



401 Clematis Street  
West Palm Beach, Florida 33401  
(561) 822-2222 (TTY) 800-955-8771  
[www.wpb.org](http://www.wpb.org)

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  
Tuesday, September 6, 2022  
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. RECEIVED / FILED**

- 6.1. Approval of the Internal Auditor's Office FY2023 Annual Audit Plan.

**Originating Department:**

Internal Audit

**Background Information:**

Pursuant to Section 2-398(d), the internal auditor is required to submit an annual audit plan for the next fiscal year to the Audit Committee. On August 17, 2022, the Audit Committee reviewed the draft FY2023 Audit Plan and unanimously recommended it for approval by the City Commission. The Internal Auditor's Office would like the plan approved, received, and filed.

**Fiscal Note:**

No fiscal impact.

## 7. 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.

7.1. Minutes of the Regular City Commission Meeting of August 08, 2022

**Originating Department:**

Mayor's Office

7.2. Minutes of the Regular City Commission Meeting of August 22, 2022

**Originating Department:**

Mayor's Office

7.3. Resolution No. 217-22 calling for a General City Election to be held on Tuesday, March 14, 2023, for the purpose of electing a Mayor and two (2) City Commissioners and calling for a General City Run-off Election to be held on Tuesday, March 28, 2023, if necessary.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CALLING FOR A GENERAL CITY ELECTION TO BE HELD ON TUESDAY, MARCH 14, 2023, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) CITY COMMISSIONERS; CALLING FOR A GENERAL CITY RUN-OFF ELECTION TO BE HELD ON TUESDAY, MARCH 28, 2023, IF NECESSARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City Charter and the Code of the City of West Palm Beach provide for a General City Election to be called by the City Commission on the second Tuesday in March, March 14, 2023, for the purpose of electing a Mayor and two (2) City Commissioners: one residing in District 2, and one residing

in District 4. These laws also require that a General City Run-off Election be called by the City Commission on the 14th day after the first election, March 28, 2023, if necessary. Adoption of Resolution No. 217-22 establishes the dates of the election and run-off election.

**Fiscal Note:**

No fiscal impact.

- 7.4. Resolution No. 221-22 approves a Conditional Settlement Agreement totaling \$140,000 in the matter of Rafael Guedes v. City of West Palm Beach.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 221-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$140,000 IN THE MATTER OF RAFAEL GUEDES v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Rafael Guedes has brought a claim by way of a complaint in the Fifteenth Judicial Circuit in Rafael Guedes v. City of West Palm Beach for an accident that occurred on May 1, 2020. The City has reached a settlement agreement with Mr. Guedes and his attorney to resolve the matter for a total of \$140,000. Mr. Guedes has signed a general release that releases the City from all claims arising from this incident, which ends all of the claims for damages, including all attorneys' fees and costs, against the City of West Palm Beach.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims over \$30,000 shall require the approval of the City Commission by formal resolution. Resolution No. 221-22 approves the conditional settlement agreement.

- 7.5. Resolution No. 216-22 approving the construction of an expansion to the tiger habitat, to be completed by the Zoological Society of the Palm Beaches, Inc., within the Palm Beach Zoo's leased premises located at 1301 Summit Boulevard.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 216-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONSTRUCTION OF AN EXPANSION TO THE TIGER HABITAT BY THE PALM BEACH ZOO WITHIN ITS LEASED PREMISES LOCATED AT 1301 SUMMIT BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On July 21, 1969, the City of West Palm Beach entered into a lease agreement with the Zoological Society of The Palm Beaches, Inc. (the "Zoo"), leasing a portion of City-owned property within Dreher Park, located at 1301 Summit Boulevard, for the construction, operation, and maintenance of a zoo facility.

As amended and restated from time to time, the lease agreement between the City and the Zoo requires that individual structures or improvements in excess of \$5,000 are to be submitted to the City Commission for prior approval, as such improvements would occur on City-owned property.

The Zoo is currently proposing to expand its existing tiger habitat. As such improvements are in excess of \$5,000, the Zoo is requesting approval from the City Commission (reference Attachment 1 and Attachment 2).

