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Mayor Keith A. James
Commission President Joseph A. Peduzzi (District 4)
Commissioner Cathleen Ward (District 1)
Commissioner Shalonda Warren (District 2)
Commissioner Christy Fox (District 3)
Commissioner Stephen Sylvester (District 5)

City Administrator Faye W. Johnson
City Attorney Kimberly Rothenburg
City Clerk Shaquita Edwards

City of West Palm Beach
City Commission
DRAFT Agenda
Monday, April 13, 2026
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. Proclaiming April 12-18, 2026, as National Public Safety Telecommunications Week. Proclamation to be accepted by Suzette Dodd, Telecommunicator Manager.

Originating Department:

Mayor's Office

- 6.2. Proclaiming April 24, 2026, as Arbor Day. Proclamation to be accepted by Victor Carosi, Director of Public Utilities; Heidi King, Manager, Resiliency and Climate Change; Elaine Christian, Sustainability Supervisor; and Caroline Richardson, Sustainability Program Coordinator.

Originating Department:

Mayor's Office

- 6.3. Proclaiming the month of April 2026 as Water Conservation Month. Proclamation to be accepted by Victor Carosi, Director of Public Utilities; Heidi King, Manager, Resiliency and Climate Change; and Elaine Christian, Sustainability Supervisor.

Originating Department:

Mayor's Office

7. PRESENTATIONS

- 7.1. Award Presentation to the City of West Palm Beach by Julia Murphy, the Chief Advancement Officer with Habitat for Humanity of Greater Palm Beach County, to recognize the City's leadership and partnership with Habitat's Women Build 2026 program.

Originating Department:

Housing and Community Development

Background Information:

Habitat for Humanity of Greater Palm Beach County hosted its annual Women Build event on Friday, March 13, 2026. This initiative brings women from across the community together to address the affordable housing crisis through hands-on service, advocacy, and long-term investment in housing stability. Due to severe weather conditions on the day of the event, Habitat was unable to present its planned recognition of the City's partnership and shared commitment to expanding access to safe and affordable housing.

Habitat for Humanity will now present two (2) awards to the City Commission in recognition of these efforts. The Department of Housing and Community Development will receive the Women Build Community Champion Award for its ongoing support and partnership with Habitat in advancing affordable housing initiatives. Additionally, Lucy Joseph, Housing and Community Development Coordinator, will be recognized with the Women Build Behind the Build Award for her dedication and contributions to expanding affordable housing opportunities within the community.

This recognition reflects the City's continued commitment to collaborative partnerships that support housing stability and strengthen neighborhoods.

Fiscal Note:

No fiscal impact.

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. 56-26 approving the revised Guaranteed Maximum Price (GMP) for the amount of \$8.9M for the Chase Street and Trinity Place streetscape project and the second amendment to the construction with Burkhardt Construction to include underground utilities improvements.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 56-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR CHASE STREET AND TRINITY PLACE STREETScape PROJECT BETWEEN THE CITY OF WEST PALM BEACH AND BURKHARDT CONSTRUCTION TO REVISE THE GUARANTEED MAXIMUM PRICE FOR THE PROJECT IN AMOUNT OF \$8,988,810.56 TO INCLUDE UNDERGROUND UTILITIES IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On May 13, 2023, the City Commission approved Resolution No. 87-23 for the City to approve the design features of the proposed streetscape for the Chase Street and Trinity Place between S. Flagler and Okeechobee Boulevard.

On June 6, 2023, the City Commission approved Resolution No. 147-23 for the City to approve the Project Funding Agreement for the Chase Street and Trinity Place Streetscape Project (the "Project") with the West Palm Beach Community Redevelopment Agency.

On March 6, 2023, the City and the CRA issued Request for Qualifications No. 23-24-400 for Construction Manager At Risk services for the Project.

On April 29, 2025, by Resolution No. 89-25, the City and Burkhardt Construction, Inc., established Guaranteed Maximum Price (GMP) for the Project in the amount of \$8,221,249.87 by the First Amendment.

