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

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

**City of West Palm Beach**  
**City Commission**  
**PASS/FAIL Agenda**  
**Monday, October 16, 2023**  
**5:00 PM**

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

**1. CALL TO ORDER**

**2. MOMENT OF SILENCE**

**3. PLEDGE OF ALLEGIANCE**

**4. CIVILITY AND DECORUM**

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

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

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

**6. CONSENT CALENDAR- ALL ITEMS WERE 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.

- 6.1. Resolution No. 224-23 accepting a \$75,000 increase in the grant award under the Department of Environmental Protection Resilient Florida grant funding the Community-wide Vulnerability Assessment; and

Resolution No. 225-23(F) providing budget appropriations in the Water and Sewage Systems Revenue Fund.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 224-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING ADDITIONAL FUNDING IN THE AMOUNT OF \$75,000 UNDER THE RESILIENT FLORIDA GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO FUND A COMMUNITY-WIDE VULNERABILITY ASSESSMENT FOR TOTAL GRANT FUNDING OF \$267,475; APPROVING THE AMENDMENT TO THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 225-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2023/2024 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER AND SEWAGE SYSTEMS REVENUE FUND BUDGET TO RECOGNIZE A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND TO PROVIDE APPROPRIATIONS FOR ADDITIONAL FUNDING FOR THE CITY-WIDE VULNERABILITY ASSESSMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The State of Florida Department of Environmental Protection Resilient Florida program includes various grants that are available to counties, municipalities, water management districts, flood control districts and regional resilience entities to effectively address impacts of flooding and sea level rise facing the State, including funding assistance to analyze and plan for vulnerabilities, as well as implement adaptation and mitigation projects. Florida Statutes Section 380.093 provides more information on available grant programs and requirements.

Resolution No. 219-22 approved submittal to the State of Florida Department of Environmental Protection multiple applications to the Resilient Florida Grant program, including supplemental funding for the comprehensive Vulnerability Assessment (VA Project), pursuant to Section 380.093(3)(d), Florida Statutes (F.S.).

Resolution No. 272-22 accepted a grant in the amount of \$192,475 for the Community-wide Vulnerability Assessment Project.

FDEP has agreed to provide \$75,000 in additional grant funding for the Vulnerability Assessment Project to cover development costs.

The total grant award will now be \$267,475.

Resolution No. 224-23 accepts the additional grant funding and authorizes execution of the grant agreement amendment.

Resolution No. 225-23(F) amends the Water and Sewage Systems Revenue Fund Budget to recognize the grant agreement amendment from the State of Florida Department of Environmental Protection Resilient Florida Program and provides appropriations for the additional VA Project funding of \$75,000. Total funding for this agreement is now \$267,475.

**Fiscal Note:**

Total funding for this agreement is now \$267,475.

- 6.2. Resolution No. 217-23 accepting a Cooperative Funding grant from the South Florida Water Management District in the amount of \$31,250 to be used to fund a Community Water Conservation Program related to water-efficient fixtures (High Efficiency Toilet Program); and

Resolution No. 250-23(F) providing budget appropriations in the Water and Sewage Systems Revenue Fund.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 217-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A COOPERATIVE FUNDING PROGRAM WATER CONSERVATION GRANT IN THE AMOUNT OF THIRTY-ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$31,250) FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE COMMUNITY WATER CONSERVATION MEASURES PROJECT - PHASE IX (HIGH EFFICIENCY TOILET PROGRAM); PROVIDING AN

EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 250-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2023/2024 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER AND SEWAGE SYSTEMS REVENUE FUND BUDGET TO RECOGNIZE A GRANT FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND TO PROVIDE APPROPRIATIONS FOR A COMMUNITY WATER CONSERVATION PROGRAM RELATED TO EFFICIENT FIXTURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

This is the ninth (9th) grant that the City of West Palm Beach Office of Sustainability has partnered with the South Florida Water Management District (SFWMD), in order to provide water conservation opportunities to City of West Palm Beach Water Utility customers.

The Community Water Conservation Measures Project - Phase IX High Efficiency Toilets (HET) agreement provides \$31,250 in matching funds from SFWMD for the distribution of a minimum of 400 residential and 100 commercial high efficiency toilets. This funding covers project implementation costs incurred and expended during the period of October 1, 2022 to October 31, 2024.

