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

City Administrator Faye W. Johnson  
City Attorney Kimberly Rothenburg  
City Clerk (Interim) Jacqueline Mobley

**City of West Palm Beach  
City Commission  
DRAFT Agenda  
Monday, August 22, 2022  
5:01 PM**

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three days prior to any proceeding, contact the City Clerk's Office, 401 Clematis Street, West Palm Beach, FL 33401, (561) 822-1210.

**1. CALL TO ORDER**

**2. MOMENT OF SILENCE**

**3. PLEDGE OF ALLEGIANCE**

**4. CIVILITY AND DECORUM**

The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

**5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA**

**6. PROCLAMATION**

- 6.1. Tribute Presentation to Robert S. Sanders, Esquire.

**Originating Department:**  
Mayor's Office

## 7. APPOINTMENTS

- 7.1. City Commission approval is requested for the Mayor's reappointment of Nicholas Mihelich to the Downtown Action Committee for a term of three years (3) to expire August 21, 2025. Mr. Mihelich 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. Nicholas Mihelich's background is in architecture and is a resource for the Committee.

- 7.2. City Commission approval is requested for the Mayor's appointment of Samantha R. Bratter to the Downtown Development Authority for a term of three years (3) to expire on July 1, 2025. Ms. Bratter will fill the seat of Ms. Mary Hurley-Lane. It is required that the City Commission confirms this appointment.

**Originating Department:**  
Mayor's Office

- 7.3. City Commission approval is requested for the Mayor's reappointment of Ms. Andrea Peppers and Mr. Leo Perry to the Library Board for a term of three years (3) to expire on July 20, 2022. Ms. Peppers and Mr. Perry 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:**

Ms. Andrea Peppers and Mr. Leo Parry have been dedicated, longstanding members who provide continuity and insights into the advancement of the Library.

- 7.4. City Commission approval is requested for the Mayor's reappointment of Mr. Lon Sabella to the Watersheds Advisory Committee for a term of two years (2) to expire on June 2, 2024. Mr. Sabella 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. Lon Sabella has fit into one of the slots for a resident and has taken active interest in assisting to lower the flood insurance rates for the City.

**8. CONSENT CALENDAR**

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

8.1. Minutes of the Regular City Commission Meeting of July 25, 2022

**Originating Department:**

Mayor's Office

8.2. Resolution No. 192-22 acknowledging the Mayor's authority to execute releases of code enforcement liens and declaring releases of liens encumbering property owned by the West Palm Beach Community Redevelopment Agency serve a valid public purpose.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 192-22: A RESOLUTION OF THE CITY COMMISSION OF CITY OF WEST PALM BEACH, FLORIDA, ACKNOWLEDGING THE MAYOR'S AUTHORITY TO EXECUTE RELEASES OF CODE ENFORCEMENT LIENS ENCUMBERING REAL PROPERTY AND DECLARING RELEASES OF LIENS ON REAL PROPERTY OWNED BY THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY SERVE A PUBLIC PURPOSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

**Background Information:**

The City of West Palm Beach imposes liens on real property within its jurisdiction pursuant to Chapter 26 of the City of West Palm Beach Code of Ordinances. The liens imposed pursuant to Chapter 26 run in favor of the City's governing body and may be released by the Mayor.

The West Palm Beach Community Redevelopment Agency carries out community redevelopment activities in order to eliminate blight, reduce crime, provide affordable housing, and rehabilitate areas designated for redevelopment. The CRA acquires and disposes of real property to accomplish these objectives. The property acquired by the CRA is sometimes encumbered by City code enforcement liens and releasing such liens would help the CRA to achieve its redevelopment objectives.

This resolution recognizes the Mayor's authority to release code enforcement liens and declares such release serve a public purpose.

**Fiscal Note:**

No fiscal impact.

- 8.3. Resolution No. 203-22 accepting a grant agreement with the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management (IPTM), for a grant not to exceed \$21,826.47 for the reimbursement of overtime costs incurred for the public education and enforcement of bicycle safety and pedestrian safety; and