Public Utilities requested the replacement of the existing 4-inch water main installed in the 1950s, which has internal corrosion and mineral buildup, with a new 12-inch water main on Trinity Place from Olive Avenue to Chase Street, including drainage structure improvements. This additional utility work is being added to the Chase Street and Trinity Place streetscape project to coordinate the underground installation with the new surface street improvements. The additional cost for this water main work is \$767,560.69 and is being added to the current GMP via the proposed amendment. It has been submitted to the City staff for review and has been approved. It is the recommendation from the City staff to incorporate the additional utilities work into the Project.

The parties desire to further amend the Contract to include underground utility improvements in the Project area within the Guaranteed Maximum Price.

Resolution No. 56-26 approves a Second Amendment, which increased the Guaranteed Maximum Price by \$767,560.69; to establish a new Guaranteed Maximum Price of \$8,988,810.56.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Increase of \$767,560.69 to the original GMP of \$8,221,249.87 resulting in a revised GMP of \$8,988,810.56.

- 8.2. Resolution No. 59-26(F) accepting and appropriating funds in the amount of \$105,000 from the West Palm Beach Library Foundation for the Mandel Public Library of West Palm Beach to fund updating and upgrading the library's teen space, as well as for additional programming initiatives.

Originating Department:

Library

Ordinance/Resolution:

RESOLUTION NO. 59-26(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 2025-2026 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 PROVIDE APPROPRIATIONS FOR THE RECEIPT OF WEST PALM BEACH LIBRARY FOUNDATION FOR UPDATING AND UPGRADING THE TEEN DEPARTMENT AND TO ADD ADDITIONAL PROGRAMMING INITIATIVES AT THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

To assist in funding enhanced services at the Mandel Public Library of West Palm Beach, in Resolution No. 6-10, the Commission authorized the Mayor to execute an agreement between the City of West Palm Beach and the West Palm Beach Library Foundation Inc. ("Foundation") allowing the Foundation to solicit donations for the Mandel Public Library of West Palm Beach.

Funding raised by the Foundation will be used to purchase new technology equipment, such as a teen-use-only laptop kiosk, additional laptops to have on hand during homework center hours, gaming devices for programs, and new signage for the teen area. Funding will also cover additional programming initiatives for all ages of patrons visiting the library.

As part of this initiative, the Mandel Public Library is partnering with the Public Art Program in the fourth iteration of The Commons project. One or two local artists, selected by the public art committee, will collaborate directly with teens to design and create a unique art installation that reflects their voices, creativity, and newly updated environment. \$10,000 from this resolution will go towards The Commons – Teen Space.

Fiscal Note:

Approval will recognize a contribution from the Library Foundation, providing appropriations for the teen space and an art installation from ArtLife.

- 8.3. Resolution No. 82-26 authorizing Palm Beach County to use the Lake Pavilion to host a Small Business Week Breakfast on May 4, 2026, and authorizes the waiver of fees in the total estimated amount of \$2,725.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 82-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING PALM BEACH COUNTY TO USE THE LAKE PAVILION TO HOST A SMALL BUSINESS WEEK BREAKFAST ON MAY 4, 2026; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

National Small Business Week is May 3–9, 2026, and Palm Beach County has requested the City to partner with them in recognizing National Small Business Week. The week will kick off with the Palm Beach County Office of Small Business Development's "Small Business Week Kickoff Breakfast" on May 4, 2026, from 8:00 a.m. – 10:30 a.m. to be held at the Lake Pavilion.

Palm Beach County will be offering a series of local initiatives focused on training, growth, and scaling opportunities for small businesses.

As a partner in recognizing National Small Business Week, the City will sponsor the use of the Lake Pavilion by waiving the fees associated with renting the facility. This sponsorship is valued at \$2,725.

Additional programming includes the City of West Palm Beach's "Start Smart" training series (May 6, 13, and 20), a "Brand Lift" workshop series, and various leadership panels.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 8.4. Resolution No. 90-26 authorizing the Town of Palm Beach Police Department to locate drone equipment on City property in the Town of Palm Beach and approving the execution of a Drone License Agreement between the City and the Town of Palm Beach.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 90-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE TOWN OF PALM BEACH TO LOCATE DRONE EQUIPMENT ON CITY PROPERTY IN THE TOWN OF PALM BEACH; APPROVING A DRONE LICENSE AGREEMENT WITH THE TOWN OF PALM BEACH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach owns a water pump station located on property within the Town of Palm Beach (Town) as part of the City's water utility serving the Town. The Town Police Department desires to utilize a drone as part of the Police Department's first responder operations to benefit law enforcement with public safety and serve a public purpose.