The HET program has been very successful in providing demand side water conservation and realizing monetary savings for program participants.

Resolution No. 217-23 accepts the grant and authorizes execution of the grant agreement.

Resolution No. 250-23(F) amends the Water and Sewage Systems Revenue Fund Budget to recognize a grant from South Florida Water Management District and provides appropriations for the Community Water Conservation Program. The Fiscal Year 2023 Water and Sewage Systems Revenue Fund Sustainability budget includes the \$31,250 City match.

**Fiscal Note:**

Matching required funds of \$31,250 were included in adopted FY24 budget. Revenue Account: 450-097225-000-337306-92474009.

- 6.3. Resolution No. 235-23 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 \$30,907.32 for the reimbursement of overtime costs incurred for the public education and enforcement of bicycle safety and pedestrian safety; and

Resolution No. 236-23(F) providing for the receipt and appropriation of Thirty Thousand Nine Hundred Seven Dollars and Thirty-Two Cents (\$30,907.32) in grant funding.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 235-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT IN THE AMOUNT OF \$30,907.32 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 (IPTM) AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 236-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2023/2024 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 DATE; 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 in August 2023 providing \$30,907.32 to the City through a vendor agreement with 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 10, 2024. The approved intersections/corridors to conduct operations are identified within the scope of this grant as:

1. U.S. 1 (41st Street to 48th Street)
2. 45th Street (Military Trail to Village Boulevard)
3. 45th Street (N. Terrace Drive to Pinewood Avenue)
4. 45th Street (I-95 to 150 feet east of N. Congress Avenue)
5. Australian Avenue (11th Court to 13th Street)
6. Okeechobee Boulevard (Seminole Boulevard to Osceola Drive)

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.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

Approval recognizes grant proceeds and provides appropriations for overtime costs associated with traffic education and enforcement.

- 6.4. Resolution No. 247-23 approving a license agreement with United Parking Systems for use of a portion of the parking lot at 114 S.Narcissus Avenue for a Solid Waste Compactor.

**Originating Department:**

Public Works & Support Services

**Ordinance/Resolution:**

RESOLUTION NO. 247-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LICENSE AGREEMENT WITH UNITED PARKING

SYSTEMS FOR USE OF A PORTION OF THE PARKING LOT AT 114 S. NARCISSUS AVENUE FOR A SOLID WASTE COMPACTOR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

United Parking Systems (UPS) is the manager of a parking lot located at 114 S. Narcissus Avenue and South Clematis Street, which is owned by RMC West Palm Beach, LLC. The City has re-located a solid waste compactor at a designated location within the property for the benefit of the surrounding properties and businesses. The Owner agreed to grant to the City a license to locate a compactor on the property, which is managed by UPS, pursuant to a License Agreement entered into by and between UPS and the City in June 2017 and approved by Resolution No. 159-18, which expired on June 25, 2023.

The Owner agreed to grant to the City a new license to locate the compactor on the property, subject to the following terms and conditions:

- The term of the license is five (5) years.
- The City shall pay to UPS a monthly fee in the amount of One Thousand Dollars (\$1,000) to compensate UPS for the loss of parking space(s).
- The City will maintain the fence and the landscaping installed in lieu of the fencing. The City will maintain the compactor enclosure area and will treat for vermin at least once per month.
- In the event of a compactor failure, the City will be responsible for: (i) providing no more than four (4) dumpsters placed against the back wall near the alley to accommodate the daily level of waste generation within twenty-four (24) hours of receiving written notice of the compactor failure from UPS; and (ii) removing or replacing inoperable compactors within four (4) business days of receiving written notice of the same from UPS.
- The City will be responsible for issuing Notices of Violation to restaurants for non-compliance with commercial solid waste guidelines and correcting the violation within twenty-four (24) hours of receiving written notice of the same from UPS.
- If the parking lot requires re-sealing after the third anniversary of the date of the license, the City agrees to pay 50% of such costs, not to exceed Four Thousand Dollars (\$4,000).

Resolution No. 247-23 approves a license agreement with UPS permitting the City to continue to locate a solid waste compactor within the parking lot.

**Fiscal Note:**

The previous monthly rate was \$800 per month. The monthly rate under the new license agreement will be \$1,000 per month.