Resolution No. 204-22(F) providing for the receipt and appropriation of Twenty One Thousand Eight Hundred Twenty Six dollars Forty Seven cents (\$21,826.47) in grant funding.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 203-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT IN THE AMOUNT OF \$21,826.47 FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT FOR REIMBURSEMENT OF OVERTIME EXPENSES INCURRED FOR THE PUBLIC EDUCATION AND ENFORCEMENT OF PEDESTRIAN AND BICYCLE SAFETY LAWS; AUTHORIZING THE MAYOR TO EXECUTE THE LETTER OF AGREEMENT AND CONTRACT BETWEEN THE UNIVERSITY OF NORTH FLORIDA TRAINING AND SERVICES INSTITUTE, INC., D/B/A INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 204-22(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 GENERAL FUND BUDGET TO RECOGNIZE RECEIPT OF FUNDS FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT (IPTM) FOR REIMBURSEMENT OF OVERTIME COSTS FOR TRAFFIC EDUCATION AND ENFORCEMENT AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

**Background Information:**

The University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM"), is the recipient of a grant from the Florida Department of Transportation (FDOT) for the education and enforcement of Pedestrian and Bicycle safety laws. The funding is intended to support activities that should reduce pedestrian and bicycle crashes as they are more likely than any other types of crashes to

produce serious injuries or fatalities. West Palm Beach was awarded a portion of the funding allocated to the University of North Florida for the administration of the FDOT grant.

The award notification was received June 2022 providing \$21,826.47 to the City through a Vendor agreement with the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM"), for the purpose of providing reimbursement for overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety.

This Pedestrian and Bicycle Safety Enforcement Campaign is approved for overtime hourly costs plus benefits for operations to be completed with sworn Police Officers at locations identified by the grantor and are to be carried out between the date of document execution and May 19, 2023. The approved intersections/corridors to conduct operations are identified within the scope of this grant as:

1. U.S. 1 (42 Street to 48th Street);
2. 45th Street (Military Trail to Village Boulevard); and
3. 45th Street (East Avenue to Greenwood Avenue).

Each year, if the vendor meets the terms set forth in the agreement, the grantor may award additional funds. Those funds are accepted through an amendment to the grant documents and must be executed by all parties before the additional overtime is performed.

Commission District 1: Commissioner Cathleen Ward.

Commission District 2: Commissioner Shalonda Warren.

**Fiscal Note:**

No fiscal impact.

- 8.4. Resolution No. 219-22 approve submittal to the State of Florida Department of Environmental Protection Multiple applications to the Resilient Florida Grant Program.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 219-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING SUBMITTAL TO THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF MULTIPLE APPLICATIONS

UNDER THE RESILIENT FLORIDA GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The 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, eligible applicants may apply to receive funding assistance to analyze and plan for vulnerabilities, as well as implement adaptation and mitigation projects. Florida Statutes Section 380.093 provides more information on available grant programs and requirements.

Proposals for FY2022-23 projects are being accepted by the Resilient Florida grant program, with a grant application deadline of September 1, 2022. While the CS/SB 1954 legislation was signed into law May 12, 2021, there are still unanswered questions about how this program will operate, and the state will be engaging in further rulemaking during the upcoming legislative session related to this program. For further information, draft legislative rules related to this program are attached.

Under the Resilient Florida program, two (2) types of grant applications are being accepted by the state for: (1) Planning grants; and (2) Implementation grants.

Approval is requested for the City to submit up to three (3) grant applications under the two categories noted above as follows:

Planning Grants: One (1) Planning grant expanding the Vulnerability Assessment grant scope from last year's awards to include more detailed project descriptions and adaptation project planning. Planning grants do not require a funding match. Estimated grant request is up to \$150,000.

Implementation Grants: Up to two (2) Implementation Grants for the following potential projects:

- SW Outfall Tidal Valve Installation - Phase II: Portions of Flagler Drive are subject to tidal flooding by sea water coming up through the stormwater outfall pipes and drainage catch basins onto the road. The project will address flooding in the vicinity of S. Lakeside Ct., 9th St., Monceaux Rd, Sunset Rd., Monroe Dr., and Edmor Rd. Estimated project cost \$1.5M. If selected, 50% match will be provided by The Public Utilities Department.
- Flagler Dr. Underground Hardening Phase 2: This requests expands on the Resilient Florida grant award for Phase 1 from the last grant cycle and continues the work within the area. Estimated grant

project request \$2.5M. If selected, 50% match will be provided by The Public Utilities Department.

These potential projects will adapt critical assets to the changing conditions we all are experiencing. Implementation grants require a 50% funding match (50/50 cost share). At this time, it is unknown when and how the City will have to demonstrate proof of a match, but it is estimated that a partial match would have to be provided in the FY2023-24 fiscal year, with additional matches required over the two remaining years of the grant term.