Commission District 5: Commissioner Christina Lambert.

- 7.6. Resolution No. 201-22 authorizing the Mayor to execute an Interlocal Agreement between the City and the School Board of Palm Beach County for the Mutual Use of Recreational Facilities.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 201-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE SCHOOL BOARD OF PALM BEACH COUNTY FOR MUTUAL USE OF RECREATIONAL FACILITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City and the School Board of Palm Beach County had an Interlocal Agreement, which was approved by Resolution No. 144-17. The terms of the agreement were for a period of one (1) year and an automatic renewal up to four (4) additional consecutive one (1) year terms. This agreement has now expired. The City's Department of Parks and Recreation and the School District wish to enter into a new agreement with with the same terms.

This interlocal agreement allows the School Board of Palm Beach County and the City to utilize each other's recreational and classroom facilities. The agreement provides the procedure for authorizing the use.

The City desires access to School Board facilities to offer City-run summer camps and athletic facilities for special programs and events. Additionally, School Board Principals at schools located within the city limits may request use of park pavilions, the aquatic center, recreational and sports facilities for school programs and events.

This agreement provides the mechanism and specific parameters for mutual use by the School Board and the City.

**Fiscal Note:**

No fiscal impact.

## 8. RESOLUTIONS

- 8.1. Resolution No. 111-22 granting Face of the City approval of the design features for the Dreher Park Restroom replacements.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 111-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR DREHER PARK RESTROOM REPLACEMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 111-22.

**Background Information:**

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping. Accordingly, the proposed replacement of the 4 restrooms in Dreher Park require "Face of the City" approval.

Restroom Locations

Restroom #1 is the northern most restroom and is currently located about 575 ft south of Southern Boulevard. The restroom is proposed to be replaced in place and can not be relocated due to the current location of underground utilities in the area.

Restroom #2 is located north of the Science Center. The restroom is proposed to be replaced in place and can not be relocated due to the current location of underground utilities in the area. This will be the last restroom installed due to the Cox Science Centers proposed improvements, which may result in a new location for placement.

Restroom #3 is located south of Summit Blvd (Dreher Park South) next to the playground replacing the existing restroom facility.

Restroom #4 is located south of Summit Blvd (Dreher Park South) next to Pavilion #3 and sand volleyball courts replacing the existing restroom.

### Community Engagement

The design for the restrooms has been presented to the Dreher Park Neighborhood Association at their regular membership meetings prior to the COVID pandemic. The feedback from the original community meetings was a desire for the restrooms to be of natural colors using green and brown. These colors were used in the final design for the new restrooms. The final designs were presented again more recently to the neighborhood association at their membership meeting on May 17, 2022 to ensure the community was still in favor of the designs. The board of directors and members in attendance were all in favor of the designs, locations and project schedule starting construction in late Spring 2023.

Commission District 5: Commissioner Christina Lambert.

### **Fiscal Note:**

Project Fully Funded. Funding from 2016B Capital Improvement Fund.

- 8.2. Resolution No. 211-22 approving the submittal to the U.S. Department of Transportation for a Safe Streets and Roads for All (SS4A) Discretionary Grant in the amount of \$350,000 to fund development of an action plan for traffic safety initiatives.

### **Originating Department:**

Engineering

### **Ordinance/Resolution:**

RESOLUTION NO. 211-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR A SAFE STREETS AND ROADS FOR ALL PLANNING GRANT IN THE AMOUNT OF \$350,000 FOR DEVELOPMENT OF A VISION ZERO ACTION PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

### **Staff Recommended Motion:**

Approve Resolution No. 211-22.

**Background Information:**

Resolution No. 244-18 by the City Commission established the goal of zero traffic fatalities on West Palm Beach streets, and adopted Vision Zero as the policy for road and traffic safety for the City of West Palm Beach. Resolution No. 244-18 was adopted August 13, 2018. Since that time, City staff has been working on a draft Action Plan to serve as the guiding document identifying the City's priorities and plans for traffic safety initiatives. Under the leadership of the Office of the Mayor, more than a dozen City departments and safety partners have collaborated to develop the plan.