The City's water pump station building is identified as an optimal location that can support a drone docking platform and the drone communication system. The Town Police Department communicated to the City its intent to use the drone to observe areas that are in public view and where there is no reasonable expectation of privacy.

The license that the Town desires to obtain from the City will be for the installation, operation, and maintenance of its drone docking system on the City Pump Station building located at 736/758 Slope Trail (North Lake Way) within the Town to support its police drone operations.

Resolution No. 90-26 grants the Town of Palm Beach permission to locate its drone equipment on the City's water pump building located within the Town.

Fiscal Note:

No fiscal impact.

- 8.5. Resolution No. 92-26 approving the submittal of an application to the Florida Department of Environmental Protection for a grant in the amount of \$800,000 to replace eligible diesel trucks of Engine Model Year 2009 or older.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 92-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE FY 2026 TO FLORIDA'S VOLKSWAGEN SETTLEMENT DIESEL EMISSION MITIGATION PROGRAM-CLASS EIGHT (8) MUNICIPAL SERVICE TRUCKS GRANT FOR A GRANT IN THE AMOUNT OF \$800,000 TO REPLACE ELIGIBLE DIESEL TRUCKS OF ENGINE MODEL YEAR 2009 OR OLDER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Florida Department of Environmental Protection (Department) issued a Notice of Funding Availability (NOFA) announcing \$20 million in grant funding for the purchase of new Class eight (8) trucks and port drayage

trucks powered by diesel, compressed natural gas (CNG), or propane. This funding will support the replacement of eligible diesel trucks with engine model years 2009 or older.

Eligible replacement vehicles must be utilized for waste hauling, waste management activities, or municipal services (e.g., electrical utilities, potable water or wastewater utilities, and emergency response).

For Municipal Service Truck grants, the maximum potential award for qualifying governmental entities or municipalities is \$800,000; which represents funding for up to two (2) replacement units at \$400,000 per unit.

Resolution No. 92-26 authorizes the submittal of a grant application to the Department. If awarded, the grant agreement, along with the associated financial resolution, will be presented to the Commission for approval.

Fiscal Note:

If awarded, the remaining costs of the two (2) trucks will be paid from Fire Assessment Funds.

9. RESOLUTIONS

- 9.1. Resolution No. 87-26 accepting the Analysis of Tree Canopy Cover for the City, establishing a goal for a twenty-five (25%) tree canopy coverage in the City by 2035.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 87-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING THE TREE CANOPY COVER REPORT; ESTABLISHING THE GOAL TO ACHIEVE TWENTY-FIVE (25%) CANOPY COVER BY 2035; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 87-26.

Background Information:

The Analysis of Tree Canopy Cover report provides an in-depth description of the City of West Palm Beach's current tree canopy coverage and the benefits trees provide, including improved air quality, strengthening stormwater management, improved public health, increased property values, and enhanced City resilience. This report was provided by the Green Infrastructure Center (GIC) under a contract with the City.

This report proposes a goal to achieve twenty-five (25%) canopy cover in our urban and residential neighborhoods. The report identifies that a one percent (1%) increase in the current tree canopy will allow the city to reach that goal, reversing the downward trend in canopy cover. Further, the report presents strategies to maintain and increase the canopy.

Pursuing this goal could entail encouraging community members to plant as many as 12,620 additional trees across the City, primarily in residential and other private garden spaces. The City's share of the one percent (1%) increase goal is to plant about 2,524 trees -- 252 trees per year -- on City-controlled property. Currently, the City provides free trees through giveaway events and hosting volunteer tree-planting occasions. To date, the City has distributed over 10,000 trees.

