) zoning designation.

2. An expansion of the boundary of the existing school CSPD by incorporating approximately 1.79 acres through rezoning of right-of-way lands previously abandoned (approved under Ordinance No. 5028-22 by City Commission on January 23, 2023) and parcels adjacent to the school which are zoned Loftin District Residential (LD-R) and Loftin District - 5 (LD-5).

3. Major Planned Development Amendment to the Rosarian Academy CSPD to do the following:

- i. Demolition of four (4) structures;
- ii. The addition of a 150' x 280' athletic field;
- iii. Relocation of early learning classrooms located at 800 North Olive to 807 North Flagler;
- iv. Reconfiguration of onsite parking;
- v. Improvements to internalized stacking, drop-off, and vehicular circulation; and
- vi. Update the development regulations based on the expansion of the CSPD boundary and any proposed site plan additions or changes.

With the influx of development throughout the City of West Palm; and especially with the relocation of large businesses, firms, offices, and residents to the Downtown; there has been an increased demand on schools and other community services or amenities. As such, Rosarian Academy is looking to capitalize and facilitate improvements to its downtown campus in order to improve site operations/efficiency and provide minor additions in student capacity. The text amendment is subject to City Commission approval, and the Rezoning Request presented to DAC and Planning Board affords Rosarian Academy with an opportunity not previously permitted to “square-off” the project site and property; creating a more uniform or complete campus.

Commission District 3: Commissioner Christy Fox.

- 10.2. Public Hearing and First Reading of Ordinance No. 5040-23 rezoning the parcels generally located north of 7th Street, south of 8th Street, west of North Flagler Drive, and east of North Olive Avenue from the DMP sub-districts of Loftin District - 5 (LD-5) and Loftin District Residential (LD-R) into the Rosarian Academy Community Service Planned Development (CSPD).

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5040-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ASSIGNING A ZONING DESIGNATION OF COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD) TO ALL 6.3 ACRES OF PROPERTY OWNED BY THE EXISTING ROSARIAN ACADEMY SCHOOL AND COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD) GENERALLY LOCATED AT 807 NORTH FLAGLER DRIVE, THE SUBJECT PROPERTIES INCLUDE: 810 NORTH OLIVE AVENUE, 808 NORTH OLIVE AVENUE, 804 NORTH OLIVE AVENUE, 800 NORTH OLIVE AVENUE, 7TH STREET, AND 807 NORTH FLAGLER DRIVE. THE PROPERTIES ARE TO BE REZONED FROM LOFTIN DISTRICT – 5 (LD-5) AND LOFTIN DISTRICT RESIDENTIAL (LD-R) TO COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD); DECLARING THIS REZONING TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN 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. 5040-23 on First Reading and schedule a Second Reading for May 30, 2023.

This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and

the findings that the Major Development of Regional Impact Amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

Prior to 1996, properties within downtown West Palm Beach were not regulated under the Downtown Master Plan (DMP). The downtown area was generally grouped under the City Center districts, including CC-1 City Center (CBD) Core District, CC-1 Downtown Planned Development District, CC-2 Lakefront District, and CC-3 City Center General Commercial District, among other designations. Planned Developments (PD) and Community Service Planned Developments (CSPD) were also permitted in the downtown area prior to 1994.

On June 29, 2009, the City Commission of the City of West Palm Beach approved Ordinance No. 4212-09 and Ordinance No. 4213-09 adopting the Downtown Master Plan Zoning Atlas and the Downtown Master Plan Urban Regulations. Prior to the adoption, the DMP area had contained both Planned Developments (PD) and Community Service Planned Developments (CSPD). A total of seventeen (17) PDs were approved within the current DMP area; of which fourteen (14) exist today. These fourteen (14) PDs create sites within the downtown that are regulated by codes and ordinances which predate DMP regulations and the properties effectively function as nonconforming or "grandfathered-in" conditions.

Within Ordinance No. 3030-97, Ordinance No. 3031-97, Ordinance No. 3032-97, and Ordinance No. 3033-97 signed on June 2, 1997. Rosarian Academy was rezoned and had its future land use designation changed from Public Semi Public Planned Development (PSPPD) to Community Service (CS) and then to Community Service Planned Development (CSPD). The Rosarian CSPD has since had numerous amendments (PB Case No. 1153A-1153Q).

As planned developments predate and are regulated separately from the DMP, code contradictions between the controlling documents exist.

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Commission District 3: Commissioner Christy Fox.

11. COMMENTS FROM THE PUBLIC

Public comments are limited to 3 (three) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. ADJOURNMENT

*Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.