Vision Zero commits to several principles; most importantly, that traffic crashes are not "accidents" and that tools and technology exists to prevent the loss of life. This comprehensive approach to traffic safety is a partnership between the City, community members, and private sector to create a transportation system that will better serve all road users.

The U.S. Department of Transportation (DOT) Safe Streets and Roads for All (SS4A) grant program provides funding for two types of grants: Action Plan Grants (for comprehensive safety action plans) and Implementation Grants. Action Plan Grants are used to develop, complete, or supplement a comprehensive safety action plan. The primary deliverable for an Action Plan Grant is a publicly available Action Plan. The DOT considers the process of developing an Action Plan to be critical for success, and the components reflect a process-oriented set of activities.

Successful grant applications will demonstrate engagement with a variety of public and private stakeholders and seek to adopt innovative technologies and strategies to: Promote safety; Employ low-cost, high-impact strategies that can improve safety over a wider geographic area; Ensure equitable investment in the safety needs of underserved communities, which includes both underserved urban and rural communities; Incorporate evidence-based projects and strategies; and Align with the Department's mission and with priorities such as equity, climate and sustainability, quality job creation, and economic strength and global competitiveness.

The City desire to apply to DOT for for a Safe Streets and Roads for All (SS4A) Action Plan grant to develop a comprehensive Vision Zero Action Plan with prioritized action items/projects for the City of West Palm Beach. The plan would then be used to request future grant and for capital project development.

The grant requires a 20% match of funds. The total planning project budget is \$400,000; seeking \$350,000 in grant funds with a City match of \$70,000 from the Vision Zero initiative.

Total Grant funding requested is \$350,000.

City match total is: \$70,000.

Breakdown of City match that is already budgeted:

- \$54,000 from Engineering Services general fund account for Vision Zero established in FY 20-21.
- \$16,000 from Capital Acquisition fund for Roadway Improvements.

The grant funding year is 2023. The project area covers the entire City.

Applications must be submitted by 5:00 PM EDT on Thursday, September 15, 2022.

**Fiscal Note:**

Total project amount is \$350,000. Grant funding of \$280,000. City match of \$70,000 will be covered by using \$54,000 from the Vision Zero project from the Engineering Services General Fund budget and \$16,000 from the Capital Acquisition fund budget for roadway improvements.

- 8.3. Resolution No. 227-22 deferring the water rate increase for one (1) year, until October 1, 2023.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 227-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DEFERRING THE SCHEDULED OCTOBER 1, 2022 RATE INCREASE FOR WATER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 227-22.

**Background Information:**

Ordinance No. 4965-21 established the current water and wastewater rates, fees and charges. Specifically, the Ordinance provides that all rates and fees, except System Capacity Charges, Late Payment Fees, Deposits, and Returned Item Fees, will automatically be increased by one percent (1%) for water every October 1st beginning on October 1, 2022. There were no rate increases on October 1, 2021.



Resolution No. 227-22 defers the one percent (1%) water rate increase scheduled to take effect on October 1, 2022.

Public Utilities staff and its rate consultant, Raftelis, have determined that deferring the water rate increase until no later than October 1, 2023, will not have a material adverse effect on compliance with the covenants delineated in the Bond Resolution.

Staff is recommending the scheduled water rate increase be deferred one (1) year, until October 1, 2023.

**Fiscal Note:**

The one percent (1%) water rate increase was not included in the Water & Wastewater Fiscal Year 2023 Operating Fund budget. Deferral of the water rate increase will not have a material adverse effect on compliance with the covenants delineated in the Bond Resolution.

- 8.4. Resolution No. 229-22 related to the Utility System Variable Rate Revenue Bonds, Series 2008C, authorizing extension of the liquidity facility and authorizing renewal of the substitute standby bond purchase agreement.

