



401 Clematis Street
West Palm Beach, Florida 33401
(561) 822-2222 (TTY) 800-955-8771
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
PASS/FAIL Agenda
Monday, October 3, 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. PRESENTATION - PRESENTED

- 6.1. Tribute Presentation to Saint Ann Catholic School on their 100th Anniversary Celebration. Mrs. Susan Demes, School Principal and Very Rev. Nestor Rodriguez, Pastor, to accept the Tribute.

Originating Department:
Mayor's Office

7. CONSENT CALENDAR - ALL APPROVED

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. Resolution No. 250-22 updating the Comprehensive Fee Schedule for the City of West Palm Beach for Fiscal Year 2022/2023.

Originating Department:
Finance

Ordinance/Resolution:

RESOLUTION NO. 250-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2022-2023; AMENDING AND REPLACING ALL PRIOR FEE SCHEDULES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In 2013/2014, the first Comprehensive Fee Schedule was created formally with Resolution No. 290-13. The rationale behind creating a comprehensive fee schedule is to provide efficiency, transparency, consistency, and revenue assurance/enhancement.

Annually, the City undertakes a process of working with Department Directors and Division Managers to review current fees and any suggested proposed fee changes for the upcoming fiscal year. The final version of this information is in Appendix 1.

There are no proposed fee changes relating to Business Tax Receipts, Business Registration, Certificate of Use, City Attorney, City Clerk, Finance, Grassy Waters, Housing and Community Development, Library, and Procurement.

A comparison of the fees in Appendix 1 with the fees schedule for fiscal year 2022 reveals fee changes for Building Permits, Chronic Nuisance, Engineering, Fire Inspections, Parks and Recreation, Parking, Sanitation, Special Events, and Utilities.

The action of this comprehensive fee schedule consolidates and codifies the fees across City departments.

The estimated revenue impact of the proposed Comprehensive Fee Schedule for fiscal year 2023 is already included in the fiscal year 2023 budget.

Resolution No. 250-22 will approve the proposed Comprehensive Fee Schedule for fiscal year 2023 as aligned with the 2022/2023 budget.

Fiscal Note:

The estimated revenue impact is reflected in the Proposed FY23 budget.

- 7.2. Resolution No. 115-22 approving a Conditional Settlement Agreement totaling \$75,000 in the matter of Kimberly Purinton v. City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 115-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$75,000 IN THE MATTER OF KIMBERLY PURINTON v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Kimberly Purinton has brought a claim for damages against the City of West Palm Beach for an accident that occurred on December 3, 2019. The City has reached a settlement agreement with Ms. Purinton and her attorney to resolve the matter for a total of \$75,000. Ms. Purinton agrees to sign 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. 115-22 approves the conditional settlement agreement.

Fiscal Note:

The settlement will be paid out of the Risk fund.

- 7.3. Resolution No. 249-22 approves Conditional Settlement Agreements totaling \$100,000 in the matter of Christian Dooley and Mauli Patel v. City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 249-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING CONDITIONAL SETTLEMENT AGREEMENTS TOTALING \$100,000 IN THE MATTER OF CHRISTIAN DOOLEY AND MAULI PATEL v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Christian Dooley and Mauli Patel brought a claim by way of a complaint in the Fifteenth Judicial Circuit in Christian Dooley and Mauli Patel v. City of West Palm Beach for an accident that occurred on January 19, 2019. The City has reached a settlement agreement with the Plaintiffs and their attorney to resolve the matter for a total of \$100,000. The Plaintiffs will sign general releases that release 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. 249-22 approves the conditional settlement agreements.

Fiscal Note:

The settlement will be paid from the Risk Fund.

- 7.4. Resolution No. 264-22 authorizing the assessment of city liens in the total amount of \$86,462.18 for unpaid water service, sewer service and storm water service charges for the month of July 2022.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 264-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE CHARGES FOR THE MONTH OF JULY 2022; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND

EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 264-22 are for unpaid water service, sewer service and stormwater service charges for the month of July 2022. The list of properties to be assessed and the associated charges totaling \$86,462.18 are attached to Resolution No. 264-22 as EXHIBIT A – Utility Lien List - July 2022.

Fiscal Note:

No fiscal impact.

