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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, March 6, 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. PROCLAMATIONS

- 6.1. Proclaiming March 2023 as Florida Bicycle Month. Proclamation to be accepted by Kevin Volbrecht, Director of Engineering Services; Suzanne Berglund, Assistant Director of Engineering Services; Penni Redford, Resilience & Climate Change Manager; Dodi Glas, Assistant Director of Development Services; and Alex Hansen, City Comprehensive Planner.

Originating Department:

Mayor's Office

7. PRESENTATION

- 7.1. Presentation: Next Big Thing: Trojan Rocking Horses Project.

Originating Department:

Mayor's Office

8. APPOINTMENTS

- 8.1. City Commission approval is requested for the Mayor's reappointment of Mr. Roger P. Janssen to the Downtown Action Committee for a term of three (3) years that expires on March 3, 2026. Mr. Janssen has served over the maximum allowed number of terms (3), and it is required that the City Commission confirms his reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Mr. Janssen's reappointment is supported for his expertise, long term service, and leadership as Chair.

- 8.2. City Commission approval is requested for the Mayor's appointment of Ms. Nancy Bourne to the Education Advisory Committee for a term of two (2) years to expire February 10, 2025. Ms. Bourne does not live or work in the City, and it is required that the City Commission confirms her appointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Ms. Bourne's appointment is supported for her impressive background, experience, and recognition in education.

- 8.3. City Commission approval is required for the reappointment of Michael R. Odum and Perry Douglass to the Parks and Recreation Advisory Committee for a term of two (2) years to expire April 29, 2025 and April 10, 2025, respectively. Mr. Odum and Mr. Douglass have served over the

maximum allowed number of terms (3), and it is required that the City Commission confirms their reappointments.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Mr. Odum's reappointment is supported for his historical knowledge as Chair.

Mr. Douglass's reappointment is supported for his expertise as an architect.

9. 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.

- 9.1. Minutes of the Regular City Commission Meeting of February 6, 2023.

Originating Department:

Mayor's Office

- 9.2. Minutes of the Regular City Commission Meeting of February 21, 2023.

Originating Department:

Mayor's Office

- 9.3. Resolution No. 294-22 accepting a Cooperative Funding grant from the South Florida Water Management District in the amount of \$39,175 to be used to assist in funding an Urban Irrigation Efficiency Improvement Program, related to landscape irrigation water efficiency; and

Resolution No. 295-22(F) provides budget appropriations in the Water and Sewage Systems Revenue Fund.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 294-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A COOPERATIVE FUNDING PROGRAM WATER CONSERVATION GRANT AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ACCEPTING THIRTY-NINE THOUSAND ONE HUNDRED SEVENTY- FIVE DOLLARS (\$39,175) TO BE USED TO FUND AN URBAN IRRIGATION EFFICIENCY IMPROVEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 295-22(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 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 WATER AND SEWAGE SYSTEMS REVENUE FUND BUDGET TO RECOGNIZE A GRANT FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND TO PROVIDE APPROPRIATIONS FOR A URBAN IRRIGATION EFFICIENCY IMPROVEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach Office of Sustainability continues to partner with South Florida Water Management District (SFWMD) to provide water conservation opportunities to City of West Palm Beach Water Utilities customers. The Urban Irrigation Efficiency Improvement Program (UIEP) is a new pilot program to address water conservation and efficiency in residential landscapes through irrigation system evaluation, installation of Soil Moisture Sensors and/or Smart Irrigation Controllers, and home owner education. The program provides for demand side management of water conservation for the Public Utilities Department, while saving participants money now and in the long term with the water use reductions.

The UIEP agreement provides \$39,175 from SFWMD, which will be combined with \$60,075 from the Fiscal Year 2023 Water and Sewage Systems Revenue Fund for a total program cost of \$99,250 for the evaluation of up to 150 residential irrigation systems and the installation of a minimum of 100 Soil Moisture Sensors or Smart Irrigation Controllers. The program plan is for Palm Beach Soil and Water Conservation District to implement the pilot program, per the approved grant application, through an Interlocal Agreement in a form approved by the City Attorney's office. The funding covers project implementation costs incurred and expended during the period of July 1, 2021 to October 31, 2024.

Application for the grant was authorized by Resolution No. 37-21.

Resolution No. 294-22 accepts the grant and authorizes execution of the grant agreement.

Resolution No. 295-22(F) amends the Water and Sewage Systems Revenue Fund Budget to recognize a grant from South Florida Water Management District and provides appropriations for the UIEP.

Fiscal Note:

Matching funds of \$39,175 required. Revenue Account: 450-097225-000-337306-92474974 SFWMD Grant.

- 9.4. Resolution No. 27-23 accepting a State of Florida Department of Environmental Protection Resilient Florida grant, North Flagler Drive Drainage Improvements, in the amount of \$1,000,000 for a total project cost of \$2,000,000 to be used to fund drainage improvements along North Flagler Drive to install additional outfalls and check valves; and

Resolution No. 28-23(F) provides budget appropriations in the Stormwater R & R Improvement Fund.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 27-23: 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 ONE MILLION DOLLARS TO BE USED TOWARD FUNDING OF THE NORTH FLAGLER DRIVE DRAINAGE IMPROVEMENTS PROJECT TO INSTALL ADDITIONAL OUTFALLS AND CHECK VALVES; AUTHORIZING EXECUTION OF THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 28-23(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 STORMWATER UTILITY RENEWAL, REPLACEMENT AND IMPROVEMENT BUDGET TO RECOGNIZE A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE NORTH FLAGLER DRIVE DRAINAGE IMPROVEMENTS 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 (Grantee) for a Resilient Florida Implementation grant to construct drainage improvements along Flagler Drive to install additional outfalls and check valves to assist in flooding and storm surge control.

A grant in the amount of \$1,000,000 (50% match required, with a total project cost of \$2,000,000) was awarded by the State of Florida Department of Environmental Protection through its Resilient Florida Program, North Flagler Drive Drainage Improvements, for the construction of drainage improvements along Flagler Drive (Holly Property) to install additional outfalls and check valves to assist in flooding and storm surge control. Severe flooding has occurred along the 3300-3600 blocks of N. Flagler Drive due to drainage outfall capacity issues, sea level rise effects on the tailwater conditions of the drainage system, and localized low areas in the drainage basin. Drainage improvements include separating the affected area system from the basin-wide system, installing additional outfalls, and installing check valves. This project was identified due to the high frequency of flooding issues occurring today, and the high traffic volumes along Flagler Drive, which provides access to critical facilities.

The proposed project has four major drainage improvement goals for the affected area: (1) separate the drainage system of the affected area from the basin wide drainage system; (2) install an additional outfall pipe to increase the drainage capacity; (3) provide separate outfall pipe for the basin wide drainage system; and (4) install check valves to prevent the incident of “sunny-day” flooding that occurs from King Tide events.

The outcomes of this project include improved drainage on a critical roadway adjacent to a seawall that provides access to a critical facility with high volumes of traffic and serves as an evacuation route for the City. The improvements will mitigate stormwater, tidal flooding, and sea level rise in this area. Other outcomes include enhanced public safety due to the removal of standing water on a busy roadway and increased access during storm events. Public outreach will be included in the project.

The grant funding covers the Project development costs incurred and expended during the period of July 1, 2022 to September 30, 2026.

Resolution No. 27-23 accepts the grant and authorizes execution of the grant agreement.

Resolution No. 28-23(F) amends the Stormwater R & R Improvement Budget to accept the grant funds and provides appropriations of the grant plus the matching funds of \$1,000,000 for the Project.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Grantee match of \$1,000,000 is budgeted in FY 2023 budget of \$1,000,000 in Fund 485, Stormwater Renewal, Replacement & Improvement.