**Originating Department:**

Finance

**Ordinance/Resolution:**

RESOLUTION NO. 229-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RELATING TO THE CITY'S OUTSTANDING CITY OF WEST PALM BEACH, FLORIDA UTILITY SYSTEM VARIABLE RATE REVENUE BONDS, SERIES 2008C; AUTHORIZING THE EXTENSION OF THE LIQUIDITY FACILITY AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE LIQUIDITY FACILITY EXTENSION DOCUMENTS; ACKNOWLEDGING AND CONFIRMING PRIOR EXECUTION OF THE FOURTH AMENDMENT TO STANDBY BOND PURCHASE AGREEMENT; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Staff Recommended Motion:**

Approve Resolution No. 229-22.

**Background Information:**

On June 16, 2008, the City Commission adopted Resolution No. 285-08 authorizing the issuance of not to exceed \$110,000,000 in principal amount of the City of West Palm Beach ("City") Utility System Variable Rate Revenue Bonds, Series 2008C ("Series 2008C Bond"), for the purpose of paying the costs of certain utility improvements. Under this Resolution, the City issued \$99,990,000 of Series 2008C Bonds on August 20, 2008.

The Series 2008C Bonds consist of both hedged and unhedged variable rate debt. Approximately \$43.7 million of variable rate debt with maturities of October 1, 2020 through October 1, 2025, remain unhedged and the rate will vary. The interest rate swap ("Series 2008C Swap") replaced the 2005 Swap which existed on the Series 2005 Bonds (refunded by the 2008 debt). In the Series 2008C Swap, the City agreed to pay a contractual fixed rate of interest to a swap provider and in return receives a variable rate of interest to use as a hedge against the interest requirements of approximately \$56.3 million of underlying 2008C Bonds with maturities of October 1, 2035 through 2038.

Among other related financing documents, Resolution No. 285-08 also authorized the City to enter into a three (3) year Standby Bond Purchase Agreement ("SBPA") (i.e. Liquidity Facility) with Dexia Credit. This Standby Bond Purchase Agreement expired on August 20, 2011. At that time the City requested that our Financial Advisor seek bids to replace the expiring SBPA. The City pursued an agreement with JP Morgan Chase for a three (3) year term which expired on August 3, 2014. The Substitute Standby Bond Purchase Agreement was authorized by Resolution No. 184-11. Upon the expiration of this contract in 2014, the City executed a three (3) year extension with JP Morgan Chase with no change in terms and conditions and a more favorable rate of 48 basis points for the term to expire August 3, 2017. Again in 2017, the City and PFM reviewed bids and decide to renew with JP Morgan Chase, this time for an extended term of five (5) years at 50 basis points for a term to expire August 3, 2022.

Due to a change in the Bond Registrar and lack of notice received by the Bond Registrar, a short-term extension of the Standby Bond Purchase Agreement was executed with an expiration of November 1, 2022. At this time, the City is looking to renew the five (5) year extension with JP Morgan Chase Bank at a favorable rate of 46 basis points for a term to expire November 1, 2027. The City will be required to pay bank counsel fees in an amount not to exceed \$6,500 for preparation of the amendment to the commitment as well as the amended fee letter, along with \$12,000 for City's bond counsel. There were no other changes in terms and conditions.

**Fiscal Note:**

The City will be required to pay bank counsel fees in an amount not to exceed \$6,500 for preparation of the amendment to the commitment as well as the amended fee letter, along with \$12,000 for City's bond counsel.

## 9. PUBLIC HEARING

- 9.1. Public Hearing and First Reading of Ordinance No. 5018-22 amending Chapter 34, City of West Palm Beach Code of Ordinances, pertaining to noise.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

ORDINANCE NO. 5018-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 34 (ENVIRONMENT), ARTICLE II (NOISE CONTROL REGULATIONS), TO REVISE THE METHOD OF NOISE MEASUREMENT AND THE ENFORCEMENT OF NOISE VIOLATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5018-22.

**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, welfare, peace, and quiet of the City's inhabitants and visitors through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of the City's inhabitants and visitors.

