



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 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**  
**DRAFT Agenda**  
**Monday, December 11, 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. RECEIVED / FILED

- 6.1. Receive and File ArtLife Committee's Annual Report 2022-2023.

**Originating Department:**  
Mayor's Office

## 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 October 2, 2023.

**Originating Department:**  
Mayor's Office

- 7.2. Minutes of the Regular City Commission Meeting of October 16, 2023.

**Originating Department:**  
Mayor's Office

- 7.3. Minutes of the Regular City Commission Meeting of October 30, 2023.

**Originating Department:**  
Mayor's Office

- 7.4. Minutes of the Regular City Commission Meeting of November 13, 2023.

**Originating Department:**  
Mayor's Office

- 7.5. Minutes of the Regular City Commission Meeting of November 27, 2023.

**Originating Department:**  
Mayor's Office

- 7.6. Resolution No. 311-23(F) accepting and appropriating funding in the amount of \$3,000 from The Breakers Palm Beach and Dedicated Senior Medical Center for the annual Share A Supper Thanksgiving Dinner.

**Originating Department:**  
Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 311-23(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 TO RECOGNIZE THE DONATION OF \$3,000 FROM THE BREAKERS HOTEL PALM BEACH AND DEDICATED SENIOR MEDICAL CENTER FOR THE ANNUAL SHARE A SUPPER THANKSGIVING DINNER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The Breakers Palm Beach has supported the annual "Share A Supper Thanksgiving Dinner" held in Pleasant City for over ten (10) years. They have generously donated \$2,500 to support this year's event. City staff and volunteers organize an event, which will be held in the newly renovated Pleasant City Community Center on Tuesday, November 22, 2023.

Dedicated Senior Medical Center has donated \$500 to support this year's event. This is their first year donating and working alongside the staff at the Pleasant City Community Center.

Thanksgiving meals are served to families from the community. It is with the support of The Breaks and Dedicated Senior Medical Center that the City's Youth Empowerment Center can fulfill its mission to provide the resources necessary to make this outreach effort successful, bringing a touch of joy to the Pleasant City community during the Thanksgiving holiday.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

Approval recognizes the receipt of a donation and provides appropriations in the amount of \$3,000 for the "Share a Supper Thanksgiving Dinner" program.

- 7.7. Resolution No. 313-23 approving a Special Event License Agreement with Create Your Own Narrative, LLC for the "3rd Annual CYON Gala" on Saturday, February 24, 2024 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. 313-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND CREATE YOUR OWN NARRATIVE, LLC FOR THE PURPOSE OF CONDUCTING THE 3RD ANNUAL CYON GALA AT

GAINES PARK ON FEBRUARY 24, 2024 FROM 7:00 PM TO 11:00 PM; AUTHORIZING THE ISSUANCE OF A PERMIT TO CREATE YOUR OWN NARRATIVE, LLC FOR THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE 3RD ANNUAL CYON GALA SPECIAL EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Create You Own Narrative, LLC has submitted an application to produce the "3rd Annual CYON Gala" event on Saturday, February 24, 2024, from 6:00 PM to 11:00 PM at Gaines Park – Mary V. McDonald-Wilson Center. During this event, Create Your Own Narrative, LLC 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.

Create Your Own Narrative, LLC will pay the City of West Palm Beach a \$1,343.75 special event permit fee, a \$350 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. 313-23 approves a Special Events License Agreement between the City and Create Your Own Narrative, LLC and authorizes issuance of a permit for the sale, consumption, and possession of alcoholic beverages at the event.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

Permit revenues will be received as stated.

- 7.8. Resolution No. 331-23 approving the construction contract for the Gaines Park Community Center, Tennis Center, and Tennis Courts project with West Construction, Inc. with a contract price of \$14,769,745.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 331-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONSTRUCTION CONTRACT FOR THE GAINES PARK COMMUNITY CENTER, TENNIS CENTER, AND TENNIS

COURTS PROJECT WITH WEST CONSTRUCTION, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On March 17, 2020, the voters approved the Parks Bond Referendum allowing the City to issue bonds in an amount not to exceed \$30 million for the purpose of upgrading a number of the City's park amenities. Improvements to Gaines Park Community Center and Tennis Courts were included in the list of Parks General Obligation Bond 2020 projects. Due to the rising costs of construction, by Resolution No. 203-23(F) the City Commission approved additional funding for the project to ensure the facilities as designed could be completed.