- 6.5. Resolution No. 248-23 approves a Conditional Settlement Agreement totaling \$45,000 in the matter of Carmen Threet, as Personal Representative of the Estate of Carl Threet v. City of West Palm Beach.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 248-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT TOTALING \$45,000 IN THE MATTER OF CARMEN THREET, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CARL THREET V. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Carmen Threet, as the Personal Representative of the Estate of Carl Threet, brought a claim for damages by way of a complaint in the Fifteenth Judicial Circuit in Carmen Threet, as the Personal Representative of the Estate of Carl Threet v. City of West Palm Beach for an accident that occurred on September 28, 2020. The City has reached a settlement agreement with Ms. Threet and her attorney to resolve the matter for a total of \$45,000. The Plaintiff 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. 248-23 approves the Conditional Settlement Agreement.

**Fiscal Note:**

Risk Budget.

- 6.6. Resolution No. 275-23 authorizing and approving a conditional workers' compensation settlement agreement and release in the case of Richard Halsey v. City of West Palm Beach, OJCC No.: 15-004197KAH, filed in the State of Florida, Division of Administrative Hearings, Office of the Judge of Compensation Claims.

**Originating Department:**



City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 275-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT AND RELEASE, IN THE AMOUNT OF \$500,000 IN THE MATTER OF RICHARD HALSEY V. CITY OF WEST PALM BEACH AND CORVEL CORP., PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Richard Halsey was injured while in the course and scope of his employment with the City of West Palm Beach on or about February 14, 2011. The City, including its workers' compensation Servicing Agent, CORVEL Corp., and its excess insurance carrier, have reached a conditional settlement with the claimant and his attorney per a mediation conducted in September 2023. The settlement was conditioned upon Commission approval of the settlement. The settlement amount is \$500,000.

Per the City of West Palm Beach Code of Ordinances Section 2-268(g)(4), settlement amounts in excess of \$30,000 require Commission approval. This settlement is the result of negotiation between the parties and is a compromise of the full amount of the cost of the workers' compensation claim had it remained an open claim as allowed by law. In addition, the settlement includes a general release of all other potential claims and all other prior known claims, including any prior workers' compensation claims against the City. As well, this settlement includes execution of a general release of all employment related claims.

If Commission approval is provided, the settlement documents are then submitted to the Judge of Compensation Claims for the judge's specific approval. It is at that point, where the Servicing Agent then issues the settlement check(s) and the case is officially concluded.

**Fiscal Note:**

As the City has reached its excess insurance reimbursement level due to the amount of payments in the compensable claim, the City first pays out the \$500,000. Within approximately fourteen (14) days or less, the excess insurance company reimburses the City all such monies, per the insurance policy between the City and the excess insurance company. The net fiscal impact is \$0.

- 6.7. Resolution No. 284-23 approves a Conditional Settlement Agreement totaling \$50,000 in the matter of James Manolakos v. City of West Palm Beach.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 284-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT TOTALING \$50,000 IN THE MATTER OF JAMES MANOLAKOS V. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

James Manolakos brought a claim for damages by way of a complaint in the Fifteenth Judicial Circuit in James Manolakos v. City of West Palm Beach for an accident that occurred on November 8, 2020. The City has reached a settlement agreement with James Manolakos and his attorney to resolve the matter for a total of \$50,000. The plaintiff 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. 284-23 approves the Conditional Settlement Agreement.

- 6.8. Resolution No. 242-23(F) appropriating \$25,426 for the State of Florida Department of Health Child Care Food Program to provide snacks during the City's after-school programs at two (2) community centers.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 242-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2023/2024 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 PURCHASE OF SNACKS FOR THE CHILD CARE FOOD PROGRAM AND FOR RECOGNIZING REIMBURSEMENT THROUGH A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF HEALTH CHILD CARE FOOD PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In the City of West Palm Beach many children only receive one (1) balanced meal a day and qualify for free meals at school. The State of

Florida Department of Health (FDOH), in partnership with the U. S. Department of Agriculture (USDA), administers a reimbursement Child Care Food Program, whereby child care providers such as the City, are reimbursed for snacks/food served, food program administration, and supplies.