- 7.5. Resolution No. 231-22(F) amending the Fiscal Year 2022/2023 Miscellaneous Trust Fund Budget to authorize appropriations of \$119,704 from the Federal Law Enforcement Forfeiture Receipts for investigative operating expenses.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 231-22(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 MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE FEDERAL LAW ENFORCEMENT FORFEITURE RECEIPTS FOR LAW ENFORCEMENT INVESTIGATIVE EXPENSES OF THE WEST PALM BEACH POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Federal Law Enforcement Trust Fund expenditure of \$119,704 will be used to achieve law enforcement objectives in accordance with the statutes and guidelines that govern the Federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing for State and Local Law Enforcement. An excerpt from the current Guide to Equitable Sharing explains the permissibility of the proposed use: "Law enforcement, public safety, and detention facilities--costs associated with the purchase, lease, construction, expansion, improvement, or operation of law enforcement, public safety, or detention facilities used or managed by the recipient agency. Examples include the costs of leasing, operating, and furnishing an off-site undercover narcotics facility.

Improvements should not be made on leased property or space since the law enforcement agency will not benefit from the improvements upon the termination of the lease. Agencies must contact MLARS prior to using the Department of Justice equitable sharing funds for all improvement and expansion projects. For example, the construction of a new facility or minor renovations including drywall, electrical, HVAC replacements, and internal modifications to an existing facility. Expenditures such as lease payments or utilities do not require consultation."

The West Palm Beach Police Department continues to need additional space for investigative personnel. This request will cover the payments required for the leasing of space and continuing operational expenses: \$95,504 Lease Expenses; \$7,800 Electric; \$6,400 Contractual Services; and \$10,000 for maintenance, repairs, and service agreements as required under the lease agreements.

- 7.6. Resolution No. 234-22 approving a Special Event License Agreement with Latin Quarter of West Palm Beach, Inc. for the "Latin Quarter Fiesta event at Phipps Park on Saturday, October 15, 2022, and authorizing the issuance of a permit for the sale, possession and consumption of alcoholic beverages at the event.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 234-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND LATIN QUARTER OF WEST PALM BEACH, INC., FOR THE PURPOSE OF CONDUCTING LATIN QUARTER FIESTA AT PHIPPS PARK ON OCTOBER 15, 2022 FROM 10:00 A.M. TO 4:00 P.M.; AUTHORIZING THE ISSUANCE OF A PERMIT TO LATIN QUARTER OF WEST PALM BEACH, INC., FOR THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE LATIN QUARTER FIESTA SPECIAL EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Latin Quarter of West Palm Beach, Inc. has submitted an application to produce the "Latin Quarter Fiesta" event on Saturday, October 15, 2022 from 10:00 AM to 4:00 PM at Phipps Park. This will be the second time this event is being held in West Palm Beach. During this event, Latin Quarter of West Palm Beach, Inc. will serve food, alcoholic and non-alcoholic beverages.

Pursuant to Article Section 78-152 of the City Code of Ordinances, a special event permit is required to host a special event in a City park and Section 58-85 of the Code of Ordinances requires approval of the City

Commission, subject to conditions, for the sale, possession and consumption of alcoholic beverages in a City park during a hosted special event.

Latin Quarter of West Palm Beach, Inc. will pay the City of West Palm Beach a \$2,640 special event permit fee, a \$1,000 special event security deposit and will provide the City of West Palm Beach general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Resolution No. 234-22 approves a Special Events License Agreement between the City and Latin Quarter of West Palm Beach, Inc., and authorizes issuance of a permit for the sale, consumption and possession of alcoholic beverages at the event.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 7.7. Resolution No. 257-22 granting a 15-foot Temporary Construction Easement to Dock Street LLC for staging within the Stub Canal right-of-way.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 257-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA GRANTING A FIFTEEN FOOT TEMPORARY CONSTRUCTION EASEMENT TO DOCK STREET LLC, FOR CONSTRUCTION STAGING AND STORAGE PURPOSES ON CITY-OWNED RIGHT OF WAY ADJACENT TO PROPERTY LOCATED AT 1815 PARKER AVENUE, WEST PALM BEACH, FLORIDA, 33401, RELATED TO THE PROPOSED CONSTRUCTION OF A FOURTEEN (14) TOWNHOME PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In October of 2021, the City passed Ordinance No. 4967-21, which allowed for the development of fourteen (14) single-family townhomes on Parker Avenue just North of Dock Street and adjacent to the West Palm Beach Stub Canal.