The City Commission has previously enacted Noise Control Regulations under Article II (Noise Control Regulations), Chapter 34 (Environment) of the City Code of Ordinances to regulate, control, and prevent unreasonably loud, excessive, unnecessary or unusual noise, loud and raucous noise, or any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace, or safety of the City's inhabitants and visitors.

However, as the City has grown, so to have its noise issues. The City's current Noise Code Regulations do not adequately address the vast array of noise challenges the City now faces, including, for example, the misuse of amplified sound devices that disrupt citizen's and visitors' use and enjoyment of the City. Indeed, to help investigate the wide array of noise issues the City faces, the City hired a noise expert, who conducted a three-day investigation of the City's noise issues. A copy of his written findings is provided hereto and available upon request.

To rectify the new noise issues the City now faces, the City Commission desires to amend the City's Noise Code Regulations by further regulating sound volume within the City's limits according to the needs of both involuntary and voluntary listeners. In the same vein, the City Commission further desires to amend the City's Noise Code Regulations to protect the City's inhabitants and visitors from unwelcome noise and unreasonably annoying or disturbing projections of sound from sound devices. In so doing, the City Commission recognizes the rights of its citizens to free

speech at public streets, sidewalks, parks, and other public fora, and has taken into account these rights when drafting the applicable legislation.

Adoption of Ordinance No. 5018-22 amend the City's Noise Control Regulations to address these concerns and to provide for noise control regulations that achieve the compelling government interest of protecting the City's inhabitants and visitors from unwelcome noise by employing narrowly tailored regulations that leave open ample alternative channels of communication.

**Fiscal Note:**

There is no fiscal impact.

- 9.2. Public Hearing of Resolution No. 214-22 accepting the award of \$76,620 in grant funding from the U.S. Department of Justice Edward J. Byrne Formula Grant Program to be used for the purchase of equipment and technology necessary for combatting/reducing violent crime and promoting public trust within the community; and

Resolution No. 215-22(F) appropriating the grant funds.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 214-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A U.S. DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT IN THE AMOUNT OF \$76,620 TO BE USED BY THE POLICE DEPARTMENT TO PURCHASE EQUIPMENT AND TECHNOLOGY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 215-21(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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF THE 2022 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT (JAG) PROCEEDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 214-22 and Resolution No. 215-22(F).

**Background Information:**

The U.S. Department of Justice, Office of Justice programs (OJP), Bureau of Justice Assistance (BJA), is seeking applications for funding under the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The JAG Grant Program is a formula based program which allocates funding to eligible applicants for law enforcement purposes. Such eligible applicants must then apply to receive the allocated funding.

The City of West Palm Beach is an eligible applicant under the JAG Grant Program for Fiscal Year 2022 in the amount of \$76,620.

The City of West Palm Beach, on behalf of its Police Department, desires to submit an application to the U.S. Department of Justice, Edward Byrne Justice Assistance Formula Grant Program for a grant in the amount of Seventy-Six Thousand Six Hundred Twenty Dollars (\$76,620) to be used to purchase technology to be implemented as part of its violent crime prevention initiative.

### **Project Summary**

The West Palm Beach Police Department intends to use the JAG Grant awarded funds to proactively combat violent crime and conduct narcotics related investigations through the Criminal Investigations and Special Investigations Divisions. Conducting violent crime investigations, including homicides, related firearm type crimes and major drug trafficking investigations involves the use of sophisticated equipment/technology and utilizing investigative databases. It is also necessary to have immediate notification of in-progress violent crimes with the assistance of the community. The awarded funds are to be allocated as follows:

1. Purchase of	
"Pen Link Station	\$13,918.90
2. Purchase of	
"Star Chase" program	\$22,733.25
3. Purchase of	
"Safer Watch App" program	<u>\$40,000.00</u>
TOTAL GRANT FUNDS	\$76,620.00

The Command Staff of the West Palm Beach Police Department has identified a violent crime investigations initiative as one of its top priorities. Combating violent and major narcotics related crimes is a priority in making the residents and visitors of West Palm Beach, Florida safe and secure in their persons and property. A well-equipped and funded Criminal Investigations and Special Investigations Divisions are crucial in conducting major criminal investigations. Successful investigations of this nature require sophisticated surveillance equipment, immediate notification of the crimes and investigative databases.