Kimley-Horn was selected as the design firm to design the Gaines Park Community Center, Tennis Center, and Tennis Courts. A presentation was made to the Parks and Recreation Advisory Committee (PRAC) of the proposed design plan for Gaines Park Tennis Center and Tennis Courts renovation project, which they recommended approval.

By Resolution No. 188-22, the City Commission approved the design features of the Gaines Park Community Center, Tennis Center and Tennis Courts, which includes construction of a new community center, construction of a new tennis center, and renovation of the tennis courts.

The City issued Invitation to Bid No. 22-23-116 to received bids from contractors for construction of the Gaines Park Community Center, Tennis Center, and Tennis Courts project. West Construction, Inc., was determined to offer the best value to the City and was awarded the contract with a contract price of \$14,769,745; and completion time of 410 days.

Section 66-94 of the Code of Ordinances requires approval of the City Commission of contracts for construction of a building.

Resolution No. 331-23 approves the contract with West Construction for the Gaines Park Community Center, Tennis Center and Tennis Courts project.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

Project costs have been fully budgeted and will be paid for from the 2020 Park bond, American Rescue Plan Act, and One-Cent Sales tax.

- 7.9. Resolution No. 261-23 authorizing the Mayor to execute a conditional release of code enforcement liens encumbered at 1009 9th Street, West Palm Beach, Florida.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 261-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONDITIONAL RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 1009 9TH STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

IWAHO, LLC purchased the property located at 1009 9th Street, West Palm Beach, in April 2022. The prior owner incurred over \$501,000 in code enforcement liens. Code enforcement violations, which continue at this property include: lack of safe and functional appliances; exterior paint issue; trash and debris; pest/rodent infestation; inoperative vehicles on the property; repair of fence/wall required; bare areas, which require landscaping, or approved plant material; sealing of parking lot; striping of parking lot; and items outdoors, which are improperly stored.

Several liens are due to multiple repeat violation of the requirement for a rental license and certificate of use.

The new owner plans to rehabilitate the property by obtaining all required permits within one (1) year from the date of approval of this proposed conditional release. To effectuate the conditional release, IWAHO, LLC has agreed to pay a reduced administrative fine of \$15,000 and has agreed to all proposed conditions to bring this property into compliance by: repairing; replacing; painting; bringing the property into a clean and sanitary condition; replacing appliances; repairing/replacing the fence/walls; installing/maintaining landscaping; sealing and striping the parking lot; removing improperly stored items; removing inoperative vehicles; obtaining all required permits; and, if the property is to be rented, first obtaining a rental license and certificate of use. The listed code enforcement lien will not be ultimately reduced unless all conditions in this conditional release are timely met.

By bringing this property into compliance from a code enforcement and building code standpoint, this property owner aims to transform the property into one which enhances the neighborhood, increases the property value, and contributes to the safety of the neighborhood.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 7.10. Resolution No. 262-23 authorizing the Mayor to execute a conditional release of code enforcement liens encumbered at 1104 22nd Street, West Palm Beach, Florida.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 262-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONDITIONAL RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 1104 22ND STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

UALAPU, LLC purchased the property located at 1104 22nd Street, West Palm Beach, in April 2023. The prior owner incurred over \$750,000 in code enforcement liens, as the property was incurring daily fines of \$500, since August 19, 2019 to current and continuing. Code enforcement violations, which continue at this property include: missing window screens; rotten wood in multiple areas of the structure; repairs needed to interior due to mold-like substance; lack of weathertight doors/windows; repair stairways to be secure; lack of toilets in good working order; lack of working electrical outlets; exterior paint issues; trash and debris on the property; and overgrowth of grass/landscaping.