- 9.5. Resolution No. 45-23 accepting a State of Florida Department of Environmental Protection Resilient Florida grant, Flagler Drive Lift Station Retrofits, in the amount of \$405,000 for a total project cost of \$810,000 to be used to design and construct improvements to two (2) lift stations along Flagler Drive; and

Resolution No. 46-23(F) provides budget appropriations in the Water and Sewer Renewal and Replacement Fund.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 45-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A RESILIENT FLORIDA GRANT, FLAGLER DRIVE LIFT STATION RETROFITS, FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$405,000 FOR A TOTAL PROJECT COST OF \$810,000 TO FUND THE DESIGN AND CONSTRUCTION IMPROVEMENTS TO TWO (2) LIFT STATIONS ALONG FLAGLER DRIVE; APPROVING THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 46-23(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 WATER AND SEWER RENEWAL AND REPLACEMENT FUND BUDGET TO RECOGNIZE A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE FLAGLER DRIVE LIFT STATION RETROFITS - DESIGN AND CONSTRUCTION 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 (Grantee) for a Resilient Florida Implementation grant, Flagler Drive Lift Station Retrofits, to design and construct improvements to two (2) lift stations along Flagler Drive to include elevating, retrofitting, and hardening

the lift stations and supporting infrastructure to mitigate tidal flooding impacts.

The City of West Palm Beach will complete the Flagler Drive Lift Station Retrofits – Design and Construction (Project) to include improvements to two (2) lift stations along Flagler Drive to mitigate tidal flooding impacts. Lift stations #3 and #40 as well as the supporting infrastructures will be elevated to a recommended height above the impacts from flooding and sea level rise. The improvements will involve raising the wetwell and valve vault slab above the anticipated flood elevation, installing a guard rail, where appropriate, elevating the generator concrete pad, adding a back-up generator, and refurbishing/replacing existing control panel and equipment rack to accommodate the new flood elevation; and other appurtenances necessary for continuous operation of the lift stations.

The grant funding covers the Project development costs incurred and expended during the period of July 1, 2022 to September 30, 2026.

Resolution No. 45-23 accepts the grant and authorizes execution of the grant agreement.

Resolution No. 46-23(F) amends the Water and Sewer Renewal and Replacement Fund to accept the grant funds and provides appropriations of the grant, plus the matching funds of \$405,000 for the Project.

This Project, which involves Lift Station 3 and Lift Station 40, is located in Commission District 3: Commissioner Christy Fox and Commission District 5: Commissioner Christina Lambert, respectively.

Fiscal Note:

Grantee match of \$405,000 is budgeted in FY 2023 budget of \$595,000 in Fund 454, Water/Sewer Renewal & Replacement.

- 9.6. Resolution No. 38-23 authorizing the submission of an application to the Florida Department of Transportation for a grant in the amount of \$118,000 to fund an Aggressive Driving Program; and

Resolution No. 39-23(F) providing for the receipt and appropriation of \$118,000 in grant funding in FY 2022/2023.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO 38-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A SPEED/AGGRESSIVE DRIVING SAFETY

GRANT TO FUND THE WEST PALM BEACH POLICE DEPARTMENT'S SPEED AND AGGRESSIVE DRIVING CAMPAIGN; AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

RESOLUTION NO. 39-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN THE 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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO RECOGNIZE RECEIPT OF FUNDS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR REIMBURSEMENT OF OVERTIME COSTS FOR TRAFFIC EDUCATION AND ENFORCEMENT OF AGGRESSIVE DRIVING LAWS AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

Background Information:

In January 2022, the West Palm Beach Police Department submitted a concept paper to the Florida Department of Transportation (FDOT) regarding the proposed use of grant funds to be included in the State's Fiscal Year 2023 Highway Safety Plan. The paper used statistics on crash outcomes in the City of West Palm Beach and the rest of the State to help justify why this education and enforcement plan focused on aggressive driving should be funded in the City of West Palm Beach.

On September 2, 2022, Chief Adderley was notified that the FDOT agreed and has determined that the City of West Palm Beach's plan merited inclusion in the Highway Safety Plan in the amount of \$118,000 in overtime reimbursement, speed measuring laser devices, and information cards. The City must submit an electronic application to accept this subgrant and complete associated documents. The grant period began on October 1, 2022, but the program cannot be implemented until all documents are complete. This program supports the City's Vision Zero goal of zero traffic fatalities.

Funding allocations:

- \$100,000 overtime reimbursement (salary & benefits)
- \$18,000 purchasing of Speed Measuring Devices/Lasers

Resolution No. 38-23 authorizes submittal of the documentation for the grant, and Resolution No. 39-23(F) accepts and appropriates the grant funds of \$118,000.

The funds for the stated operations are not district specific and will be conducted City-wide in areas of concern that current statistics and traffic issues dictate.

Fiscal Note:

Approval recognizes grant proceeds and provides budget appropriations for the Aggressive Driving Program.

- 9.7. Resolution No. 75-23 renewing an Interlocal Agreement with Palm Beach County - Public Safety Department Division of 911 Program Services for the continued partnership involving the E911 System.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 75-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE WEST PALM BEACH POLICE DEPARTMENT'S PARTICIPATION IN THE COUNTY'S EMERGENCY CALL SYSTEM; APPROVING THE AGREEMENT FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF THE 911 EMERGENCY CALL HANDLING SYSTEM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach originally entered into an Interlocal Agreement with Palm Beach County for the funding, installation, maintenance, and operation of a 911 and E-911 System in 1992. Current Resolution No. 75-23, is an update to the original agreement described as follows:

Palm Beach County operates and maintains a Next Generation 911 system. The Board of County Commissioners is the responsible fiscal agent for E911 funds under Rule 60FF-6.004, F.A.C. The Public Safety Department's 911 Program Services Division ensures compliance with technical and operational standards under Rule 60FF-6.005, F.A.C. These responsibilities are outlined in the Florida State E911 Plan, as mandated by Florida Statute 365.171. Florida.

The Public Safety Department's Division of 911 Program Services provides the 911 Call Handling System and Equipment to the PSAPs and is responsible for its maintenance. The PSAPs provide the call takers and personnel to answer the 911 calls and dispatch the proper emergency response to the incident. The updated Interlocal Agreement provides a new template agreement and would replace the existing agreements for 911 equipment and maintenance. The current agreements were approved in August 1992 (R92-1154D thru R92-1174D); the term was for one (1) year with automatic renewals and no expiration date. New agreements are

being proposed to account for system moves, additions, and/or changes. These agreements will be enacted with a five (5) year term and three (3) automatic renewals. This will ensure the terms remain current and reflect the status and requirements of the PBC 911 system and the Florida State E911 Plan. The agreement outlines the responsibilities of the County, municipalities, and PBSO to ensure the efficient operation of the system and equipment compliance with the Florida State E911 Plan. There is no fiscal impact associated with these agreements to the City of West Palm Beach.

Currently, there are thirteen (13) primary PSAPs in Palm Beach County. Twelve (12) of the PSAPs are operated by municipalities. These PSAPs are located in: Cities of Atlantis, Boca Raton, Boynton Beach, Delray Beach, Palm Beach Gardens, Riviera Beach, and West Palm Beach; Towns of Lantana, Manalapan, Ocean Ridge, and Palm Beach; and Village of Palm Springs. The remaining primary PSAP is operated by Palm Beach County Sheriff's Office.

Fiscal Note:

No fiscal impact.

- 9.8. Resolution No. 63-23(F) transferring \$604,925 from the Community Development Fund to the Grant Capital Project Fund and replacing Neighborhood Stabilization funds to provide appropriations for the construction of the community resource hub to be located at 1540 N. Australian Avenue.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 63-23(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 COMMUNITY DEVELOPMENT, NEIGHBORHOOD STABILIZATION PROGRAM AND THE GRANT CAPITAL PROJECT FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR THE DEVELOPMENT OF A COMMUNITY RESOURCE HUB LOCATED AT 1540 N. AUSTRALIAN AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Resolution No. 164-21(F) approved at the June 10, 2021 City Commission meeting approved the transfer of \$1,816,924 in grant funding from the Community Development (CDBG) Fund 110, and \$604,925 in grant funding from the Neighborhood Stabilization Program (NSP) Fund 111 to

the Grant Capital Project Fund 399 for the construction of a new community resource hub located at 1540 N. Australian Avenue.