The West Palm Beach Police Department commits to purchasing and deploying covert “Star Chase” surveillance equipment to track stolen vehicles and utilize the “Pen Link” investigative database. The “Safer Watch App” program will partner with the community we serve to give them immediate access in reporting in-progress violent crimes. These investigative tools will assist in conducting major violent & narcotic related criminal investigations to reduce violence in our communities and neighborhoods.

Resolution No. 214-22 approves submittal of an application for the JAG Program Grant and authorizes execution of all documents necessary to receive the grant.

Resolution No. 215-22(F) appropriates the grant funds when received.

## 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. 4994-22 regarding a voluntary annexation of approximately 1.57 acres;

Public Hearing and First Reading of Ordinance No. 4995-22 regarding an amendment to the City's Future Land Use Map to assign a Future Land Use designation of Community Service to the annexed 1.57 acres;

Public Hearing and First Reading of Ordinance No. 4996-22 regarding an amendment to the City's Zoning Map to assign a zoning designation of Community Service to the annexed 1.57 acres;

Public Hearing and First Reading of Ordinance No. 4997-22 regarding a Major Planned Development Amendment to expand the boundaries of the Peggy Adams Animal Rescue League Community Service Planned Development (CSPD) to incorporate the annexed 1.57 acres; and

Discussion of Resolution No. 99-22: Regarding a Major Planned Development Amendment to the Peggy Adams Animal Rescue League CSPD to update the site development plans and development regulations to reflect the expanded boundary of the CSPD, to amend the sign program, and related site changes.

The request was submitted by Collene Walter of Urban Design Studio, on behalf of the Peggy Adams Animal Rescue League, which is located at 3200 North Military Trail.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 4994-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A VOLUNTARY ANNEXATION OF APPROXIMATELY 1.57 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 12TH STREET AND HIBISCUS CIRCLE; DECLARING THAT ALL LEGAL PREREQUISITES AND REQUIREMENTS HAVE BEEN MET; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4995-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY ASSIGNING A FUTURE LAND USE DESIGNATION OF COMMUNITY SERVICE TO APPROXIMATELY 1.57 ACRES OF LAND ANNEXED INTO THE CITY, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 12TH STREET AND HIBISCUS CIRCLE; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4996-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY ASSIGNING A ZONING DESIGNATION OF COMMUNITY SERVICE TO APPROXIMATELY 1.57 ACRES OF LAND ANNEXED INTO THE CITY, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 12TH STREET AND HIBISCUS CIRCLE; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4997-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE PRIOR ORDINANCES RELATING TO THE PEGGY ADAMS ANIMAL RESCUE LEAGUE COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED AT 3200 NORTH MILITARY TRAIL; TO EXPAND THE PEGGY ADAMS ANIMAL RESCUE LEAGUE COMMUNITY SERVICE PLANNED DEVELOPMENT BY APPROXIMATELY 1.57 ACRES; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 99-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PEGGY ADAMS ANIMAL RESCUE LEAGUE COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED AT 3200 NORTH MILITARY TRAIL, TO UPDATE THE SITE DEVELOPMENT PLANS AND DEVELOPMENT REGULATIONS TO REFLECT THE EXPANDED BOUNDARY OF THE PEGGY ADAMS ANIMAL RESCUE LEAGUE COMMUNITY SERVICE PLANNED DEVELOPMENT, TO AMEND THE SIGN PROGRAM, AND RELATED SITE CHANGES; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 4994-22 regarding the voluntary annexation of approximately 1.57 acres. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the proposed annexation meets the criteria for voluntary annexation, pursuant to Chapter 171, Section 171.044, Florida Statutes.