Resolution No. 219-22 authorizes the submittal of the grant application and acknowledges that matching funds will be required if the Implementation grants are awarded.

**Fiscal Note:**

\$1.25M is included in the Water & Wastewater Utility Renewal & Replacement Fund 454 FY23 Budget for Flagler Drive Area Underground Utilities Hardening Phase II.

\$750,000 is included in the Stormwater Utility Renewal & Replacement Fund 485 FY23 Budget for Tidal Valves Phase II.

**9. PUBLIC HEARING**

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

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5014-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE V - COMMERCIAL DISTRICTS, ARTICLE VII - SPECIAL DISTRICTS, ARTICLE IX - PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS AND SPECIAL USES, ARTICLE XV - PARKING AND APPENDIX A - MASTER USE LIST, TO CORRECT NUMBERING AND FORMATTING ERRORS CREATED BY THE ADOPTION REGULATIONS FOR COMMUNITY RESIDENCE AND CURRIE MIXED-USE DISTRICT; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS

CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5014-22.

**Background Information:**

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

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

**Fiscal Note:**

Not applicable.

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

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5015-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE II - ORGANIZATION, ADMINISTRATION AND ENFORCEMENT AND ARTICLE VII - SPECIAL DISTRICTS, TO AMEND THE THRESHOLD REQUIREMENTS BETWEEN A MAJOR AND MINOR AMENDMENT FOR DEVELOPMENTS OF SIGNIFICANT IMPACTS AND PLANNED DEVELOPMENTS; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5015-22.

**Background Information:**



As staff reviews and updates the ZLDR, one of the areas that staff is focusing on is improving the review and approval process to make the process more efficient for developers, applicants, and staff. One such area is the review and approval process for developments within a Planning Development (PD) and Development of Significant Impacts (DSI). All developments in a PD or DSI are approved with specific square footages as part of a master plan and any changes to that approved master plan require some form of approval by the City. These changes could either trigger a minor amendment (staff approval), or a major amendment (Commission approval) process. There are two (2) determining factors that staff is proposing to amend to distinguish what may constitute a minor versus major amendment. These include traffic generation and an increase in building square footage. Currently, any increase in traffic, including one (1) trip, requires a major amendment even if the developer is only adding 100 square feet or changing the use of a proposed building. Also, any increase in a building square footage over five (5) percent of the total amount within a building also trips the threshold between a minor and a major amendment.

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

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

**Fiscal Note:**

Not applicable.

- 9.3. Public Hearing and First Reading of Ordinance No. 4999-22 amending Chapter 86 of the City's Code of Ordinances to establish the City's Wrecker Operator System.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

ORDINANCE NO. 4999-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 86 (TRAFFIC) BY AMENDING

AND RESTATING ARTICLE I (IN GENERAL) TO AMEND SECTION 86-1(DEFINITIONS) TO ADD NEW DEFINITIONS AND ADDING A NEW SUBSECTION 86-9 TO CREATE A WRECKER OPERATOR SYSTEM; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 4999-22 on first reading and schedule second reading.

**Background Information:**

The City previously provide for the towing or storage of disabled vehicles or vessels by entering into franchise agreements with towing companies selected through the City's procurement process. The franchise agreements, among other things, charged the towing companies a franchise fee, payable to the City, for the privilege of operating within the City. Florida Statute 166.04464 now prohibits Municipalities from imposing a fee or charge on an authorized wrecker operator or towing business for towing, impounding or storing a vehicle or vessel. The statute does authorize a Municipality to impose a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel to cover the cost of enforcement when the vehicle or vessel is towed from public property. The fee may not exceed 25 percent (25%) of the maximum towing rate and may be collected on behalf of the City by an "authorized wrecker operator" or towing business. The Legislature also adopted Section 166.043, which requires counties to establish the maximum rates (rates chargeable by towing companies). Palm Beach County's current rates are attached to this item. This section also provides that Municipalities may opt-out of the applicability of the county rates by adopting their own ordinance establishing such rates. The City does not presently have such an ordinance. Based on the County's current towing rates and cost factors associated with vehicle removal, the Finance Department has determined that the approximate cost to the City to remove a vehicle is one hundred nine and 09/100 Dollars (\$109.09). This amount would be the City's current administrative fee.

Section 323.002, Florida Statutes defines an "authorized wrecker operator" as "any wrecker operator who has been designated as part of the "wrecker operator system" established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle". That section defines "Wrecker Operator System" as "a system for the towing or removal of wrecked, disabled, or abandoned vehicles under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways. A wrecker operator system must include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods".