As construction is beginning, the applicant has requested the use of fifteen (15) feet of canal right-of-way for staging and access during construction for a period of twelve (12) months.

The request was reviewed and approved by the Public Utilities Stormwater Division. Approval will allow for a more efficient construction process and less obstruction of street right-of-way.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 7.8. Resolution No. 256-22 approving an Agreement for Vote Processing Equipment Use and Election Services with the Palm Beach County Supervisor of Elections for the March 2023 municipal election for an estimated amount of \$283,929.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 256-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING AN AGREEMENT BETWEEN THE CITY AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES FOR THE MARCH 2023 MUNICIPAL ELECTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Resolution No. 256-22 approves an Agreement with the Supervisor of Elections for Vote Processing Equipment Use and Election Services for the March 2023 municipal election. The Agreement is substantially similar to one previously entered into between the City and the Supervisor of Elections for the March 2022 municipal election.

The Agreement requires the City to indemnify the Supervisor of Elections for any claims arising out of the City's negligence and to defend any legal challenge relating to the municipal election and be responsible for all legal costs including attorneys' fees for the defense of the municipality and the Supervisor of Elections.

Fiscal Note:

Fully

budgeted.

8. RESOLUTIONS - ALL APPROVED

- 8.1. Resolution No. 263-22 approving an amendment to the Declaration of Covenants, Conditions, and Restrictions governing Narcissus Avenue between Banyan Boulevard and 2nd Street to provide a one-way traffic flow for Narcissus Avenue.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 263-22: A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF WEST PALM BEACH APPROVING THE FIRST AMENDMENT TO THE DECLARATION OF COVENANT, CONDITIONS, RESTRICTIONS AND EASEMENTS BETWEEN NAVARRO LOWREY, INC, NAVARRO LOWREY WATERFRONT, LLC, WEST PALM BEACH FCH APARTMENT, LLC AND WS BPB OWNER, LLC TO PROVIDE A ONE-WAY TRAFFIC FLOW FOR NARCISSUS AVENUE BETWEEN BANYAN BOULEVARD AND 2ND STREET.

Staff Recommended Motion:

Approve Resolution No. 263-22.

Background Information:

The portion of Narcissus Avenue between Banyan Boulevard and 2nd Street was abandoned by the City by Resolution No. 321-17, and, as approved by Ordinance No. 4739-17, conveyed to the CRA as part of the CRA property to be leased by the CRA to Navarro-Lowrey, east of Narcissus Avenue.

The approval of the development located between S. Olive Avenue, Flagler Drive, Banyan Boulevard, and 2nd Street, which includes the Oversea residential apartment building, The Ben hotel and the park, restaurant and office building east of Narcissus Avenue all entered into a declaration of covenants, conditions and restrictions dated March 30, 2018 (Declaration). The Declaration includes specific language regarding the operation of Narcissus Avenue as a two-way street.

After the opening of the hotel, it was identified by the hotel operator that the area designated for drop-off and pick up was not sufficient for the volume of traffic generated by the hotel. The operator worked with the City's Engineering Services department and requested the conversion from a two-way to a one-way northbound direction to minimize the circulation conflict and allow additional area for the operation without blocking the traffic flow.

All of the expenses for the reconfiguration of Narcissus Avenue will be covered by the hotel owner, and no expenses will be incurred by the City.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No impact.

- 8.2. Resolution No. 270-22 accepting \$4,960,539.90 in grant funding from the Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant to be used to hire additional Fire Department personnel;

Resolution No. 274-22(F) providing appropriation for fiscal year 2022/2023 for the grant funds; and

Resolution No. 275-22(F) provides for adding 15 Full-Time Equivalent Firefighters.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 270-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING FISCAL YEAR 2021 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT FUNDING FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAM IN THE AMOUNT OF \$4,960,539.90 TO FUND FIFTEEN (15) FIREFIGHTER POSITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 274-22(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 FIRE ASSESSMENT FEE FUND AND GRANT PROGRAMS SPECIAL REVENUE FUND BUDGETS TO PROVIDE FOR THE RECEIPT OF THE 2021 FEMA SAFER GRANT FUNDS TO PROVIDE APPROPRIATIONS FOR FIFTEEN (15) FIREFIGHTER POSITIONS, UNIFORMS AND BUNKER GEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION 275-22(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET FOR THE FIRE DEPARTMENT FEMA SAFER GRANT 2021 TO ADD FIFTEEN (15)

ADDITIONAL FIREFIGHTER POSITIONS IN FISCAL YEAR 2022/2023;
PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 270-22, Resolution No. 274-22(F), and
Resolution No. 275-22(F).