The new owner plans to rehabilitate the property, by obtaining all required permits, within one (1) year from the date of approval of this proposed conditional release. To effectuate the conditional release, UALAPU, LLC has agreed to pay a reduced administrative fine of \$7,500 and has agreed to all proposed conditions to bring this property into compliance by: repairing; replacing; painting; bringing the property into a clean and sanitary condition; removing trash and debris; cutting overgrowth; obtaining all required permits; bringing the structure up to standard building code; and making it habitable. The listed code enforcement lien will not be ultimately reduced unless all conditions in this conditional release are timely met.

By bringing this property into compliance from a code enforcement and building code standpoint, this property owner aims to transform the property into one which enhances the neighborhood, increases the property value, and contributes to the safety of the neighborhood.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

No fiscal impact.

- 7.11. Resolution No. 263-23 authorizing the Mayor to execute a conditional release of code enforcement liens encumbered at 1108 22nd Street, West Palm Beach, Florida.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 263-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONDITIONAL RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 1108 22ND STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

UALAPU, LLC purchased the property located at 1108 22nd Street, West Palm Beach, in April 2023. The prior owner incurred over \$257,000 in code enforcement liens. Code enforcement violations, which continue at this property include: needed repairs to the structure to the interior walls, floors and/or ceilings; repair/replace plumbing fixtures/pipes; exterior paint issues; lack of clean and sanitary conditions; appliances and sinks, which need to be in good working order; and lack of rental license and certificate of use.

The new owner plans to rehabilitate the property by obtaining all required permits within one (1) year from the date of approval of this proposed conditional release. To effectuate the conditional release, UALAPU, LLC has agreed to pay a reduced administrative fine of \$7,500 and has agreed to all proposed conditions to bring this property into compliance by: repairing; replacing; painting; bringing the property into a clean and sanitary condition; obtaining all required permits; and, if the property is to be rented, first obtaining a rental license and certificate of use. The listed code enforcement lien will not be ultimately reduced unless all conditions in this conditional release are timely met.

By bringing this property into compliance from a code enforcement and building code standpoint, this property owner aims to transform the property into one which enhances the neighborhood, increases the property value, and contributes to the safety of the neighborhood.

Commission District 1: Commissioner Cathleen Ward.



**Fiscal Note:**

No fiscal impact.

- 7.12. Resolution No. 318-23 accepting the FY23 award of \$84,568 in grant funding from the U.S. Department of Justice Edward J. Byrne Memorial Justice Assistance Grant Program to be used for the purchase of virtual reality training equipment and technology; and

Resolution No. 319-23(F) recognizing and appropriating the FY23 grant award funds from the U.S. Department of Justice Edward J. Byrne Memorial Justice Assistance Grant Program.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 318-23: 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 (JAG) IN THE AMOUNT OF \$84,568 TO BE USED BY THE POLICE DEPARTMENT TO PURCHASE VIRTUAL REALITY TRAINING EQUIPMENT AND TECHNOLOGY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 319-23(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 RECEIPT OF THE 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT (JAG) PROCEEDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**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 2023 in the amount of \$84,568.

The City of West Palm Beach, on behalf of its Police Department, desires to accept an award from the U. S. Department of Justice, Edward Byrne Justice Assistance Formula Grant Program for a grant in the amount of Eighty-Four Thousand Five Hundred Sixty-Eight Dollars (\$84,568) to be used to purchase virtual reality training equipment and technology. Having highly trained officers will promote a higher level of customer service, ultimately promoting public trust within the community.

The West Palm Beach Police Department commits to purchasing and utilizing advanced virtual reality training equipment to further develop community and officer safety techniques. The officers will be trained to provide a higher level of customer service, which will raise the level of trust between the community and officers. Officers will further develop their de-escalation training and learn advanced techniques when dealing with people battling mental health issues and other cognitive deficiencies.