Section 323.004 defines “unauthorized wrecker operator” as any wrecker operator who has not been designated as part of the wrecker operator system. That section prohibits unauthorized wrecker operators from monitoring police radio communications in order to determine the location of a disabled vehicle; from driving by the scene of a disabled vehicle to offer towing services and if they are driving by the scene of a disabled vehicle and is stopped by the disabled vehicle operator, it regulates the disclosures that must be made to the operator. Violation of these provisions is an offense ranging from a noncriminal violation to a first degree misdemeanor.

The City does not have a Wrecker Operator System. Ordinance No. 4999-22 establishes the City’s Wrecker Operator System. It provides the method of selection and qualifications for operators; imposes an administrative fee in the amount of 25 percent (25%) of the maximum towing rate established by Palm Beach County from time to time; authorizes operators to collect the fee on behalf of the City; regulates the operation of unauthorized operators and provides for the right of disabled vehicle owners or operators to choose an operator of their own choice.

**Fiscal Note:**

No fiscal note.

- 9.4. Public Hearing and First Reading of Ordinance No. 5017-22 amending Chapter 94 Article IV: Downtown Master Plan, to modify language regarding the TDR incentive for designating historic landmark sites, and to modify the language within the open space standards.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5017-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ARTICLE IV - DOWNTOWN MASTER PLAN URBAN REGULATIONS - SECTION 94-132(C.)(2.)(D.) - TRANSFER OF DEVELOPMENT RIGHTS PROGRAM & SECTION 94-109 DEFINITIONS AND MINIMUM REQUIREMENTS - TABLE IV-7 OPEN SPACE STANDARDS; TO SUNSET THE PROVISION THAT PROVIDES ELIGIBLE LANDMARK STRUCTURES ADDITIONAL CITY-OWNED TDRS AS AN INCENTIVE FOR LANDMARK DESIGNATION AND TO AMEND THE OPEN SPACE STANDARDS TABLE AND DEFINITIONS TO INCLUDE PROVISIONS FOR MAXIMUM OVERHEAD COVER WITHIN OPEN SPACES; DECLARING THESE PROPOSED ZONING TEXT AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE ZONING AND LAND DEVELOPMENT REGULATIONS OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A

SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5017-22 amending Article IV, Downtown Master Plan Urban Regulations - Section 94-132(c.) (2)(D.) Transfer of Development Rights Program & Section 94-109 Definitions and Minimum Requirements - Table IV-7 Open Space Standards.

**Background Information:**

In 2017, the City Commission approved Ordinance No. 4691-17 amending the Downtown Master Plan (DMP) to create a landmark program to provide landmark status for historically significant buildings that demonstrate an exceptional contribution in: history, architecture, archeology, engineering or culture, and have maintained a high degree of integrity. The goal of the program was to incentivize the preservation of such potential landmark sites by being eligible to receive City owned Transfer of Development Rights (TDRs) equivalent to their current development capacity in addition to their original set of TDRs.

Since the program adoption, six (6) buildings have been designated as landmark structures and have taken advantage of the City's incentive.

After five years of establishing the incentive, it is the City's desire to sunset the provision that provides eligible landmark structures additional City-owned TDRs as an incentive for designation. The TDR availability is currently low, and it is the City's desire to have flexibility to allocate City-owned TDRs to the projects that the City considers appropriate according to its goals. Eligible structures could still pursue the landmark designation, but no City-owned TDRs will be available as an incentive.

The current DMP regulations include specific standards for the provision of public and private open spaces. The standards, included in Table IV-7 of Section 94-109, establish the minimum size of the open space, the adjacent active use abutment, minimum seating and other minimum characteristics intended to ensure the quality of the open space provided.

In recent months, staff has identified the need to clarify certain standards within the table, in particular the standard regarding the provision of overhead cover. Staff has received requests from developers to provide covered areas as part of the private open space. Based on those requests, and recognizing the provision of covered areas is beneficial for the enjoyment of the open space, staff is recommending an amendment to the open space standards table to include provisions for maximum open space cover in those cases where no provisions are specified in the table.

The subject area is located within Commission District 3: Commissioner Christy Fox.