By Resolution No. 181-15, the City Commission approved the City's participation in the FDOH Child Care Food Program and authorized the Mayor to sign the permanent contract with the State.

The Department of Parks and Recreation through the City's after-school program provides a healthy snack during after-school care at the following two (2) locations: Gaines Park Community Center and South Olive Community Center.

This resolution authorizes City expenses for the Child Care Food Program, not to exceed \$25,426 in Fiscal Year 2023-2024, which will be reimbursed to the City by the State of Florida Department of Health.

Commission District 1: Commissioner Cathleen Ward.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Approval will provide approximately \$25,426 in reimbursable expenditures for providing snacks to children in the after-school program.

- 6.9. Resolution No. 270-23 accepting a 2023/2024 Florida Firefighter Cancer Decontamination Equipment Grant Award of \$12,180 from the Florida Department of Financial Services for the purchase of one hundred forty-five (145) pairs of gloves; and

Resolution No. 280-23(F) recognizing receipt of funds and providing appropriations for the purchase of Fire equipment.

**Originating Department:**

Fire

**Ordinance/Resolution:**

RESOLUTION NO. 270-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF FINANCIAL SERVICES UNDER THE FIREFIGHTER CANCER DECONTAMINATION EQUIPMENT PROGRAM IN THE AMOUNT OF \$16,240 TO PURCHASE ONE HUNDRED FORTY-FIVE (145) PAIRS OF GLOVES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 280-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2023/2024 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 AND GRANT PROGRAMS SPECIAL REVENUE FUND BUDGETS TO PROVIDE FOR THE RECEIPT OF THE FLORIDA FIREFIGHTER CANCER DECONTAMINATION EQUIPMENT GRANT AND MATCHING CITY FUNDS TO PROVIDE APPROPRIATIONS FOR THE PURCHASE OF GLOVES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City Commission authorized submittal of an application (Resolution No. 212-22) to the State of Florida, Department of Financial Services for a Firefighter Cancer Decontamination Equipment Grant program.

The State of Florida, Department of Financial Services, has approved the Florida Firefighter Cancer Decontamination Grant application and awarded the City of West Palm Beach Fire Department a grant award in the amount of \$12,180 for the purchase of one hundred forty-five (145) pairs of gloves.

As a condition of the grant, the City of West Palm Beach is required to contribute 25% (\$4,060) of the purchase amount (\$16,240) in addition to accepting the grant award within thirty (30) calendar days of receipt to participate in the grant program.

Resolution No. 270-23 accepts the State Grant Award, and Resolution No. 280-23(F) recognizes the funding and provides appropriations for the purchase of one hundred forty-five (145) pairs of gloves.

**Fiscal Note:**

Approval will recognize grant and City-match proceeds to provide appropriations for the purchase of gloves.

**7. RESOLUTIONS- ALL ITEMS WERE APPROVED.**

- 7.1. Resolution No. 286-23 condemning the unprovoked attack by Hamas against Israel and its citizens, supporting its right to defend itself from indiscriminate violence and terrorism and supporting the right of the State of Israel to exist as a sovereign independent nation.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 286-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONDEMNING THE UNPROVOKED ATTACK BY HAMAS AGAINST ISRAEL AND ITS CITIZENS, SUPPORTING ITS RIGHT TO DEFEND ITSELF FROM INDISCRIMINATE VIOLENCE AND TERRORISM AND SUPPORTING THE RIGHT OF THE STATE OF ISRAEL TO EXIST AS A SOVEREIGN INDEPENDENT NATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 286-23.

**Background Information:**

On October 7, 2023, Hamas terrorists launched a coordinated, unprovoked attack on Israel from the Gaza Strip.

Hamas has fired thousands of rockets toward Israel's major population centers; breached Israel's borders; infiltrated Israeli communities and kidnapped over 130 civilians from numerous nations; killed more than 1,200 Israelis including babies, children, and the elderly; and wounded over a thousand more.

Eleven (11) Americans have been declared dead at the hands of Hamas and twenty (20) Americans have been kidnapped.

This is the most significant attack on Israel since the Yom Kippur War, which was launched 50 years ago nearly to the day.

More than 360,000 reserve soldiers were called to defend the state of Israel, and Israeli Prime Minister Benjamin Netanyahu declared that Israel was at war to defend itself.