Approve Ordinance No. 4995-22 regarding an amendment to the City's Future Land Use Map to assign a Future Land Use designation of Community Service to the 1.57 acres annexed by Ord. No. 4994-22. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the proposed assignment of the Community Service Future Land Use designation meets at least one of the Future Land Use Amendment Standards found in Future Land Use Element Policy 1.1.5 of the City's Comprehensive Plan.

Approve Ordinance No. 4996-22 regarding an amendment to the City's Zoning Map to assign a zoning designation of Community Service to the 1.57 acres annexed by Ord. No. 4994-22. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the proposed assignment of the Community Service zoning designation complies with all eight Rezoning Standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Approve Ordinance No. 4997-22 regarding a Major Planned Development Amendment to expand the boundary of the Peggy Adams Animal Rescue League Community Service Planned Development (CSPD) to incorporate the 1.57 acres annexed by Ord. No. 4994-22. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the Major Planned Development Amendment to expand the CSPD boundary meets



all eight (8) of the required Amendment Standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations

Discuss Resolution No. 99-22 regarding a Major Planned Development Amendment to the Peggy Adams Animal Rescue League CSPD to update the site development plans and development regulations to reflect the expanded boundary of the CSPD, to amend the sign program, and related site changes.

**Background Information:**

The Peggy Adams Animal Rescue League (PAARL) is a not-for-profit animal shelter, which provides shelter to lost, homeless and unwanted animals, as well as adoption and spay/neutering services. The entire campus was zoned as a Community Service Planned Development (CSPD) in 2008. Since that time, PAARL has been upgrading their campus with the construction of the Grace Pavilion animal care facility and a new adoption center as well as other site improvements to further their mission. This request covers additional expansion of and upgrades to the PAARL campus.

Over the past few years, the PAARL has acquired six parcels along 12th Street which are currently located in Palm Beach County. The PAARL is requesting to voluntarily annex the parcels into the City and incorporate them into the PAARL CSPD. Within the existing CSPD, the PAARL is continuing to upgrade its facilities and would like to modify its approved master sign plan to permit the installation of additional low freestanding signs along North Military Trail. A summary of each requests is included below, with the full analysis included in the attached Planning Board Report.

*Ordinance No. 4994-22 - Annexation*

The PAARL is requesting a voluntary annexation of six parcels, totaling approximately 1.57 acres. The six parcels are located on the north side of 12th Street and share their western boundary with the current PAARL CSPD. The property to the north, east and south will remain within unincorporated Palm Beach County.

*Ordinance No. 4995-22- Future Land Use Map Designation Assignment*

Upon annexation into the City, the property must be assigned a City Future Land Use (FLU) designation. The PAARL campus has a Community Service (CS) FLU. Since the plan is to incorporate the annexed parcels into the PAARL campus, the applicant is requesting a CS FLU designation for the annexed parcels, which is appropriate.

Pursuant to Chapter 163 of the Florida Statutes, each level of service (LOS) element (i.e. drainage, potable water, wastewater, solid waste,

school and traffic) for any proposed FLU Map amendment shall be reviewed and analyzed by the City to determine if the new FLU designation, utilizing the maximum development potential, would cause any increase in impact, and if so, whether or not each public facility has the reserved capacity to accommodate the additional demand. While the proposed new FLU designation will increase the wastewater, solid waste and traffic based on the additional intensity from the proposed City FLU designation as compared to the existing Palm Beach County FLU designation, these increased will not exceed the service provider capacities.

*Ordinance No. 4996-22 - Zoning Map Designation Assignment*

Upon annexation into the City and the assignment of a City CS FLU designation, the property must be assigned a City zoning designation. Community Service (CS) is the appropriate zoning designation within a CS FLU designation as well as appropriate for the animal shelter use.

*Ordinance No. 4997-22 - Major Planned Development Amendment - Boundary Expansion*

The PAARL would like to incorporate the properties that are part of the annexation request into their existing CSPD. In accordance with Section 94-207(e)(1)(b) of the Zoning and Land Development Regulations, a change in the boundary of a planned development must be processed as a Major Planned Development Amendment. The applicant has not presented a use for the area that will be added to the CSPD. The final CSPD acreage will total approximately 14.7 acres.