Work products accompanying the report include:

- Analysis of the current extent of the urban forest through high-resolution tree canopy mapping.
- A Potential Planting Area analysis to determine where additional trees could be planted.
- Calculations of the environmental and social benefits provided by the City's trees.
- Strategies to expand canopy coverage over time.
- An online story map to visualize the data and show where new trees could be planted.

This assessment supports West Palm Beach's goal to become better prepared to manage existing and future hazards in a changing environment and to become more resilient.

The City can use the data to prioritize canopy restoration in specific areas where it is most needed. Accompanying the report, West Palm Beach now has baseline data to monitor progress on canopy protection or expansion.

The next proposed step is for the City to select and prioritize target areas for implementation of the tree planting goal, such as neighborhoods with the highest mean temperatures, parks, schools, and specific streets, such as entrance corridors and downtown areas. Additionally, it is recommended to promote the planting of tree species with a high ecological value, such as native and drought-tolerant species, hurricane-resistant species, and those that support welcomed biodiversity.

The report suggests that in four (4) years, the City consider updates to the canopy cover mapping to determine whether the City is meeting its goal. The specific strategies recommended in the report are subject to future City approval and funding.

Resolution No. 87-26 accepts the Tree Canopy Cover report and establishes the goal of increasing the City's tree canopy cover by one percent (1%) by 2035, which would achieve a tree canopy cover of twenty-five (25%).

Fiscal Note:

The Canopy Assessment does not request any additional budget. The intent is to partially fund the outlined strategies through the Tree Mitigation Fund, to seek grants as appropriate, and to incorporate funding annually as budget becomes available.

- 9.2. Resolution No. 91-26(F) authorizing the utilization of Tree Mitigation Fund reserves (\$80,000) for the Northwood Hills Tree Replacement project.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 91-26(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 2025/2026 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO UTILIZE TREE MITIGATION RESERVES TO PROVIDE APPROPRIATIONS FOR REPLACING DECEASED PUBLIC TREES IN THE NEIGHBORHOOD OF NORTHWOOD HILLS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 91-26(F).

Background Information:

The City of West Palm Beach recognizes the importance of urban tree canopy to provide cooling shade, reduce energy usage, enhance property values, and improve stormwater management.

The City of West Palm Beach took action in 2023 and 2024 to improve the urban canopy in the Historic Northwood Hills neighborhood by directing a qualified landscape contractor to install and maintain for one (1) year, 100 Florida-friendly and native street trees throughout the Historic Northwood Hills neighborhood.

The 100 trees planted were found to be failing in early 2025. The City now seeks to hire a contractor to remove and replace those 22 dead and poorly growing trees identified throughout the Historic Northwood Hills Neighborhood. The work includes provisions to water and maintain the replacement trees until the new trees are viable or established.

Resolution No. 91-26(F) amends the General Fund Budget by authorizing the transfer of \$80,000 Tree Mitigation Reserves to provide appropriations for the replacement of trees in the Northwood Hills Tree Replacement project.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval will utilize Tree Mitigation reserves to provide appropriations for the Northwood Hills Tree Replacement project.

- 9.3. Resolution No. 88-26(F) recognizing the Developer payment for the Northwood Road Height Incentive and appropriating funds for the Northwood Road Extension project.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 88-26(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF FUNDS IN FISCAL YEAR 2025/2026 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE CAPITAL ACQUISITION FUND BUDGET TO RECOGNIZE THE RECEIPT OF A DEVELOPER PAYMENT RELATED TO THE NORTHWOOD ROAD HEIGHT INCENTIVE AND PROVIDE APPROPRIATIONS FOR THE NORTHWOOD ROAD EXTENSION PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 88-26(F).

Background Information:

In accordance with Section 94-215(k)(2)(i) of the City of West Palm Beach Zoning and Land Development Regulations, a Developer of certain parcels within the CMUD Core 1A sub-district located on either side of the Northwood Road extension, can achieve a maximum height of 350 feet in exchange for the payment of no more than \$6.0 million (the "Northwood Road Height Bonus").

On February 2, 2026, Ordinance No. 5151-25 was approved at Second Reading, which approved an agreement by which certain Developer entities, among other matters, agreed to make payment of \$6.0 million to the City to be applied toward the costs of the design and construction of the Northwood Road extension in exchange for the Northwood Road Height Bonus.