The Housing and Community Development Department (HCD) identified CDBG grant funding in its Fiscal Year 2022-2023 One-Year Action Plan for Public Facilities and Improvement. HCD would like to replace the initial NSP funding source with CDBG grant funding. This action will move NSP funds from the Grant Capital Fund 399 back to the original NSP Fund 111 and transfer CDBG Fund 110 funds to the Grant Capital Fund 399 for the same amount of \$604,925. It is required that funds be transferred to the Grant Capital Fund 399, so the capital payments can be expensed and reported accordingly in the financial statements.

Approval of Resolution No. 63-23(F) will re-appropriate funds from Fund 110 in the amount of \$604,925 to Fund 399 and from Fund 399 to Fund 111 in the amount of \$604,925 and provide for appropriations for capital purchases/improvements.

Fiscal Note:

Replacing NSP grant funding with CDBG grant funding in the Grant Capital Fund.

- 9.9. Resolution No. 58-23 authorizing the submittal of an application to Florida Inland Navigation District for a Waterway Assistance Program Grant in the amount of \$212,500 which requires a 50/50 match to replace the existing pier in Brian Chappell Park.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 58-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT FOR A WATERWAY ASSISTANCE GRANT IN AN AMOUNT UP TO \$212,500 TO REPLACE THE EXISTING PIER IN BRIAN CHAPPELL PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Brain Chappell Park located at 54th Street and North Flagler Drive has a pier enjoyed for decades by residents and visitors to fish and view the Intracoastal Waterway and the aquatic life attracted to this area. The pier is at its end of life and needs to be replaced.

The Florida Inland Navigation District (F.I.N.D.) offers a Waterway Assistance Program (WAP) grant for projects which allow residents and visitors to enjoy the Intracoastal Waterway. WAP is a 50/50 funding grant program. The cost estimated for this project is \$425,000. Therefore, the

City would like to submit a grant to F.I.N.D. for \$212,500. The City has \$212,500 in match for the grant through parks bond funding specified for Brian Chappell Park.

Resolution No. 58-23 authorizes the submittal of a grant application to F.I.N.D. for \$212,500 to replace the pier in Brian Chappell Park.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval will result in a 50/50 match of \$212,500 funded by the Parks bond.

- 9.10. Resolution No. 67-23 approving retaining the Villages of Palm Beach Lakes Property Owners Association, Inc., to provide Landscape Maintenance Services in the landscaped medians and grassed rights-of-way within the Villages of Palm Beach Lakes; authorizing the Mayor to execute a Service Agreement for Landscape Maintenance between the City and the Villages of Palm Beach Lakes Property Owners Association, Inc., at a cost of \$20,000 per year.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 67-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING RETAINING THE VILLAGES OF PALM BEACH LAKES PROPERTY OWNERS ASSOCIATION, INC., FOR THE PROVISION OF LANDSCAPE MAINTENANCE SERVICES FOR CERTAIN LANDSCAPED MEDIANS AND GRASSED RIGHT-OF-WAY WITHIN THE VILLAGES OF PALM BEACH LAKES; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES BETWEEN VILLAGES OF PALM BEACH LAKES PROPERTY OWNERS ASSOCIATION, INC., AND THE CITY OF WEST PALM BEACH AT A COST OF \$20,000 PER YEAR; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

A Right-Of-Way Agreement between the City and the Villages of Palm Beach Lakes Property Owners Association, Inc. ("Association") for the maintenance of medians and grassed rights-of-way was initially approved by the City Commission on March 9, 1987 through Resolution No. 47-87. Subsequent renewals have come before the City Commission. The Association's scope of landscape maintenance services included Village Boulevard, Shenandoah Drive, Cumberland Drive, Shiloh Drive, Saratoga Road and Brandywine Road.

During negotiations for their service agreement renewal, the Association offered to continue to maintain Shenandoah Drive, Cumberland Drive, and

Shiloh Drive. The City would assume the responsibility for maintaining Village Boulevard, Saratoga Road and Brandywine Road. In addition, the City will continue provide water to the Association for irrigation of these medians and grassed rights-of-way.

The new service agreement will reflect the annual fee reduced from \$40,000 to \$20,000. The service agreement has an initial term of three (3) years and may be renewed for one additional two (2) year period at the sole option of the City.

Resolution No. 67-23 authorizes retaining the Villages of Palm Beach Lakes Property Owners Association, Inc., to provide Landscape Maintenance Services in the landscaped medians and grassed rights-of-way within the Villages of Palm Beach Lakes and the execution of an agreement with Association to provide the services for an annual fee of \$20,000. The terms and provisions for providing the services are described in detail within the Landscape Maintenance Agreement.

Commission District 2: Commissioner Shalonda Warren.

Fiscal Note:

No fiscal impact.

- 9.11. Resolution No. 61-23 consenting to installation of improvements in the City right-of-way adjacent to the property located at 445 Datura Street and approving a Right-of-Way Maintenance Agreement with SHP VI Datura West Palm Owner LLC for the maintenance of the improvements.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 61-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONSENTING TO THE INSTALLATION OF IMPROVEMNETS WITH THE PUBLIC RIGHTS-OF-WAY ADJACENT TO 445 DATURA STREET; APPROVING A RIGHT-OF-WAY IMPROVEMENT & MAINTENANCE AGREEMENT BETWEEN SHP VI DATURA WEST PALM OWNER LLC AND THE CITY OF WEST PALM BEACH FOR MAINTENANCE OF THE IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

SHP VI DATURA WEST PALM OWNER LLC d/b/a ZOM LIVING & ZOM SENIOR LIVING is the owner/developer of 445 Datura Street, which is the site of a new luxury senior living facility. As part of the construction of the project, the Developer installed landscape, hardscape, and irrigation improvements within the City-owned Rights-of-Way along Datura Street, South Quadrille Plaza Boulevard, South Dixie Highway, and the alleyway between Clematis Street and Datura Street. The party's desire is to enter

into a maintenance agreement to transfer the maintenance responsibility for the improvements to the Developer/successors and assigns.

Commission District 3: Commissioner Christy Fox.

- 9.12. Resolution No. 62-23 granting an aerial easement to SHP VI DATURA WEST PALM OWNER LLC over a portion of the sidewalk at 445 Datura Street for a canopy serving the entrance to the Watermark Senior Living Project.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 62-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AERIAL EASEMENT OVER THE SIDEWALK ADJACENT TO 445 DATURA STREET; APPROVING AN AERIAL EASEMENT AGREEMENT BETWEEN SHP VI DATURA WEST PALM OWNER LLC AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

SHP VI DATURA WEST PALM OWNER LLC d/b/a ZOM LIVING & ZOM SENIOR LIVING, is the Owner/Developer of 445 Datura Street, the site of a new luxury senior living facility. As part of the construction of the project, the Developer installed a canopy fronting Datura Street, which partially encroaches within or above the City-owned Right-of-Way. It is the City's desire to approve an aerial or air-rights easement to the applicant for the encroaching canopy structure.

Commission District 3: Commissioner Christy Fox.

- 9.13. Resolution No. 64-23 authorizing the submittal of an application to the Florida Department of Transportation through the Palm Beach Transportation Planning Agency for a Transportation Alternatives grant in an amount up to \$1,100,000 for construction of the Spruce Avenue Improvements Project (Phase 2) from 36th Street to 40th Street.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO.64-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION THROUGH THE PALM BEACH TRANSPORTATION PLANNING AGENCY FOR A TRANSPORTATION ALTERNATIVES GRANT IN AN AMOUNT UP TO \$1,100,000 FOR

CONSTRUCTION OF THE SPRUCE AVENUE PHASE 2 IMPROVEMENTS PROJECT FROM 36TH STREET TO 40TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Spruce Avenue Corridor Phase 2 project spans from 36th Street to 40th Street approximately 0.3 miles and is a continuation of the Spruce Avenue Phase 1 Improvements from 25th Street to 36th Street in the north end of the City of West Palm Beach. The project incorporates features such as clearly marked pedestrian crossings, designated bike lanes, and traffic calming measures, which can encourage safe and responsible use of the roadways by all users. Additionally, safety improvements can also contribute to increased pedestrian and bicycle activity to Northboro Elementary School.