- 9.5. Public Hearing of Resolution No. 206-22 approving a Transportation Demand Management agreement between EAHG West Palm Beach, LLC and the City of West Palm Beach for the 695 South Olive Avenue hotel.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 206-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING A TRANSPORTATION DEMAND MANAGEMENT AGREEMENT BETWEEN EAHG WEST PALM BEACH, LLC, AND THE CITY OF WEST PALM BEACH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 206-22 authorizing a Transportation Demand Management agreement between EAHG West Palm Beach, LLC and the City of West Palm Beach for the 695 South Olive Avenue hotel.

**Background Information:**

EAHG West Palm Beach, LLC is the developer of the recently completed hotel located at 695 South Olive Avenue. The proposed hotel will impact traffic congestion on the surrounding streets. Staff worked with the developer identifying certain transportation demand management (TDM) strategies to mitigate the project's impacts on the surrounding street. The established TDMs include:

1. Transportation passes purchased by the developer and offered to guests and employees based on demand.
2. Valet operation and short term parking.

As the project was originally approved as a residential project with micro-units, the TDM agreement includes TDM strategies for a residential use also in the event that the building is converted back into residential use in the future.

Commission District 3: Commissioner Christy Fox.

- 9.6. Public Hearing of Resolution No. 207-22 adopting the assessment roll for the Chronic Nuisance Assessment for fiscal year 2022/23, which includes properties with unpaid charges for the abatement of code violations and chronic nuisance.

**Originating Department:**

Finance

**Ordinance/Resolution:**

RESOLUTION NO. 207-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATED TO THOSE NON-AD VALOREM ASSESSMENTS, WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT MOWING AND DEBRIS REMOVAL SERVICES, BOARDING AND SECURING OF VACANT OR UNSAFE STRUCTURES, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES, CALLS FOR SERVICE AND INSPECTIONS TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY, AND OTHER PROPERTY MAINTENANCE SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY; APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2022/23; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 207-22.

**Background Information:**

In September 2011, the City of West Palm Beach adopted a series of new Ordinances intended to change the way the City deals with chronic nuisance properties and chronic nuisances in general. These ordinances were intended to recognize that the work that City staff provides to chronic nuisance properties is of direct benefit to the affected property. Through the adoption of Ordinance Nos. 4350-11, 4361-11, and 4362-11, the City Commission declared that any unpaid chronic nuisance service charges, unpaid Code Enforcement re-inspection assessment charges, or unpaid costs incurred for the abatement of code violations that remained delinquent and unpaid should become a special assessment against these properties as a non-ad valorem assessment equal in rank and dignity to a lien for ad valorem taxes.

In order to satisfy the statutory requirements for the implementation of special assessments contained in Section 197.3632 Florida Statutes, the City Commission also adopted Resolution No. 17-13, which declared the City's intent to utilize the uniform method of collecting these non-ad valorem assessments.

By Resolution No. 187-22, the City Commission directed the Finance Director to prepare an assessment roll for the chronic nuisance service assessments for fiscal year 2022/23, and set August 22, 2022 as the date for the public hearing to adopt a final assessment roll as required by statute. Written notification by first class mail was sent to each affected property owner advising of the total amount to be levied against each parcel of assessed real property; that failure to pay the assessment will cause a tax certificate to be issued against the property; that the property owners have a right to appear at the public hearing and to file written objections with the City Commission within twenty (20) days of the date of the notice; and providing the date, time, and place of the public hearing. Notice of the assessment was also published in the Palm Beach Post.

**Fiscal Note:**

No fiscal impact, as revenue generated from the Chronic Nuisance Program is a reimbursement of expenditures incurred by the City to abate the nuisance.

- 9.7. Public Hearing of Resolution No. 208-22 establishing the rates for the Fire Service Assessment Fee for fiscal year 2022/2023 and approving the assessment roll.

**Originating Department:**

Finance

**Ordinance/Resolution:**

RESOLUTION NO. 208-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE RATES FOR THE FIRE SERVICE SPECIAL ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022; APPROVING THE RATES OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 208-22 with no increase in the Fire Service Assessment Fee.

**Background Information:**

Fire suppression, prevention, and other fire services provide a special benefit to properties by protecting the value and integrity of improvements to real property and protecting the use and enjoyment of such property. The availability of comprehensive fire services reduces the cost of fire insurance and enhances the market perception and property values.