Use of force incidents have been garnering national attention, and law enforcement agencies need to be proactive in training their officers. The West Palm Beach Police Department has an obligation to make public safety and our response to incidents a priority. Our agency must keep up with current response methods to have the most positive result. Virtual reality training will allow the agency to further de-escalation and officer safety training in potential use of force situations from active shooters to suicidal subjects. The virtual reality training will allow officers and trainers to assess response to realistic situations that will ultimately make the community and responding officers safer.

#### PROJECT SUMMARY

The West Palm Beach Police Department intends to use the JAG grant awarded funds to provide a high level of training to its police officers. The Street Smarts Virtual Reality Training System allows officers to be immersed in a training scenario as if it were a live event. The trainers of the department can utilize the system to evaluate officer response to an event and identify training strengths and weaknesses. Highly trained police officers can provide better customer service, and higher customer service promotes public trust within the community they serve. The high level of training promotes officer safety skills, while determining the proper level of force to be used in an event. The officers will learn advanced skills to de-escalate difficult situations and identify when they are faced with someone battling mental illness.

The awarded funds are to be allocated as follows:

Purchase of:

**Street Smarts VR**

Software License – 36 - month license  
VR Hardware Training Package  
Warranty Service  
Product Delivery  
Train the Trainer Sessions

Total Quote:	\$106,500
Florida Police Department Discount:	(\$10,500)
<b>Package Total Cost:</b>	<b>\$96,000</b>
JAG Award:	\$84,568
Difference:	\$11,432

The remaining purchase amount of \$11,432 will be funded by State Forfeiture Law Enforcement receipts under Resolution No. 333-23(F).

A well-equipped and funded Police Staff Services - Training Division is crucial in providing high level advanced realistic training for officers in the modern policing environment. Advanced training requires virtual reality training equipment and technology, such as the Street Smarts VR system.

Resolution No. 318-23 approves the submission of an application for the JAG Program Grant and authorizes execution of all documents necessary to receive the grant.

Resolution No. 319-23(F) recognizes and appropriates the grant funds when received.

Commission District: City-wide purpose, not district specific.

**Fiscal Note:**

Approval of this item will recognize and provide appropriations of the FY23 Justice Assistance Grant Program Award.

- 7.13. Resolution No. 333-23(F) amending the Fiscal Year 2023/2024 Miscellaneous Trust Fund Budget to authorize appropriations of \$127,226 from the State Law Enforcement Forfeiture Receipts for law enforcement equipment, police canines, and police motorcycle upgrades; and

Resolution No. 336-23 approving a contract with Southern Coast K-9 Incorporated for the purchase of five police canines.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 333-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN THE 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 MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS IN THE AMOUNT OF \$127,226 FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR LAW ENFORCEMENT EQUIPMENT, POLICE CANINES, POLICE MOTORCYCLE UPGRADES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 336-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF POLICE CANINES FROM SOUTHERN COAST K-9; APPROVING A PURCHASE CONTRACT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Pursuant to the Florida Contraband Forfeiture Act, when a law enforcement agency obtains title to the forfeited property, the agency shall use the funds to pay for court costs incurred in the forfeiture proceedings. After that, the remaining funds shall be used for school resource officers, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles, and providing matching funds to obtain federal grants. These funds may be expended upon request by the Chief of Police to the City Commission and upon appropriation to the Police Departments' miscellaneous trust fund as the municipality's governing body deems appropriate.

The West Palm Beach Police Department (WPBPD) requests approval for the following items to be funded with proceeds from the State Forfeiture Trust account:

POLICE CANINE REPLACEMENTS (\$42,939)

The West Palm Beach Police Department deploys handlers with trained police canines to ensure the safety of the citizens and police officers of the City. A police canine is a highly trained dog that has been trained in a wide variety of police related duties such as tracking, building and area searches, criminal apprehension, handler protection, and explosive and narcotics detection.