The payment of the required \$6.0 million by the Developer to the City in accordance with the Covenant Agreement was made in March 2026.

In order to establish this funding in the Capital budget, Commission approval of Resolution No. 88-26(F) recognizes and appropriates \$6.0 million into the Capital Acquisition Fund for future expenditures towards the construction of the Northwood Road extension.

The total estimated project cost is \$7.2 million, of which \$1.2 million will be funded through the Sales Surtax Roadway improvements budget. The construction contract for Northwood Road extension is anticipated to go out to bid in the Spring of 2027 and be completed in mid-2028.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval of this item recognizes and provides appropriations in the amount of \$6.0 million that is to be used toward the Northwood Rd. Extension Project.

10. PUBLIC HEARING

- 10.1. Public Hearing and Second Reading of Ordinance No. 5148-25 granting to Florida Public Utilities Company, its successors and assigns, a non-exclusive franchise for a period of thirty (30) years to sell, distribute, transport, and transmit natural, manufactured, or mixed gas in the City of West Palm Beach.

Originating Department:

Mayor's Office

Ordinance/Resolution:

ORDINANCE NO. 5148-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF THIRTY (30) YEARS TO SELL, DISTRIBUTE, TRANSPORT, AND TRANSMIT NATURAL, MANUFACTURED, OR MIXED GAS IN THE CITY OF WEST PALM BEACH, FLORIDA; PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING

SEVERABILITY; PROVIDING AN EFFECTIVE DATE UPON FINAL PASSAGE; AND REPEALING PRIOR ORDINANCE.

Staff Recommended Motion:

Approve Ordinance No. 5148-25 on Second Reading.

Background Information:

The City of West Palm Beach, Florida (the "City") owns and/or exercises control over the City's rights-of-way (as defined herein).

Florida Public Utilities Company (the "Company") has requested permission from the City to continue to erect, construct, operate, and maintain a gas system to import, transport, sell, and distribute gas (as defined herein) within the City; and for these purposes to establish and install facilities and equipment and to lay and maintain gas mains, service pipes, and any other appurtenances as are used or useful in the sale, transportation, and distribution of gas within the City limits. The last Franchise Agreement between the Company and the City expired in 2019.

The City desires to ensure that the rights-of-way, property, and utility easements used by the Company are promptly restored to a safe and secure condition to protect the health, safety, and welfare of the citizens and residents of the City.

The City finds that it is in the public interest and advances the health, safety, and welfare of its citizens to enter into this Franchise Agreement with the Company.

Fiscal Note:

Estimated revenue of \$150,000 for FY2026.

- 10.2. Public Hearing and First Reading of Ordinance No. 5167-26 authorizing the lease of Pioneer Park at 1450 S. Olive Avenue to the Norton Museum of Art, Inc., for the creation of and use as a public art / cultural park.

Originating Department:

Mayor's Office

Ordinance/Resolution:

ORDINANCE NO. 5167-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE LEASE OF THE PROPERTY LOCATED AT 1450 S. OLIVE AVENUE, KNOWN AS PIONEER PARK, TO THE NORTON MUSEUM OF ART, INC., FOR DEVELOPMENT AS AN ART PARK TO REMAIN OPEN TO THE PUBLIC; APPROVING A LEASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5167-26 on First Reading and schedule Second Reading on April 27, 2026.

Note: Pursuant to Section 22-31(27) of the Code of Ordinances, the lease shall be approved by a super majority (4/5) vote of the City Commission at either First or Second Reading.

Background Information:

The City of West Palm Beach is the owner of certain real property located at 1450 S. Olive Avenue, which is an open green median between S. Flagler Drive, Pioneer Plaza, Diana Place, and Acteon Place, known as "Pioneer Park" (the "Property").

During the 1890's, some of the earliest pioneer settlers along the shores of the body of water known as Lake Worth (today the Intracoastal Waterway) cooperatively acquired a plat of real property used as the first cemetery in northern Dade County (today part of Palm Beach County). Approximately two hundred (200) of the earliest pioneer settlers and community leaders of what is today Palm Beach County were interred at the cemetery. The cemetery remained in use until 1921. In 1921, the pioneers donated the cemetery property to the City of West Palm Beach, with the restriction that the property only to be used as a public park and that such park be known as and referred to in perpetuity as "Pioneer Memorial Park". The Property, which is the subject of this Ordinance, is a small portion of the property that was the pioneer cemetery.