Background Information:

By Resolution No. 54-22, the City Commission authorized submittal of an application to the Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant program. This grant program is designed to hire firefighters.

The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) awarded the City of West Palm Beach the 2021 SAFER Grant for the requested purposes in the amount of \$4,960,539.90 (Award No. EMW-2021-FF-01205). The period of performance for this grant is three (3) years, and grantees do not have to commit to retaining the SAFER-funded firefighters beyond the period of performance.

The West Palm Beach Fire Department intends to utilize the funds to hire fifteen (15) firefighters. The requested cost of these firefighters for the three (3) year period is approximately \$4,960,539.90. Under the grant, there are no matching funds required over the three (3) year period of performance. In addition, the City is required to provide funding for uniforms and bunker gear at \$10,200 per firefighter for a total of \$153,000. This will be funded out of the Fire Assessment Fee Fund Reserves.

The funding will enable this organization to hire, train, and support these personnel. These firefighters will be able to provide all of the necessary emergency and non-emergency service delivery as other employees currently with the department and will further strengthen the available force should a natural or man-made disaster occur.

The Notice of Funding Opportunity and Award Package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under the award, which must be accepted to receive the award. Both documents are provided hereto.

Resolution No. 270-22 approves the acceptance of the grant award;

Resolution No. 274-22(F) approves the appropriation of grant funds; and

Resolution No. 275-22(F) approves the addition of fifteen (15) Full-Time Equivalent Firefighter positions.

Fiscal Note:

The grant award is for a total of \$4,960,539.90 over the next three (3) years. There is no required City match. The City is required to provide funding for uniforms and bunker gear at \$10,200 per firefighter for a total of \$153,000.

9. PUBLIC HEARING - **APPROVED**

- 9.1. Public Hearing and Second Reading of Ordinance No. 5021-22, repealing in its entirety Article V of Chapter 54 (Offenses), at Sections 54-171 through 54-174 (Prohibition Of Conversion Therapy On Minors).

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 5021-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REPEALING IN ITS ENTIRETY ARTICLE V OF CHAPTER 54 (OFFENSES), AT SECTIONS 54-171 THROUGH 54-174 (PROHIBITION OF CONVERSION THERAPY ON MINORS), WHICH MAKES IT UNLAWFUL FOR ANY PROVIDER TO PRACTICE CONVERSION THERAPY EFFORTS ON ANY INDIVIDUAL WHO IS A MINOR REGARDLESS OF WHETHER THE PROVIDER RECEIVES MONETARY COMPENSATION IN EXCHANGE FOR SUCH SERVICES; DECLARING ANY SPECIFIC PROVISION OF ANY CITY OF WEST PALM BEACH ORDINANCE, RESOLUTION, RULE OR POLICY IN CONFLICT WITH THIS ORDINANCE NULL, VOID, AND REPEALED TO THE EXTENT OF SUCH CONFLICT; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5021-22 at Second Reading.

Background Information:

On September 19, 2022, the commission approved at First Reading the repeal of City Ordinance No. 4666-16, which prohibits conversion therapy change efforts as to minors--efforts to change their sexual orientation and/or identity--due to the harmful effects of such efforts. As explained in more detail during First Reading, the repeal of Ordinance No. 4666-16 (codified at Article V of Chapter 54, at Sections 54-171 through 54-174 of the City of West Palm Beach Code of Ordinances) is necessary to be consistent with the written opinion issued by the 11th Circuit Court of Appeals on July 20, 2022 in the case of *Otto and Hamilton v. City of Boca Raton and Palm Beach County*, Case No. 19-10604. The *Otto* case successfully challenged, as a preliminary matter, the City of Boca Raton and Palm Beach County conversion therapy ban ordinances which were modeled on the City of West Palm Beach's Ordinance No. 4666-16.