This project is part of the City's Bicycle Masterplan for creating a safe and accessible bike network throughout the City. The plan's implementation includes the addition of bike lanes, shared roadways, and dedicated paths, as well as the creation of bike parking facilities and educational programs for both cyclists and motorists. Spruce Avenue Phase 2 seeks to connect existing bike routes and trails to create a seamless network. The existing right-of-way is 50' with ADA non-compliant curb ramps and old signage, amongst other improvements needed. The proposed scope of work includes road resurfacing, new bike lanes, ADA accessible sidewalks, new crosswalks, updated traffic calming, and new pedestrian level lighting.

The City of West Palm Beach has engaged with the Northboro Park Historic District to garner support for the Spruce Avenue Phase 2 Roadway Improvements project. Through Resolution No. 243-18, the design features for Spruce Avenue were supported by the City of West Palm Commission. During construction, the City held several community meetings and open houses to gather feedback from residents and worked with NCON to address concerns related to preserving the character and integrity of the neighborhood. In preparation for the 2023 grant cycle, the City of West Palm has re-engaged the community and received letters of support for the proposed improvements. These efforts demonstrate the City's commitment to engaging with residents and working collaboratively to achieve a shared vision for the community.

Design for Spruce Avenue Phase 2 is completed and the City is seeking construction funding from the Palm Beach (TPA) Grant. The Palm Beach Transportation Planning Agency (TPA) offers Transportation Alternative Grants to fund various transportation projects, such as pedestrian and bicycle facilities. For the year 2023, the Palm Beach TPA has made available approximately \$5.1 million in funding for eligible projects, with a maximum award amount of \$1.5 million per project. These grants aim to improve mobility and safety for residents, as well as to promote active transportation and support the local agency.

The preliminary project estimate is \$1,303,730 with a local match of \$252,525.

Resolution No. 64-23 authorizes the submission of the Transportation Alternative grant application to the Florida Department of Transportation (FDOT) through the Palm Beach Transportation Planning Agency (TPA) to fund construction of a complete streets Spruce Avenue up to \$1,100,000 of grant funding. Phase 2 is from 36th Street to 40th Street.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

The City's estimated match amount of \$252,525 will be funded from Gas Tax and One-Cent sales surtax budgets. There will be no fiscal impact to General Fund budget

- 9.14. Resolution No. 65-23 authorizing the submittal of an application to the Florida Department of Transportation through the Palm Beach Transportation Planning Agency for a Transportation Alternatives and the Local Initiatives grant in an amount up to \$1,500,000 for construction of the 7th Street Improvements Project from Australian Avenue to Tamarind Avenue.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 65-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION THROUGH THE PALM BEACH TRANSPORTATION PLANNING AGENCY FOR A TRANSPORTATION ALTERNATIVES AND LOCAL INITIATIVES GRANT IN AN AMOUNT UP TO \$1,500,000 FOR CONSTRUCTION OF THE 7th STREET IMPROVEMENTS PROJECT FROM AUSTRALIAN AVENUE TO TAMARIND AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The 7th Street Improvement Project spans from Australian Avenue to the SFRTA Railroad Crossing west of Tamarind Avenue. The project length is approximately 0.3 miles and is a continuation of the 7th Street Avenue Project Phase 1 and 2 within the Downtown vicinity in the City of West Palm Beach. The project incorporates features such as clearly marked pedestrian crossings, designated bike lanes, and traffic calming measures, which can encourage safe and responsible use of the roadways by all users. Additionally, safety improvements can also contribute to increased pedestrian and bicycle activity to Westward Elementary School, UB

Kinsley Elementary School, and access into the Historic Northwest Neighborhood Downtown West Palm Beach.

This project is part of the City's Bicycle Masterplan for creating a safe and accessible bike network throughout the City. The plan's implementation includes the addition of bike lanes, shared roadways, and dedicated paths, as well as the creation of bike parking facilities and educational programs for both cyclists and motorists. 7th Street Improvements Phase 3 seeks to connect existing bike routes and trails to create a seamless network. The existing right-of-way is 65' with ADA non-compliant curb ramps and old signage, amongst other improvements needed. The proposed scope of work includes road resurfacing, new bike lanes, ADA accessible sidewalks, new crosswalks, updated traffic calming, and new pedestrian level lighting.

The City of West Palm Beach has engaged in several community engagement efforts with the Twin Lakes Neighborhood and the Housing Authority, aimed at improving the quality of life for residents and addressing concerns related to safety, health, and overall well-being. These efforts have included town hall meetings, door-to-door outreach, and stakeholder workshops to identify key issues and priorities. Additionally, for the grant application, the City and District Commissioner have conducted a signature drive to support the proposed project which received overwhelming support. These efforts demonstrate the City's commitment to engaging with residents and working collaboratively to achieve a shared vision for the community for safe mobility and connectivity.

Design for 7th Street Improvements Phase 3 is completed, and the City is seeking construction funding from the Palm Beach (TPA) Grant. The Palm Beach Transportation Planning Agency (TPA) offers Transportation Alternative Grants to fund various transportation projects, such as pedestrian and bicycle facilities. For the year 2023, the Palm Beach TPA has made available approximately \$5.1 million in funding for eligible projects, with a maximum award amount of \$1.5 million per project. These grants aim to improve mobility and safety for residents, as well as to promote active transportation and support the local agency.

The preliminary project estimate is \$1,510,417 with a local match of \$83,200.

The City match will be funded from gas tax or one-cent sales surtax budgets.

Resolution No. 65-23, authorizes the submission of the Transportation Alternative and Local Initiative Grant applications to the Florida Department of Transportation (FDOT) through the Palm Beach Transportation Planning Agency (TPA) to fund construction of a complete streets 7th Street Improvements Phase 3 between Australian Avenue and Tamarind Avenue up to \$1,500,000 of grant funding. The City Commission

agrees to appropriate the required matching funds and such additional funds as may be necessary to design, permit, construct and manage the construction of the Project. The City Commission further resolves that the City will appropriate such funds as may be necessary for the continued maintenance of the Project funded by the grant.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

The City match will be funded from Gas Tax or One-Cent Sales Surtax budgets. There will be no fiscal impact to the General Fund budget

- 9.15. Resolution No. 70-23 approving a sixth amendment to the interlocal agreement between the City of West Palm Beach, West Palm Beach Community Redevelopment Agency, and the CityPlace Community Development District; and

Resolution No. 71-23 approving a second amendment to Right-Of-Way Improvement and Maintenance Agreement between the City of West Palm Beach, CityPlace Community Development District, and the West Palm Beach Community Redevelopment Agency.

Originating Department:

Community Redevelopment Agency

Ordinance/Resolution:

RESOLUTION NO. 70-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THAT CERTAIN SIXTH AMENDMENT TO INTERLOCAL AGREEMENT BY AND AMONG THE CITY OF WEST PALM BEACH, THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY, AND THE CITYPLACE COMMUNITY DEVELOPMENT DISTRICT, AMENDING SECTION 4.5 RELATING TO EXPENDITURE OF EXCESS INCREMENT REVENUE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

RESOLUTION NO. 71-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THAT CERTAIN SECOND AMENDMENT TO RIGHT-OF-WAY IMPROVEMENT AND MAINTENANCE AGREEMENT BY AND AMONG THE CITY OF WEST PALM BEACH, THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY, AND THE CITYPLACE COMMUNITY DEVELOPMENT DISTRICT, AMENDING AND RESTATING SECTION 15 RELATED TO EXCESS INCREMENT REVENUE.