The Norton Museum of Art, Inc., desires to lease the Property from the City for the purpose of constructing and operating an art/cultural park, which will include approved works of art and lighting in order to beautify and activate this public space, and utilize it for certain public and private events.

The terms of a lease of the Property have been negotiated with the Norton Museum of Art, which include the following material terms and conditions:

- Term: The lease term is fifty (50) years with an option to renew for an additional twenty (20) years.
- Rent: Base rent is \$100 per year. Commencing the 10th year of the Lease term, provided: (1) the endowment of the Norton Museum for the cultural park only is at least Twenty-Five Million Dollars (as increased by the CPI annually); (ii) that the Norton Museum has budgeted and reserved for any required capital projects for the Property as determined by the Board of Directors of the Norton Museum; and (iii) that the Norton Museum has a surplus of funds, then the Norton Museum shall pay Additional

Rent equal to twenty-five percent (25%) of the Norton Museum's Net Revenue for the fiscal year.

- Naming Rights: The Norton Museum may name the park Property, the sculpture garden, or any individual garden room, work of art, or other improvement, without the City's consent or approval, subject to certain limitations.
- Works of Art: The works of art displayed at the Property shall be the property of, or shall be under loan to, the Norton Museum. The Norton Museum shall have full and exclusive authority to select, acquire, install, display, rotate, relocate, modify, store, and remove any and all works of art to be located within the Property.
- Bollards: The Norton Museum will be granted the right to install, control, operate, and maintain bollards and/or other traffic control devices on Diana Place and Actaeon Place. The Norton Museum shall be permitted to operate the bollards to restrict or regulate vehicular or pedestrian access to the Property every Friday from 5:00 p.m. to Saturday at 11:00 p.m. from November 1 through April 30 of each year, for activities open to the public. Other closures shall be in conjunction with a private event, which has been permitted by the City.
- Neighboring Property Use: The City agrees that it will not install any vertical buildings, whether temporary or permanent, in the adjacent areas along Flagler Drive and S. Olive Avenue.
- Community Programs: The Norton Museum agrees to work with local K-12 schools to provide at least two (2) annual art education programs located at the Property, along with at least one (1) annual free event that is open to the public that celebrates arts and culture.
- Local Workforce: The Norton Museum will use all commercially reasonable efforts to inform and hire at least fifteen percent (15%) of the on-site construction labor workforce from City residents.
- Small Business Participation: The Norton Museum will use all commercially reasonable efforts to engage no less than eighteen percent (18%) of its contractors and subcontractors from small businesses certified by the City.
- Completion: The completion of the construction of the art / cultural park improvements within the Property shall be completed three (3) years from commencement of construction, but no later than five (5) years from the execution of the Lease, subject to force

majeure. Should the Norton Museum fail to obtain the necessary capital funding to commence the project or receive City approvals within the first thirty-six (36) months, the Lease shall be in default, subject to force majeure and a sixty (60) day cure period.

Pursuant to Section 2-31(27)(c) of the Code of Ordinances, appraisals are not required for a lease of property to a bona fide not-for-profit corporation, and the Norton Museum of Art is a not-for-profit corporation.

Pursuant to Section 22-31(27) of the Code of Ordinances, the lease shall be approved by ordinance, and such ordinance shall be approved by a super majority (4/5) vote of the City Commission at either First or Second Reading.

Commission District 5: Commissioner Stephen Sylvester.

Fiscal Note:

No fiscal impact.