Approval of Resolution No. 286-23 formalizes the City's condemnation of actions by Hamas and its support of the State of Israel.

**Fiscal Note:**

No fiscal impact.

- 7.2. Resolution No. 272-23 approving conveyance by the City of an 8.61-foot wide strip of property associated with 324 Datura Street in exchange for a perpetual easement to the City for public sidewalk, fixtures, utilities, and other public improvements.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 272-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA,

AUTHORIZING THE CONVEYANCE OF AN 8.61-FOOT WIDE STRIP OF LAND AT 324 DATURA IN EXCHANGE FOR A PUBLIC EASEMENT OVER THE PROPERTY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 272-23.

**Background Information:**

On or about July 3, 2007, the City filed a maintenance map as an instrument of conveyance, transferring in accordance with Florida Statutes 337.29 (3), all right, title, and interest in the road, street, highway, set forth in the maintenance map recorded in Public Records of Palm Beach County, Florida in Road Plat Book 9, Page 81.

An 8.61-foot wide portion of the real property commonly known as 324 Datura Street was included on the maintenance map. The City intends to convey the 8.61-foot wide strip of property previously associated with 324 Datura Street to Grantee in exchange for a perpetual easement for public sidewalk, fixtures, utilities, and other public improvements in the subject area.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 7.3. Resolution No. 271-23 approving a retail lease agreement between Tabac West Palm Beach, Inc. and the City of West Palm Beach for the lease of retail space located at 505-509 Clematis Street.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

RESOLUTION NO. 271-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A RETAIL LEASE AGREEMENT BETWEEN TABAC WEST PALM BEACH, INC., AND THE CITY OF WEST PALM BEACH FOR THE LEASE OF THE RETAIL SPACE LOCATED AT 505-509 CLEMATIS STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 271-23.

**Background Information:**

The City of West Palm Beach owns real property located at 505 and 509 Clematis Street, which is currently leased to Tabac West Palm Beach, Inc. The premises, consisting of an aggregate total of 2,233 square feet,

is being utilized by the tenant for the operations of a coffee shop and casual dining location. In accordance with the lease agreement and in order to renew the lease under the second renewal option, the tenant was required to notify the City one (1) year prior to the expiration of the first extended term (October 23, 2022). Tabac West Palm Beach, Inc. failed to exercise this option, thus the current lease terminates on its face on October 24, 2023.

At a recent Mayor/Commission Work Session, the City Commission directed staff to negotiate a five (5) year lease with the existing tenant at market rate. As such, and following the policies detailed in the City's Real Property Lease Management Policy as adopted by Ordinance No. 4868-19, staff has negotiated the following summarized terms:

- Lease of interior space located at 505-509 Clematis Street for a five (5) year term.
- Base rent for Year 1 is \$35.70 per square foot (2,233 square feet total), or \$6,643.18 per month/\$79,718.10 annually.
- Three percent (3%) annual increase for Years 2 – 5 as follows:
  - Year 2: \$6,842.47 per month / \$82,109.64 annually
  - Year 3: \$7,047.74 per month / \$84,572.93 annually
  - Year 4: \$7,259.18 per month / \$87,110.12 annually
  - Year 5: \$7,476.95 per month / \$89,723.42 annually
- Additional rent includes:
  - Sales, use, or other tax imposed on the rent due.
  - Real Estate Taxes – ad valorem real property tax to be paid by the tenant.
- A security deposit equal to one (1) month's rent due with execution of lease.
- The tenant is responsible for all taxes including: ad valorem real estate taxes; leasehold taxes; tangible personal property tax; sales tax and any other applicable taxes; assessments and charges assessed against or related to the leased premises; or operation of the leased premises.
- The tenant shall be open for business a minimum of six (6) days a week and a minimum of ten (10) hours per day.

- The tenant is required to repair and maintain the premises at its sole cost and expense and shall maintain the premises in a good, neat, clean, safe, and sanitary condition.
- The City is responsible for maintenance of the foundation, roof, exterior structural walls, exterior doors, exterior windows; all plumbing and sewage facilities; all mechanical, air conditioning, heating, ventilation, electrical and lighting systems; and all wiring or other infrastructure in the walls, floors, ceilings or hard structures of the premises, unless the damage or repair is caused by the Tenant, or its employees or agents.
- The tenant is required to pay utilities and other maintenance costs incurred as a result of operation of the business.
- The tenant is required to carry Commercial General Liability Insurance, Worker's Compensation, All Risks Property Insurance, and Liquor Liability Insurance.