Background Information:

The City of West Palm Beach (City), West Palm Beach CRA (CRA) and CityPlace Community Development District (CDD) have been operating under an agreement that the CDD will maintain a portion of the rights-of-

way impacted by its development within its boundary districts. The original agreement stipulates that the CRA will pay increment revenues, which are applied for payment of principal, redemption price, and interest on the bonds issued in 2012. In addition, the District has bonds issued in 2018 that were used to pay for recent infrastructure enhancements. The 2012 bonds have approximately \$15 million in principal remaining to be paid, and the 2018 bonds have approximately \$40 million in principal remaining to be paid until the CRA sunsets in 2046. The payment of the bonds and other obligations are summarized in order as listed below:

1. 2012 Bond Debt Service Obligations;
2. While the 2012 Bonds are outstanding; Required Agency (CRA) Payments;
3. 2018 Bond Debt Service Obligations;
4. Operating and maintenance obligations and other lawful purposes while the 2012 Bonds are outstanding;
5. 1/12 of the 2018 Bonds Debt Service Obligations retained in a revenue fund;
6. Operating and maintenance obligations for public improvements and any other lawful purpose of the CDD; and
7. Funds remaining after obligations 1-6 are met, remain with the CDD to be used for lawful purposes.

The second amendment to the right-of-way agreement acknowledges that if Excess Increment Revenue remains available after fulfilling its obligations under the Original ROW Agreement, it may expend the funds for any other lawful district purpose provided the uses is also consistent with those permitted under Chapter 163, Part III, Florida Statutes and the Amended and Restated Community Redevelopment Plan for the Expanded City Center Area as is more fully identified in Exhibit A to the Sixth Amendment to the Interlocal Agreement between the City of West Palm Beach, the West Palm Beach Community Redevelopment District and the Cityplace Community Development District.

The Sixth Amendment to the Interlocal Agreement imposes annual reporting of distribution of Excess Increment Revenue and an approval processes for expenditures that are not one of the enumerated items listed in Exhibit A.

The CDD proposes to use Excess Increment Revenue for the following purposes:

- Gap financing for the development associated with affordable or workforce housing;
- Creation of public space improvements inclusive of shared parking facilities;
- Mobility and traffic solutions;
- Incentives for new job creation and above market tenant allowance or concessions required to attract new businesses to West Palm Beach;
- On-going maintenance, programming and repair costs associated with new public space improvements, public right of ways and shared parking garages;
- Public Art; and
- Incentives for development that attracts tourism.

Approval of Resolution No. 70-23 and 71-23 will authorize execution of the agreements attached to this agenda item as summarized above.

The CRA companion items are Resolution No. 23-7 and Resolution No. 23-8.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No financial terms have been changed.

10. RESOLUTIONS

- 10.1. Resolution No. 60-23(F) authorizes the amendment of the Parking Systems Operating Fund budget utilizing discretionary fund balance to provide appropriations for improvements, repairs, and professional services in the amount of \$1,646,000.

Originating Department:

Parking

Ordinance/Resolution:

RESOLUTION NO. 60-23(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 PARKING SYSTEMS OPERATING FUND BUDGET TO APPROVE THE USE OF DISCRETIONARY FUND BALANCE TO PROVIDE APPROPRIATIONS FOR IMPROVEMENTS, REPAIRS, AND PROFESSIONAL SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 60-23(F).

Background Information:

Resolution No. 60-23(F) authorizes the amendment of the Parking Systems Operating Fund budget utilizing discretionary fund balance to provide appropriations for improvements, repairs and professional services in the amount of \$1,646,000 for the purpose of the following projects:

1. \$720,000 to upgrade the existing Parking Guidance Systems (PGS) in City parking facilities and install the newly upgraded PGS in the Banyan Garage, which was omitted from the original installation package.
2. \$310,000 for the installation of thirty-six (36) upgraded Electric Vehicle (EV) charging stations and the required electrical infrastructure.
3. \$50,000 for professional consulting services to design more efficient mobility routes and vehicles for trolley services.
4. \$400,000 for professional services, structural repairs, and maintenance required for the Clematis and City Center garages.
5. \$166,000 for professional consulting services to conduct a parking study of the South Dixie corridor for the purpose of establishing a resident parking program and identifying shared parking opportunities for businesses along the corridor.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Approval authorizes the amendment of the Parking Systems Operating Fund budget utilizing discretionary fund balance to provide appropriations for improvements, repairs, and professional services in the amount of \$1,646,000.

- 10.2. Resolution No. 41-23 approving a Building Improvement Grant through the Economic Development Division for Sugaring Global, LLC in the amount of \$100,000 to make improvements at 2617 Division Avenue, West Palm Beach, Florida.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 41-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A BUILDING IMPROVEMENT GRANT FOR SUGARING GLOBAL, LLC, FOR IMPROVEMENTS AT 2617 DIVISON AVENUE; AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 41-23.

Background Information:

The Building Improvement Grant Program offered by the City of West Palm Beach encourages property owners/landlords and new businesses relocating or existing businesses to expand space to make significant, permanent modifications to existing buildings, thus raising the overall property value and in some cases, bringing the property up to proper building codes. It creates jobs and is one of the City's most successful and cost-effective revitalization programs.

Through this incentive program, the Economic Development Division encourages major tenant improvements necessary for subdividing ground floor spaces and attracting a variety of professional services to the City, as well as for the significant improvements to life safety systems, improvements that enable upper floors of existing commercial buildings.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Funds are budgeted.

- 10.3. Resolution No. 50-23 approving a Building Improvement Grant through the Economic Development Division for Dixie Grill & Brewery Co. in the amount of \$50,000 to make improvements at 5107 S. Dixie Highway, West Palm Beach, Florida.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 50-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A BUILDING IMPROVEMENT GRANT FOR DIXIE GRILL & BREWERY CO. FOR IMPROVEMENTS AT 5107 S. DIXIE HIGHWAY; AUTHORIZING

THE EXECUTION OF A GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 50-23.

Background Information:

The Building Improvement Grant Program offered by the City of West Palm Beach encourages property owners/landlords, new businesses relocating, or existing businesses to expand space to make significant, permanent modifications to existing buildings, thus raising the overall property value, and in some cases, bringing the property up to proper building codes. It creates jobs and is one of the City's most successful and cost-effective revitalization programs.

Through this incentive program, the Economic Development Division encourages major tenant improvements necessary for subdividing ground floor spaces and attracting a variety of professional services to the City, as well as for the significant improvements to life safety systems--improvements that enable upper floors of existing commercial buildings.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Funds are budgeted.

- 10.4. Resolution No. 29-23 approving the transfer of development rights under the historic property incentive to Nora Holdings LLC, for the development of properties within the NORA District.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 29-33: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE TRANSFER OF DEVELOPMENT RIGHTS UNDER THE HISTORIC PROPERTY INCENTIVE TO NORA HOLDINGS FL LLC FOR THE DEVELOPMENT OF PROPERTIES WITHIN THE NORA DISTRICT; AUTHORIZING EXECUTION OF A TDR PURCHASE AND SALE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 29-23.

Background Information:

Section 94-132 of the City's Downtown Master Plan (DMP) has a Transfer of Development Rights (TDR) program that allows Developers to purchase development rights from one site and transfer them to another as defined

in Figure IV-35 of the DMP - the TDR Sending and Receiving Sites map. The program was established to preserve historic properties and open space in the downtown area. Historically, the City's TDRs came from the preservation of Gateway Park located on Okeechobee Boulevard and Australian Avenue, but the one million (1,000,000) square feet of TDRs originating from this preservation has since been depleted for use in the development of such projects as the Grand, Flagler Station, Evernia Place, County Block D, the old City Hall site, 360 Rosemary, and numerous churches throughout downtown.