The Major Planned Development Amendment to expand the CSPD boundary meets all eight (8) of the required Amendment Standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

*Resolution No. 99-22 - Major Planned Development Amendment - Site Development Plans and Development Regulations*

The site development plans will be updated to show the inclusion of the additional acreage in the CSPD. Additionally the plans will be updated to reflect changes to the eastern portion of the site, which includes the outdoor dog exercise areas. As part of the changes PAARL is including a new 340 square foot restroom building so that facilities are provided in proximity to the exercise areas. (Due to cost/funding issues, the original scope of work covered in the Planning Board Report has been reduced.)

The PAARL CSPD includes a Site Specific Sign Program which includes freestanding (monument) signs, wall signs on the adoption center and

parking lot instructional signs. Currently, two freestanding signs are permitted on the campus, one along Military Trail and one along 12th Street. The PAARL is requesting two additional signs along North Military Trail.

Section 94-408(f)(2)(d) of the Zoning and Land Development Regulations states that within the Community Service zoning district, the maximum number of low freestanding signs is one sign for each individual business occupant on the lot to a maximum of three signs. Since the PAARL is the only business occupant on the lot, by code they are permitted only one sign. As stated, they were previously granted two signs, one on each street frontage. The PAARL is requesting a waiver to allow two additional signs (total of four on the lot) as part of an amended Site Specific Sign Program. The sign locations and sizes conform to the remainder of the Community Service sign standards.

**Waiver** – Section 94-408(f)(2)(d) Maximum number of all low freestanding signs on each lot – Maximum one sign for each individual business occupant on the lot to a maximum of three are permitted. Four signs are requested.

The PAARL campus has two street frontages; however, due to the size of the campus and the presence of a commercial businesses at the corner where the two street frontages intersect, the actual PAARL campus does not have a corner presence. The campus is located along North Military Trail, a six-lane divided arterial roadway. This combination of factors has led to the PAARL requesting more signs so that passersby will note not only entrances to the site, but also the mission that PAARL provides, namely animal rescue. Staff does not object to this request.

**STANDARDS:**

*Ordinance No. 4994-22:* The proposed annexation meets the criteria for voluntary annexation, pursuant to Chapter 171, Section 171.044, Florida Statutes.

*Ordinance No. 4995-22:* The proposed assignment of the CS FLU designation meets at least one of the Future Land Use Amendment Standards found in Future Land Use Element Policy 1.1.5 of the City's Comprehensive Plan.

*Ordinance No. 4996-22:* The proposed assignment of the CS zoning designation complies with all eight Rezoning Standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

*Ordinance No. 4997-22:* The Major Planned Development Amendment to expand the CSPD boundary meets all eight (8) of the required Amendment

Standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

*Resolution No. 99-22:*

The Major Planned Development Amendment to the site development plans and development regulations meets all eight (8) of the required Amendment Standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above referenced standards is detailed in the attached Planning Board Staff Report.

**PLANNING BOARD:** The Planning Board recommended approval (5-0) of all of the requests to the City Commission after a Public Hearing on March 15, 2022.

**PUBLIC NOTICE:** Individual notices were mailed to all property owners within 500 feet of the Peggy Adams Animal Rescue League CSPD. Signs for the Major Amendment were posted on the property on February 28, 2022.

**COUNTY ANNEXATION NOTICE:** On February 16, 2022, the Palm Beach County Department of Planning, Zoning & Building issued a letter that did not identify any inconsistencies with Chapter 171, Florida Statutes.

**FUTURE LAND USE AMENDMENT NOTICE:** The Interlocal Plan Amendment Review Committee was notified of the Future Land Use Amendment on January 13, 2022, and to date, the City has not received any objection.

**COMMISSION DISTRICT:** The existing CSPD property is located within Commission District 2: Commissioner Shalonda Warren, and the annexed parcels will also be part of Commission District 2.

**Fiscal Note:**

No fiscal impact.

## 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.