- 10.3. Pubic Hearing of Resolution No. 77-26 approving the conveyance of five (5) City-owned properties located on the Broadway Corridor: 2803 Broadway, 2813 Broadway, 2815 Broadway, 601 27th Street, and 611 27th Street, to 2823 Broadway QOZB LLC for development of an affordable rental housing project.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 77-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE OF PROPERTY LOCATED AT 2803 BROADWAY, 2813 BROADWAY, 2815 BROADWAY, 601 27TH STREET AND 611 27TH STREET TO 2823 BROADWAY QOZB LLC FOR DEVELOPMENT OF AN AFFORDABLE HOUSING RENTAL PROJECT; APPROVING THE AGREEMENT FOR CONVEYANCE AND DEVELOPMENT OF REAL PROPERTY AND THE AGREEMENT FOR AFFORDABLE RENTAL HOUSING AND RESTRICTIVE COVENANT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 77-26.

Background Information:

By Resolution No. 246-23, the City Commission made a determination of surplus of real properties located at 2803 Broadway, 2813 Broadway, 2815 Broadway, 601 27th Street, and 611 27th Street, and selected the method of disposition to be a competitive Invitation to Negotiate (ITN) process.

Resolution No. 42-24 authorized City staff to develop an ITN for the lease and/or purchase and development of the properties on the Broadway Corridor with the intent of soliciting proposals that would maximize the development potential of the site, act as a catalyst for additional development and economic impact, as well as provide a mixed-use, mixed-income residential project to include affordable/workforce housing.

The City Commission directed City staff to negotiate an agreement with 2823 Broadway QOZB, LLC after a presentation of their proposal received under ITN No. 23-24-500.

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

- Project: The development will be a mixed-use project that will incorporate residential units, retail, public space, and parking consisting of approximately 151 affordable housing units; 5,000 square feet of ground floor retail and /or community facility space; 166 parking spaces; and a 7,500 square foot pocket park.
- Affordable Housing: 100% of the residential units shall be affordable housing (at or below 80% of the area median income (AMI) as follows: 18% (27 units) for qualified households at 30% AMI or less; 56% (85 units) for qualified households at 31-50% AMI; and 26% (39 units) for qualified households at 51-80% AMI. The period of affordability shall be no less than thirty (30) years.
- Design and Architectural Features: The Developer will incorporate visually appealing elements into the design of the Project, including a modern interpretation of South Florida tropical design with breezeblock-inspired features, large windows and balconies, and pastel tones reflective of mid-century modern architecture, while utilizing a form-based approach that respects the transition from the commercial corridor to adjacent residential neighborhoods.
- Sustainability and Resilience: The Developer agrees to construct the Project to meet or exceed the National Green Building Standards (NGBS) Silver certification criteria and shall incorporate sustainable design practices and energy-efficient materials in the construction plan.

- Purchase Price: The property will be conveyed at no cost. The City's sole financial contribution to the Project is the value of the property, which is being provided at no cost to support the delivery of long-term affordable housing.
- Local Workforce Plan: The Developer shall obtain the City's written approval of its Local Workforce Plan detailing its plan to inform and hire at least fifteen percent (15%) of its on-site construction workforce from City residents.
- Small Business Participation: The Developer shall use all commercially reasonable efforts to engage no less than eighteen percent (18%) of its contractors and subcontractors from small businesses certified by the City.
- Mineral Rights: Section 270.11, Florida Statutes, provides that unless the City chooses not to reserve its interest, deeds for the sale of land shall reserve to the City an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals and metals that are or may be in, on or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on or under said land with the privilege to mine and develop the same. The City has no indication that any such minerals exist on the property and has no intent to enter the Property to mine for minerals. The City will release its statutory interest with the deed.

The Agreement for Conveyance and Development of Real Property and Agreement for Affordable Rental Housing and Restrictive Covenant, being provided with this agenda item, provides a detailed description of the terms and conditions that were negotiated among the parties.

Section 22-31(27) of the City Code of Ordinances provides that the City Commission may waive the need for appraisals for properties by unanimous approval.

Pursuant to Section 22-31(27) of the City Code of Ordinances, property to be conveyed for the construction of housing pursuant to a City housing program may be approved by resolution by simple majority vote.

Resolution No. 77-26 approves the conveyance of the five (5) City-owned properties along the Broadway Corridor and authorizes the execution of the conveyance agreement, affordable housing agreement, and related documents to facilitate the development of this project.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact.

11. COMMENTS FROM THE PUBLIC

Public comments are limited to three (3) 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.