On October 31, 2022, the City through Ordinance No. 5025-22, approved an agreement with the Palm Beach County School Board to purchase the 489,176 square feet of Transfer of Development Rights (TDRs) created by the historic designation of four structures at the Dreyfoos School of the Arts campus. The designation of structures 1, 2, 3, and 9 was approved by the City's Historic Preservation Board on September 27, 2022. The City desired to purchase these TDRs from the School Board for projects needing TDRs and interests in moving forward with development. At a sale price of \$17 per square foot, the School Board is anticipated to generate approximately \$8.3 million in revenue through the creation of approximately 489,176 square feet of TDRs.

The rezoning of the North Railroad Avenue District (NORA) was approved by the City Commission on February 7, 2022. NORA is proposing a new mixed-use development from West Railroad Avenue, North Dixie Highway, Quadrille Boulevard and Palm Beach Lakes Boulevard. The first phase of development will focus on the redevelopment of the warehouses along the west side of Railroad Avenue. Future developments will consist of office, residential and retail developments.

The City has the capacity to transfer 373,326 square feet of TDRs from the City TDR bank (TDRs obtained from the Dreyfoos campus) at \$17 per square foot for a total sale price of \$6,346,542. This revenue will be transferred to the Palm Beach County School Board for further improvements to the Dreyfoos campus and other historic schools within the County.

The City had previously sold this developer 186,343 square feet of TDRs generated from the historic Seaboard Train station, and this will provide the minimum 400,000 square feet of TDRs that the Developer was seeking for their first phase of construction. The formal transfer of these TDRs is scheduled to be heard at the March 8, 2023 Downtown Action Committee meeting.

Resolution No. 29-23 approves the sale of 373,326 square feet of TDRs to NORA Holdings, LLC, for development within the NORA district.

Commission District 3: Commissioner Christy Fox.

- 10.5. Resolution No. 30-23 approving the transfer of development rights under the historic property incentive to West Palm TDRS LLC for the development of properties within the Downtown District.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 30-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE TRANSFER OF DEVELOPMENT RIGHTS UNDER THE HISTORIC PROPERTY INCENTIVE TO WEST PALM TDRS LLC FOR THE DEVELOPMENT OF PROPERTIES WITHIN THE DOWNTOWN DISTRICT; AUTHORIZING EXECUTION OF A TDR PURCHASE AND SALE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 30-23.

Background Information:

Section 94-132 of the City's Downtown Master Plan (DMP) has a Transfer of Development Rights (TDR) program that allows Developers to purchase development rights from one site and transfer them to another as defined in Figure IV-35 of the DMP - the TDR Sending and Receiving Sites map. The program was established to preserve historic properties and open space in the downtown area. Historically, the City's TDRs came from the preservation of Gateway Park located on Okeechobee Boulevard and Australian Avenue, but the one million (1,000,000) square feet of TDRs originating from this preservation has since been depleted for use in the development of such projects as the Grand, Flagler Station, Evernia Place, County Block D, the old City Hall site, 360 Rosemary, and numerous churches throughout downtown.

On October 31, 2022, the City through Ordinance No. 5025-22 approved an agreement with the Palm Beach County School Board to purchase the 489,176 square feet of Transfer of Development Rights (TDRs) created by the historic designation of four (4) structures at the Dreyfoos School of the Arts campus. The designation of structures 1, 2, 3, and 9 was approved by the City's Historic Preservation Board on September 27, 2022. The City desired to purchase these TDRs from the School Board to act as a "pass through" for projects needing TDRs and interests in moving forward with development. At a sale price of \$17 per square foot, the School Board is anticipated to generate approximately \$8.3 million in revenue through the creation of approximately 489,176 square feet of TDRs.

The Related Companies are continuing their redevelopment of The Square (formerly known as CityPlace) and surrounding properties. Subsequent to

the completion of the 360 Rosemary Class A office building, the company has received Downtown Action Committee approval of the 515 Fern office building and has been working with City staff on the redevelopment of the Publix block, the redevelopment of the AMC block with two (2) future office buildings, and the Cheesecake Factory site. It is anticipated that developments outside of the CityPlace Development of Regional Impact area will require additional TDRs for development.

The City has the capacity to transfer 105,000 square feet of TDRs from City TDR Bank (from TDRs obtained from the Dreyfoos campus) at \$17 per square foot for a total sale price of \$1,785,000. This revenue will be transferred to the Palm Beach County School Board for further improvements to the Dreyfoos campus and other historic schools within the County. The formal transfer of these TDRs is scheduled to be heard at the March 8, 2023 Downtown Action Committee meeting.

Resolution No. 30-23 approves the sale of the TDRs to Related (West Palm TDRS LLC) for development surrounding the CityPlace DRI property.

Commission District 3: Commissioner Christy Fox.

- 10.6. Resolution No. 31-23 approving the transfer of development rights under the historic property incentive to the TDR bank for Commercial Florida Solana Holdings LLC and which may be used for the development of properties on 992 and 996 Datura Street.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 31-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE TRANSFER OF DEVELOPMENT RIGHTS UNDER THE HISTORIC PROPERTY INCENTIVE TO THE TDR BANK FOR COMMERCIAL FLORIDA SOLANA HOLDINGS, LLC, WHICH MAY BE USED FOR THE DEVELOPMENT OF THE PROPERTY AT 992 AND 996 DATURA STREET; AUTHORIZING EXECUTION OF A TDR PURCHASE AND SALE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 31-23.

Background Information:

Section 94-132 of the City's Downtown Master Plan (DMP) has a Transfer of Development Rights (TDR) program that allows Developers to purchase development rights from one site and transfer them to another as defined in Figure IV-35 of the DMP - the TDR Sending and Receiving Sites map. The program was established to preserve historic properties and open

space in the downtown area. Historically, the City's TDRs came from the preservation of Gateway Park located on Okeechobee Boulevard and Australian Avenue, but the one million (1,000,000) square feet of TDRs originating from this preservation has since been depleted for use in the development of such projects as the Grand, Flagler Station, Evernia Place, County Block D, the old City Hall site, 360 Rosemary, and numerous churches throughout downtown.

On October 31, 2022, the City through Ordinance No. 5025-22, approved an agreement with the Palm Beach County School Board to purchase the 489,176 square feet of Transfer of Development Rights (TDRs) created by the historic designation of four (4) structures at the Dreyfoos School of the Arts campus. The designation of structures 1, 2, 3, and 9 was approved by the City's Historic Preservation Board on September 27, 2022. The City desired to purchase these TDRs from the School Board to act as a "pass through" for projects needing TDRs and interests in moving forward with development. At a sale price of \$17 per square foot, the School Board is anticipated to generate approximately \$8.3 million in revenue through the creation of approximately 489,176 square feet of TDRs.

Commercial Florida Solana Holdings LLC (the "Developer") is seeking to develop an eight (8) story, 57,602 square foot, 88-unit development at 992 and 996 Datura Street. This property will have a proposed floor area ratio of 3.39 and is located at the southeast corner of Datura Street and Tamarind Avenue. The property is proposed to have 74 micro-units and fourteen (14) one-bedroom units for a total of 88 units.

The Developer desires to acquire and bank some TDRs in the event they are needed to complete its proposed development.

The City has the capacity to transfer 10,850 square feet of TDRs from the Dreyfoos campus at \$17 per square foot for a total sale price of \$184,450. This revenue will be transferred to the Palm Beach County School Board for further improvements to the Dreyfoos campus and other historic schools within the County. The formal transfer of these TDRs is scheduled to be heard at the March 8, 2023 Downtown Action Committee meeting.

Resolution No. 31-23 approves the sale of the TDRs to the Developer for banking in the event they are needed for the Solana project at 992-996 Datura Street.

Commission District 3: Commissioner Christy Fox.

- 10.7. Resolution No. 66-23 amending PSC contract for additional services for CRA districts, the Historic Northwest, and Broadway subdistricts.