The WPBPD has secured a donation of Twenty-Two Thousand Five Hundred Dollars (\$22,500) from The Fund for West Palm Beach Police to cover the costs of acquiring replacement and new police canines and up fitting costs of an existing WPBPD vehicle. Additional funding is required to complete the purchase of five (5) police canines in the amount of forty-two thousand nine hundred thirty-nine dollars (\$42,939).

Southern Coast K9- Five (5) Canines:	\$57,500
American Aluminum Acc Inc – Up fitting:	\$4,783
Ace K9 – Up fitting:	\$3,156
<b>Total:</b>	<b>\$65,439</b>
The Fund Donation	(\$22,500)
<b>Total:</b>	<b>\$42,939</b>

Resolution No. 336-23 approves the contract with Southern Coast K-9 for the purchase of the police canines.

POLICE MOTORCYCLE EQUIPMENT UPGRADES (\$55,995)

The West Palm Beach Police Department (WPBPD) operates a variety of specialized vehicles for law enforcement operations including police motorcycles. Police Motorcycle Operators are highly trained and skilled at all manners of police motorcycle operations. Police Motorcycle operations are assigned to the Traffic Unit within the Special Services Division of the WPBPD. An assignment as a Motor Officer is voluntary and is considered a hazardous assignment per the collective bargaining agreement. WPBPD motorcycles are law enforcement marked and up fitted with emergency equipment including sirens and emergency lighting. Being as highly visible as possible is crucial for safe operations. The WPBPD needs to upgrade the emergency lighting of the police motorcycles to continue to provide specialized operations and daily duties of the Police Motor Unit. The requested funds are to be allocated for the up fitting of five (5) police motorcycles:

Dana Safety Supply Inc.  
750 W. McNab Road  
Fort Lauderdale, FL 33309  
Quote # 376340-A  
Sound Off Inc. Emergency Equipment  
**Total: \$55,995**

STREET SMARTS VR SYSTEM (\$11,432)

The West Palm Beach Police Department (WPBPD) has been awarded \$84,568 in funding from the 2023 Edward Byrne Memorial justice Grant (JAG) Program. Resolution No. 318-23 and Resolution No. 319-23(F).

The West Palm Beach Police Department intends to use the JAG Grant awarded funds to provide a high level of training to its police officers. The Street Smarts Virtual Reality Training System allows officers to be immersed in a training scenario as if it were a live event. The trainers of the department can utilize the system to evaluate officer response to an event and identify training strengths and weaknesses. Highly trained police officers can provide better customer service, and higher customer service promotes public trust within the community they serve. The high level of training promotes officer safety skills while determining the proper level of force to be used in an event. The officers will learn advanced skills to de-escalate difficult situations and identify when they are faced with someone battling mental illness.

The awarded funds are to be allocated for the purchase of the Street Smarts VR System as follows:

Street Smarts VR Total Quote:	\$106,500
Florida Police Department Discount:	<u>(\$10,500)</u>
<b>Package Total Cost:</b>	<b>\$96,000</b>
JAG Award:	<u>\$84,568</u>
<b>Difference:</b>	<b>\$11,432</b>

BOLA WRAP LESS LETHAL DEVICES (\$12,100)

The WPBPD has authorized the use of a less-lethal weapons system when non-compliant, violent, combative, and/or armed subjects are involved in situations that may lead to potentially violent confrontations. The Department realizes special training and equipment are necessary to effectively de-escalate these dangerous situations and reduce the risk of great bodily harm or death to the subject. Less-lethal force is defined as force intended to subdue, incapacitate, or render a subject non-threatening with a lesser possibility of causing great bodily harm or death.

The WPBPD is seeking to upgrade and expand its inventory of less lethal options to include the BolaWrap 150 less lethal device. The BolaWrap™ 150 device is intended to immobilize and control resistive/non-compliant persons and persons with known or suspected mental health issues. The BolaWrap™ 150 is a hand-held remote restraint device that discharges an eight-foot bola style Kevlar tether to entangle an individual at a range of 10-20 feet.