The City of West Palm Beach Code of Ordinances Section 2-31 (27)(c) provides that the lease rental price shall not be less than 85 percent (85%) of the fair market value of the property according to an appraisal report made as of a date not earlier than six (6) months before the date of the agenda item. Anderson and Carr provided a Market Rent Analysis and has rendered an opinion that the market rent per square foot is \$42. Eighty-five percent (85%) of \$42 is \$35.70.

The lease agreement is provided with this agenda item, which provides a detailed description of the terms and conditions that were negotiated.

In accordance with Section 2-31 of the City's Code of Ordinances, a lease of five (5) years or less may be approved by resolution of the City Commission.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

Base rent for Year 1 is \$35.70 per square foot (2,233 square feet total), or \$6,643.18 per month/\$79,718.10 annually. Summary for following years is provided above. Funds shall be deposited in the City's Real Estate Management Fund.



## 8. PUBLIC HEARING- **APPROVED.**

- 8.1. Public Hearing and Second Reading of Ordinance No. 5064-23 granting an Access and Utility Easement to Cellco Partnership D/B/A Verizon Wireless across City property lying South of 47th Place North.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

ORDINANCE NO. 5064-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN ACCESS AND UTILITY EASEMENT TO CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS ACROSS CITY PROPERTY LOCATED SOUTH OF 47TH PLACE NORTH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5064-23.

**Background Information:**

The City currently owns property, which lies South of 47th Place North and just North of the East Coast Regional Wastewater Treatment Plant (ECR). Within our property is a 160-foot FPL transmission easement in which FPL has leased a portion to Verizon for communication purposes.

Verizon seeks an easement across the City property from 47th Place North to install communication facilities and to access their equipment within the FPL easement. The Utility and Access Easement will allow Verizon to access and maintain their communication facilities. As consideration for the easement, Verizon will pay the City the sum of \$3,000 per year, which will increase five percent (5%) each year.

Commission District 4: Commissioner Joseph Peduzzi.

**Fiscal Note:**

Revenue: \$3,000 per year, increased by five percent (5%) annually.

## 9. PUBLIC HEARING - QUASI-JUDICIAL- **APPROVED.**

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

- 9.1. Public Hearing of Resolution No. 231-23 regarding the approval of a Minor Subdivision and Plat to create the Pink Bird Car Wash consisting of one (1) development tract of approximately 1.215 acres located at 879 West Executive Center Drive.

The request was submitted by Brent Andrews of Vybe Investments, on behalf of FCW ECD LLC.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 231-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PLAT ENTITLED "PINK BIRD CAR WASH" CONSISTING OF APPROXIMATELY 1.215 ACRES, LOCATED AT 879 WEST EXECUTIVE CENTER DRIVE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 231-23 approving a Minor Subdivision to create the Pink Bird Car Wash plat consisting of one (1) development tract of approximately 1.215 acres.

This motion is based upon the factual testimony presented, the application submitted, the staff report, and the findings that the plat complies with all applicable provisions of Chapter 177, Florida Statutes and is consistent with the Comprehensive Plan and complies with the subdivision design standards set forth in Section 94-342 of the City's Zoning and Land Development Regulations.

**Background Information:**

On November 1, 2021, the City Commission approved Resolution No. 257-21 authorizing the construction of an automated car wash facility at 879 West Executive Center Drive. One of the requirements of the approval is that prior to the issuance of the Certificate of Occupancy for the new car wash building, the property is to be platted. The Pink Bird Car Wash plat included with Resolution No. 231-23 satisfies this development requirement.

STANDARDS: The Planning Division has determined that the plat complies with the requirements of Chapter 177, Florida Statutes and the subdivision design standards set forth in Section 94-342 of the City's Zoning and Land Development Regulations.

NOTICES: Individual notices were mailed to all property owners within 500 feet of 879 West Executive Center Drive, and a notice sign was posted on the property.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No

fiscal

impact.

## **10. 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.

## **11. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS**

## **12. 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.