Originating Department:

Community Redevelopment Agency

Ordinance/Resolution:

RESOLUTION NO. 66-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FIFTH AMENDMENT TO THE SERVICES CONTRACT FOR SECURITY SERVICES WITH PROFESSIONAL SECURITY CONSULTANTS TO ADD ADDITIONAL SERVICES FOR THE BROADWAY CORRIDOR AND CRA PROPERTIES IN THE HISTORIC NORTHWEST; AUTHORIZING EXECUTION OF THE AMENDMENT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 66-23.

Background Information:

The West Palm Beach Community Redevelopment Agency (CRA) is requesting an amendment to Contract No. 24383.001 between the City of West Palm Beach and Professional Security Consultants, Inc. (PSC) to expand security services to include Heart & Soul Park, The Styx, The Sunset Lounge, and a portion of the Broadway Corridor.

The CRA wishes to provide security services for the aforementioned properties located within the Downtown/City Center CRA and the Northwood/Pleasant City CRA. The goal of additional security detail is to improve quality of life in and around the agreed upon locations.

PSC currently provides security services for Heart and Soul Park in an amount of 38 hours per week. The amendment will expand security services for seven more hours per week to cover not only the Heart and Soul Park: 822 N Rosemary Avenue but now include The Styx: 618-634 7th Street; and The Sunset Lounge: 609 8th Street. The total amount of roving security for the three properties would be 45 hours/week.

PSC will also provide additional security services for the Broadway Corridor from 36th Street to 59th Street. The security services for Broadway are intended to be a 6-month pilot program to determine the effectiveness of security services by improving the safety and quality of life for Broadway. This two-mile stretch of Broadway was selected based on data provided by PSC and calls for police services.

PSC services for Heart & Soul Park, The Styx, The Sunset Lounge, and a portion of the Broadway Corridor will include monitoring of issues including: loitering, panhandling, and any other unwanted or illegal behaviors.

Commission District 1: Commissioner Cathleen Ward.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Historic Northwest: \$60,000 and Broadway: \$130,000.

11. PUBLIC HEARING

- 11.1. Public Hearing and First Reading of Ordinance No. 5036-23 amending Chapter 54, Article III, by creating Division III, regulating the projection of unauthorized images.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

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 54 (OFFENSES), ARTICLE III (OFFENSES AGAINST PROPERTY), BY CREATING DIVISION 3. (UNAUTHORIZED PROJECTION OF IMAGES) REGULATING PROJECTION OF IMAGES ONTO BUILDINGS OR OTHER PROPERTY; PROVIDING FOR CRIMINAL PENALTIES AND CIVIL INJUNCTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Recommended Motion:

Approve Ordinance No. 5036-23.

Background Information:

Pursuant to Article VIII, Section (2)(b), of the Florida Constitution and Chapter 166, Florida Statutes, the City of West Palm Beach has broad home rule powers to adopt ordinances to protect the health, safety, and welfare of the City's inhabitants and visitors.

The United States Supreme Court in the *City of Ladue v. Gilleo*, 512 U.S. 43 (1994), has recognized "[t]he private citizen's interest in controlling the use of his own property," and property owners have the right to use and enjoy their property in ways that satisfy their aesthetic preferences. Accordingly, projections of images onto buildings and structures without the property owner's consent disrupts the owner's use and control of the property. Likewise, projections of images onto buildings and structures without the property owner's consent causes harm to the property owner by diminishing the property owner's use, as well as affronting the property owner's dignity and privacy interests. Such projections without the owner's consent causes embarrassment and damage to the property owner's reputation.

The City Commission recognizes that light projections onto buildings and structures within the City cause human health issues by interrupting sleeping patterns.

To rectify these issues, the City Commission desires to amend the City's Sign Regulations to prohibit the projection of images onto buildings and structures absent written permission of the property owner. In so doing, the City Commission recognizes the rights of its citizens to free speech on public streets, sidewalks, parks, and other public fora and has taken into account these rights when drafting the applicable legislation.

Adoption of Ordinance No. 5036-23 amends the City's code to address these concerns and to provide for regulations that achieve the compelling government interest of protecting the City's inhabitants and visitors from the unauthorized projection of images onto buildings and structures by employing narrowly tailored regulations that leave open ample alternative channels of communication.

In addition, Ordinance No. 5036-23 deems a violation of the Ordinance to be punishable as a misdemeanor, and the violator may be sentenced to pay a fine of no more than \$500 and up to sixty (60) days in jail.

Ordinance No. 5036-23 also permits civil action against any violator by the City, property owner, lessee, or person in lawful possession of the property to enjoin the activities prohibited by the Ordinance.

Fiscal Note:

There is no fiscal impact.

- 11.2. Public Hearing and First Reading of Ordinance No. 5037-23 amending special events permitting to provide a mechanism in which the City is notified of large group feeding events or social service food sharing events of twenty-five (25) or more people.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

ORDINANCE NO. 5037-23: 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 78 (STREETS, SIDEWALKS AND PUBLIC PLACES); ARTICLE VI (SPECIAL EVENTS); DIVISION 1 (GENERALLY); SECTION 78-151 (DEFINITIONS); SECTION 78-152 (TYPE OF EVENTS AND PERMIT REQUIRED FOR SPECIAL EVENTS AND SPECIAL EVENT ADVERTISING), SECTION 78-155 (RESERVATION OF DATES, APPLICATION FEE AND DEPOSIT); AND ARTICLE XVI (PUBLIC PLACES), SECTION 78-468 (PUBLIC EXPRESSION ACTIVITIES) TO CLARIFY PERMITTING OF LARGE GROUP FEEDING EVENTS; PROVIDING FOR CODIFICATION;

PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Recommended Motion:

Approve Ordinance No. 5037-23 on first reading and schedule second reading on March 20, 2023.

Background Information:

The City of West Palm Beach ("City") currently regulates special events and activities, which members of the public may wish to hold in various public property areas or private property areas, including in City-owned parks or park facilities, requiring a permit for such activities per a standardized, objective framework to ensure the health, safety, and welfare of the participants of such activities and of the public.

However, during large group feeding activities/events, or social service food sharing events involving twenty-five (25) or more persons, the City is required to expend resources beyond its normal capabilities, including emergency services such as police, fire, and EMTs; and there is increased usage and requirement on the sanitation services and public works. This places the health, welfare, and safety of the City's citizens, residents, and guests at risk. These events not only place stress on City services, but also result in adverse impacts to individual parks and the communities in which they are located.

To remedy these problems, Ordinance No. 5037-23 seeks to amend Chapter 58 (Parks and Recreational Facilities), Article III (Conduct in Parks and Recreational Facilities) of the City's Code of Ordinances regarding large group feedings and social service food sharing activities to require a permit for such feeding and social service food sharing, involving more than twenty-five (25) persons.

This will ensure that the City is properly notified of large-scale events, allows for the proper allocation of resources and spreads the impacts of large group feedings among the City's park facilities within the City to ensure public safety and welfare.

- 11.3. Resolution No. 26-23 approving a substantial amendment to the City's Annual One-Year Action Plan for fiscal year 2021/22 to incorporate the HOME-ARP Allocation Plan; authorizing submission of the HOME-ARP Allocation Plan to the U.S. Department of Housing and Urban Development and authorizing the Mayor to execute all documents necessary for submission of the Plan and use of the funds; and

Resolution No. 35-23(F) amending the HOME Program Grant and General Fund budgets to reclassify funding for the American Rescue Plan Act of 2021 proceeds to provide appropriations for activities related to COVID-19 response.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 26-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING A SUBSTANTIAL AMENDMENT TO THE CITY'S ANNUAL ONE-YEAR ACTION PLAN FOR FISCAL YEAR 2021/22 FOR THE HOME INVESTMENT PARTNERSHIPS – AMERICAN RESCUE PLAN (HOME-ARP) PROGRAM TO INCORPORATE THE CITY'S HOME-ARP ALLOCATION PLAN; AUTHORIZING AND DIRECTING THE CITY'S DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO SUBMIT THE AMENDMENT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR REVIEW; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR SUBMISSION OF THE AMENDMENT AND THE USE OF SUCH FUNDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 35-23(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 2021/2022 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE HOME PROGRAM GRANT AND GENERAL FUND BUDGETS TO RECLASSIFY FUNDING FOR THE AMERICAN RESCUE PLAN ACT OF 2021 PROCEEDS TO PROVIDE APPROPRIATIONS FOR ACTIVITIES RELATED TO COVID-19 RESPONSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 26-23 and Resolution No. 35-23(F).