Pro Force Law Enforcement  
2625 Stearman Drive  
Prescott, AZ 86301  
Quote # 669637  
**Total: \$12,100**

CUFF MAN HANDCUFFING TRAINER (\$4,760)

The WPBPD continuously trains its officers with high level advanced and refresher training in all areas of law enforcement services. Areas of high liability are of particular importance due to the potential of injury to officers, suspects, and the public. Arrest procedures including handcuffing and physical restraint application fall within the high liability purview. Constant training including utilizing the most up-to-date training techniques and equipment is critical in maintaining a high level of proficiency to avoid potential injury to a person being restrained. The WPBPD is seeking to update the training equipment within the Staff Services Training Division with the purchase of a handcuffing training device as follows:

Cuff-Man – Arrest and control training dummy with search prop pockets.  
Dummies Unlimited Inc.  
2435 Pine Street  
Pomona, CA 91767  
Quote #23-0575  
**Total: \$4,760**

**TOTAL REQUEST: \$127,226**

The listed items are in compliance with the guidelines set forth in the U.S. Department of Justice and U.S. Department of the Treasury – Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies and FSS 932.7055 – Disposition of Items and Forfeited Property.

Commission District: Not District Specific.

**Fiscal Note:**

Approval of this item will provide appropriations for various law enforcement equipment, police canines and police motorcycle upgrades.

- 7.14. Resolution No. 334-23 accepting a donation from The Fund for West Palm Beach Police in the amount of \$22,500 to fund the purchase and operation of replacement police canines including vehicle up fitting expenses; and

Resolution No. 335-23(F) recognizing and appropriating a donation of \$22,500 from The Fund for West Palm Beach Police in Fiscal Year 2023-2024 for Police Canine replacement and vehicle up fitting.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 334-23: A RESOLUTION OF THE CITY

COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A DONATION IN THE AMOUNT OF \$22,500 FROM THE FUND FOR WEST PALM BEACH POLICE, FOR THE REPLACEMENT OF POLICE CANINES, ALONG WITH VEHICLE UP FITTING FOR THE CANINES AND ASSOCIATED COSTS, FOR USE BY THE WEST PALM BEACH POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 335-23(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 PROVIDE APPROPRIATIONS FOR THE RECEIPT OF A DONATION FROM THE FUND FOR WEST PALM BEACH POLICE, FOR THE PURCHASE OF REPLACEMENT POLICE CANINES, INCLUDING VEHICLE UP FITTING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The West Palm Beach Police Department deploys handlers with trained police canines to ensure the safety of the citizens and police officers of the City. A police canine is a highly trained dog which has been trained in a wide variety of police related duties such as tracking, building and area searches, criminal apprehension, handler protection, and explosive and narcotics detection.

The WPBPD has secured a donation of Twenty-Two Thousand Five Hundred Dollars (\$22,500) from The Fund for West Palm Beach Police to cover the costs of acquiring replacement and new police canines and up fitting costs of an existing WPBPD vehicle.

Resolution No. 334-23 accepts the donation and authorizes use for the indicated purposes.

Resolution No. 335-23(F) will recognize the receipt of funds and provide appropriations for canine replacements, additions, and vehicle up fitting.

**Fiscal Note:**

Approval will recognize the receipt of funds and provide appropriations for canine replacements, additions, and vehicle up-fitting.

- 7.15. Resolution No. 323-23 authorizing the issuance by the West Palm Beach Community Redevelopment Agency of not to exceed \$5,000,000 tax increment revenue bonds, taxable series 2023.

**Originating Department:**



Community Redevelopment Agency

**Ordinance/Resolution:**

RESOLUTION NO. 323-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE ISSUANCE BY THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY OF NOT TO EXCEED \$5,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY SUBORDINATE TAX INCREMENT REVENUE BONDS, TAXABLE SERIES 2023 (NORTHWOOD/PLEASANT CITY COMMUNITY REDEVELOPMENT AREA), IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 163, PART III, FLORIDA STATUTES, AS AMENDED; AUTHORIZING THE FINANCING OF THE SERIES 2023 NPCCRA REDEVELOPMENT PROJECT; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**Background Information:**