Notwithstanding the recommended repeal of Ordinance No. 4666-16, on September 19, 2022, the City Commission passed Resolution No. 235-22, articulating the City's steadfast commitment in opposition to and discouragement of conversion therapy as to minors.

Fiscal Note:

Not applicable.

10. PUBLIC HEARING - QUASI-JUDICIAL - APPROVED

Disclosure of ex-parte communications, if any*

Swearing-in of witnesses.

- 10.1. Public Hearing and First Reading of Ordinance No. 5020-22 regarding a Future Land Use (FLU) Map Amendment to change the FLU designation of ±21.246 acres located at 7629 South Dixie Highway from Commercial (C) to Commercial East (CE).

The above-referenced request is being made by Joni Brinkman, of Urban Design Studio, on behalf of Palm Coast Invest LLC.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5020-22: 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 CHANGING THE FUTURE LAND USE DESIGNATION OF ±21.246 ACRES LOCATED AT 7629 SOUTH DIXIE HIGHWAY FROM COMMERCIAL TO COMMERCIAL EAST; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5020-22, changing the Future Land Use designation of ±21.246 acres located at 7629 South Dixie Highway from Commercial to Commercial East. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the standards found in Policy 1.1.5 of the Future Land Use Element of the City's Comprehensive Plan.

Background Information:

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

Located on the west side of South Dixie Highway, north of Gregory Road, the subject property consists of ±21.246 acres and is the current location of Palm Coast Plaza, a shopping center constructed in 1959 and over 215,000 square feet amongst the main plaza and three (3) outbuildings.

Under the current FLU designation, the subject property can only be developed with commercial uses (no residential), similar to the development pattern that currently exists on the property. As such, redevelopment that allows for an ideal mix of residential and non-residential uses would not be permitted. This single-use development pattern is contrary to the vision for much of South Dixie Highway, which is desired to be a corridor consisting of shopping, entertainment, and residential uses that benefit from each other and promote efficient use of land and infrastructure, reduce dependence on the automobile, create a sense of community, etc.

While the Applicant does have the intention to redevelop the site in the future and provide for a mixed or multiple-use development across the entire property, at this time they are only requesting to change the FLU designation from Commercial (C) to Commercial (CE).

Providing for the CE FLU designation would support future redevelopment efforts and promote the “high mix of land uses” that is encouraged by the City’s Comprehensive Plan. The proposed FLU amendment would allow residential and non-residential uses to be located anywhere on the site, offering flexibility to design a project that maximizes the site’s potential during the redevelopment efforts. The proposed FLU designation is compatible and appropriate for the subject property, and subject to the voluntary restriction (as described in detail in the Staff Report), will not create any impact that would be detrimental or incompatible with the surrounding area.

It is Staff’s professional opinion that the request complies with the standards required by the City’s Comprehensive Plan, and therefore is recommending approval, subject to the conditions contained in Ordinance No. 5020-22.

PLANNING BOARD: After a Public Hearing on August 16, 2022, the Planning Board recommended approval (5-0).

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 5020-22 was advertised in the Palm Beach Post on September 26, 2022.

COMMISSION DISTRICT 5: Commissioner Christina Lambert.

- 10.2. Resolution No. 245-22 approving minor subdivision plat - 'Heart & Soul Plat'.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 245-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "HEART & SOUL PLAT" CONSISTING OF ONE DEVELOPMENT TRACT TOTALING APPROXIMATELY 0.913 ACRES GENERALLY LOCATED AT 604 8TH STREET, 825 N ROSEMARY AVENUE, 601 7TH STREET, AND 800 HENRIETTA AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 245-22 creating the plat entitled "Heart & Soul Plat". This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with all applicable provisions of Chapter 177, Florida Statutes, the Comprehensive Plan and the standards in Section 94-342 of the City's Zoning and Land Development Regulations.

Background Information:

The Heart & Soul Park site consists of approximately 0.913 acres of urban open space with a playground, heritage trail, and other amenities located within the North West Neighborhood District.

The replat of the property satisfies a condition of the site plan approval; to replat the property prior to issuance of the Certificate of Occupancy (CO).

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.