Background Information:

The City of West Palm Beach is an entitlement recipient of federal funds from the U.S. Department of Housing and Urban Development (HUD) under the American Rescue Plan Act of 2021, which appropriated supplemental HOME Investment Partnerships Program (HOME) funds, to address the impact of the COVID-19 pandemic on individuals experiencing homelessness and other vulnerable populations, through a program known as HOME-ARP.

Resolution No. 92-22 and Resolution No. 110-22(F), both approved at the May 2, 2022 City Commission meeting, authorized acceptance of \$1,734,257 in HOME-ARP funding, authorized the Mayor to execute the grant agreement between the City and HUD, and appropriated the grant funds. Execution of the grant agreement provided the City with access to five percent (5%) of the total grant amount, \$86,712.85, for administrative

costs associated with the preparation of a HOME-ARP Allocation Plan--the HUD-required plan for spending and program implementation.

The department of Housing and Community Development (HCD) has completed preparation of the City's HOME-ARP Allocation Plan. The City is required to amend the Fiscal Year 2021 Action Plan and submit the Allocation Plan to HUD by March 31, 2023. Once HUD accepts the Allocation Plan, the City will have access to the entire HOME-ARP grant.

In accordance with HUD regulations under 24 CFR 91.505, the City of West Palm Beach is submitting a substantial amendment proposing the following:

- Program HOME-ARP funds in the amount of \$1,474,119 in the FY 2021/22 Annual Action Plan to fund the Development of Affordable Rental Housing.
- Program HOME-ARP funds in the amount of \$260,138 in the FY 2021/22 Annual Action Plan to fund Administration and Planning.

The HOME-ARP funds will be used for project(s) identified by Developers through an open application process or through a competitive procurement process. The Developer selection criteria may include, but is not limited to, capacity and capability to carry-out the proposed project, experience in completing similar projects, site control, leveraging, neighborhood compatibility, and the ability to provide or partner with a social service agency to provide supportive services.

A detailed description of the proposed substantial amendment is provided in the resolution as "Exhibit A".

Federal regulations at 24 CFR 91.105 require the City to provide the public with reasonable notice of, and an opportunity to comment on, any substantial amendments. A detailed description of the substantial amendment was published in the Palm Beach Post on February 19, 2023 and posted on the City's website. The substantial amendment was available for inspection for the required fifteen (15) day comment period prior to the public hearing to be held on March 6, 2023.

Resolution No. 26-23 approves the substantial amendment to the City's FY 2021/22 Annual Action Plan for the HOME-ARP program. Resolution No. 35-23 (F) authorizes amending the Home Program grant and General Fund Budgets to Reclassify funding for the American Rescue Plan Act of 2021.

Resolution No. 35-23(F) re-appropriates the grant funds.

Fiscal Note:

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

- 11.4. Public Hearing of Resolution No. 23-23: A request by Harvey E. Oyer, III of Shutts & Bowen LLP on behalf of City Place North Partners LP. to abandon and vacate a 2,662 square foot (0.06 acre) portion of an alleyway between South Rosemary Avenue, Evernia Street, Fern Street, and the FEC railroad for the appraised value of \$725,000.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 23-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A 2,662 SQUARE FOOT (0.06 ACRE) PORTION OF AN ALLEYWAY BETWEEN THE SOUTH ROSEMARY AVENUE, EVERNIA STREET, FERN STREET, AND FEC RAILROAD RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE A DISCLAIMER OF INTEREST IN THE AFORESAID ALLEYWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

THIS ITEM IS BEING CONTINUED TO THE MARCH 20, 2023 CITY COMMISSION MEETING.

12. PUBLIC HEARING - QUASI-JUDICIAL

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

- 12.1. Public Hearing of Resolution No. 43-23 regarding a Major Amendment to the Napleton Hyundai Commercial Planned Development to renovate and expand the existing showroom/service center, as well as construct an additional showroom and service center.

The above-referenced request is being made by Rebecca Miller, of Miller Permitting & Land Development, on behalf of EFN West Palm Motor Sales, LLC.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 43-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE NAPLETON HYUNDAI COMMERCIAL PLANNED DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF OKEECHOBEE BOULEVARD AND CONGRESS AVENUE, TO RENOVATE AND EXPAND THE EXISTING SHOWROOM/SERVICE

CENTER AND CONSTRUCT AN ADDITIONAL SHOWROOM AND SERVICE CENTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 43-23 for a Major Amendment to the Napleton Hyundai Commercial Planned Development to renovate and expand the existing showroom/service center, as well as construct an additional showroom and service center. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, the findings that the request complies with the Comprehensive Plan, and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

(THE INFORMATION PROVIDED BELOW IS A GENERAL SUMMARY. A FULL ANALYSIS IS INCLUDED IN THE STAFF REPORT)

Located on the northwest corner of Congress Avenue and Okeechobee Boulevard, the subject property consists of a single parcel totaling ±5.49 acres. There are several structures on the property that collectively serve as the location of Napleton Hyundai, a car dealership established in 2012.

In 1966, the property was developed as a motor vehicle sales and service facility, and continued as such until the closure of Rizzo's Lincoln Mercury in 2009. In December, 2010, Napleton's Coral Springs Imports, LLC purchased the property as part of a plan to relocate their Hyundai dealership that was then located further west on Okeechobee Boulevard.

In order to allow heavy body repair and painting as a permitted use, as well as obtain approval for the expansion and other site improvements, it was requested to rezone the property from General Commercial (GC) and establish it as a Commercial Planned Development (CPD). This approval was granted on March 5, 2012, with the adoption of Ordinance No. 4407-12 and Resolution No. 22-12. These approvals allowed for the complete renovation of all the existing structures; construct additional square footage to enclose the service areas; and upgrade the infrastructure of the site, including landscaping, fencing, etc.

Since the completion of the work in 2012, little has changed with the subject property; however, there is a renewed effort to further improve the property and add an additional motor vehicle brand to the site, Genesis. As part of this, the applicant has submitted a request for a Major Amendment to the CPD in accordance with Section 94-207(e) of the City's Zoning and Land Development Regulations (ZLDRs) to provide for the following:

- Construction of a ±13,735 square foot showroom specifically for Genesis (identified as Building #4);
- Construction of a ±6,141 square foot service building for the new Genesis brand (identified as Building #2); and
- Renovate/expand the existing Hyundai showroom and service building to add an additional ±10,840 square feet (identified as Building #1).

In the review of the proposed amendment and the associated improvements, staff was able to confirm that the proposed improvements were fully in compliance with the City's ZLDRs and that the previously-granted waivers to the permitted uses and allowable corner side setback were not being modified in any way.

The surrounding area consists of a number of car dealerships, with Okeechobee Boulevard providing the largest concentration of motor vehicle sales facilities in the City. It is staff's professional opinion that the applicant's request complies with all of the standards found in the ZLDRs and therefore recommends approval, subject to the conditions outlined in Resolution No. 43-23.

PLANNING BOARD: After a Public Hearing on January 17, 2023, the Planning Board recommended approval (7-0), subject to the conditions outlined in Resolution No. 43-23.

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. 43-23 was also advertised in the Palm Beach Post on February 24, 2023.

Commission District 2: Commissioner Shalonda Warren.

13. 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.

14. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

15. 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.