In 2008, the City Commission adopted Ordinance No. 4141-08, Resolution No. 212-08, and Resolution No. 332-08, establishing an annual recurring Fire Services special assessment program for properties within the City to fund the assessable costs of providing fire services, excluding Emergency Medical Services. The City Commission approved a rate increase for the Fire Service Assessment August 27, 2018 for the first time since initially adopted in 2008. In fiscal year 2019/20, it was determined that a further increase in the Fire Assessment rates was necessary to help offset the increase in the operating costs of the Fire Department. Accordingly, by Resolution No. 228-19 on July 15, 2019, the City Commission adopted the Preliminary Rate for 2019/20, which increased the fire assessment rates. The City contracts with Government Services Group (GSG) Inc. for annual Fire Assessment Program services. Studies conducted by GSG Inc. revealed significant increases in firefighters' pensions, building renovations for additional personnel, acquisition and maintenance of fire trucks,

equipment, hoses and apparatus, and operating costs over the period 2008 to 2019 justifying the two rate increases.

By Resolution No. 186-22, the City Commission adopted the Preliminary Rate Resolution directing the matters specified in Section 2.08 of the Ordinance, including the updating of the Assessment Roll, the mailing and publication of notice, and the scheduling of a public hearing. The Preliminary Rate Resolution made no change to the assessment rates.

The preliminary Assessment Roll was updated and made available for inspection by the public, as required by the Ordinance. Notice of this public hearing was published in the Palm Beach Post on July 22, 2022 and was also mailed to each affected property owner.

Based on the discussion at the Commission Meeting held on July 11, 2022, the Fire Service Assessment will remain the same as fiscal year 2022. The current rates are:

RESIDENTIAL: \$100

**NON-RESIDENTIAL PROPERTY**

(Rate Per Building Square Foot)

Commercial	\$0.103
Industrial/Warehouse	\$0.018
Institutional	\$0.123
Nursing Home	\$0.372

No Fire Services Assessment will be imposed upon Governmental Property. The City will buy down this exemption with non-assessment funds.

Institutional Property, whose use is wholly exempt from taxation under Florida law, shall be assessed, but shall be required to pay only twenty percent (20%) of the Fire Services Assessment imposed against each parcel. The City will buy down this eighty percent (80%) exemption with non-assessment funds.

The Fire Service Special Assessment will be collected by the County Tax Collector through the property tax bill.

Resolution No. 208-22 approves the Fire Service Special Assessment for FY22/23 without change to the assessment rates.

**10. PUBLIC HEARING - QUASI-JUDICIAL**

Disclosure of ex-parte communications, if any\*



Swearing-in of witnesses.

- 10.1. Public Hearing and First Reading of Ordinance No. 5016-22: Rezoning the Reflections Center Planned Development from its existing Commercial Planned Development (CPD) designation to the DMP's underlying ClearLake - 25 (CLD-25) subdistrict.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5016-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REZONING THE REFLECTIONS CENTER PLANNED DEVELOPMENT (DPUD) LOCATED GENERALLY NORTH OF CLEARWATER PLACE AND WEST OF CLEARWATER DRIVE FROM A COMMERCIAL PLANNED DEVELOPMENT (CPD) TO CLEARLAKE DISTRICT - 25 (CLD-25); DECLARING THIS REZONING TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5016-22.

**Background Information:**

On December 17, 1979, the City Commission approved Ordinance No. 1486-79, rezoning the property generally located along Clearwater Place and Clearwater Dr. and between South Australian Avenue and Tamarind Avenue. A portion of the property was rezoned from Multiple Dwelling District (R-5) to Office (O) and then the entire property was rezoned from Office (O) to Commercial Planned Development (CPUD). The Reflections Center CPD was planned as a two-phase development, with each tower and surface parking lot developed per phase. The Reflections Center CPD received site plan approval for two (2) eight-story office buildings containing approximately 159,210 square feet of professional office, restaurant, and commercial use with 390 parking spaces on 5.74 acres.

Policy 3.1.4 (D.) of the DMP Element of the City's Comprehensive Plan, states that new PDs shall not be permitted and existing PDs shall not expand. The intent of this policy is to ensure that development within the DMP area is consistent with the intent of the DMP zoning regulations. Policy 3.1.4 (D.) specifically states that if a Planned Development is abandoned, the properties included with the Planned Development will be deemed to have the development capacity and zoning for the district in which the properties are located.

After the City's 1995 adoption of the DMP and the subsequent update within 2009, the underlying zoning for the area has been the ClearLake

District - 25 (CLD-25). This request would abandon the PD status and formally adopt the existing DMP zoning district.

Commission District 3: Commissioner Christy Fox.

## 11. COMMENTS FROM THE PUBLIC

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

## 12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

## 13. ADJOURNMENT

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

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