On January 31, 2022, the Board of the West Palm Beach CRA directed staff to initiate a series of action steps to help jump start the redevelopment of the Broadway Corridor. Per the CRA's Strategic Finance Plan for the Northwood-Pleasant City District, Amendment 19 and the City of West Palm Beach's Strategic Finance Plan, CRA staff has included these steps in its budget and work plan. They included:

- Broadway Mixed Use District Regulatory Update
- Banker Broker Event
- Marketing the Corridor
- Land Acquisitions

At the work session in January 2022, the Board also approved a task, which included borrowing fund to assist in the redevelopment of Broadway, specifically for property acquisitions. Since the work session and coordinating with the City's Finance Department and Financial Advisors, the CRA issued a formal solicitation for loan offers and has received one (1) offer from Valley National Bank.

On October 2, 2023, CRA staff presented an update to the Board on the progress of Broadway redevelopment and discussed the Valley National Bank line of credit proposal. At the conclusion of the meeting, the Board directed staff to bring back a line of credit agreement with Valley National Bank consistent with Valley National Bank's proposal.

The CRA companion item is Resolution No. 23-41.

CRA District: Northwood-Pleasant City-Broadway.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

Annual Principal and Interest debt payments will be made out of the CRA budget.

- 7.16. Resolution No. 316-23 approves a Conditional Settlement Agreement totaling \$189,747.71 in the matter of Ardy Jean-Francois v. The City of West Palm Beach.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 316-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$189,747.71 IN THE MATTER OF ARDY JEAN-FRANCOIS V. THE CITY OF WEST PALM BEACH, FILED IN THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA, CASE NO. 50-2022-CA-006505-XXXX-MB AJ; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Ardy Jean-Francois brought a claim for damages by way of a complaint in the Fifteenth Judicial Circuit in Ardy Jean-Francois v. The City of West Palm Beach for an accident that occurred on October 19, 2021. The City has reached a settlement agreement with Ardy Jean-Francois and his attorney to resolve the matter for a total of \$189,747.71. 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. 316-23 approves the Conditional Settlement Agreement.

- 7.17. Resolution No. 327-23 authorizing the assessment of City liens in the total amount of \$16,367.62 for unpaid water service, sewer service, and storm water charges for the month of September 2023.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 327-23: 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 SEPTEMBER 2023; 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. 327-23 are for unpaid water service, sewer service, and stormwater service charges for the month of September 2023.

The list of properties to be assessed and the associated charges totaling \$16,367.62 are provided in Resolution No. 327-23 as Exhibit A - Utility Lien List - September 2023.

**Fiscal Note:**

No fiscal impact.

- 7.18. Resolution No. 328-23 approves a Conditional Settlement Agreement totaling \$70,000 in the matter of Ruth Ann Ellis v. The City of West Palm Beach, filed in the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Case No. 50-2022-CA-007748-XXXX-MB-AE.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 328-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT TOTALING \$70,000 IN THE MATTER OF RUTH ANN ELLIS V. THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Ruth Ann Ellis brought a claim for damages by way of a complaint in the Fifteenth Judicial Circuit in the matter of Ruth Ann Ellis v. The City of West Palm Beach, filed in the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Case No. 50-2022-CA-007748-XXXX-MB-AE for an accident that occurred on or about December 20, 2021. The City has reached a settlement agreement with the plaintiff, Ruth Ann Ellis and her attorney to resolve the matter for a total of \$70,000. 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. 328-23 approves the Conditional Settlement Agreement.

**Fiscal Note:**

The settlement amount of \$70,000 will be covered in the Risk budget.

## 8. RESOLUTIONS

- 8.1. Resolution No. 312-23 approving the development, publication, and distribution of a children's book about Grassy Water's Preserve; granting licenses associated with the book; and authorizing the execution of an agreement regarding the children's book among Vera De Chalambert, Christina Eure, Grassy Waters Conservancy, Inc., and the City of West Palm Beach.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 312-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT, PUBLICATION, AND DISTRIBUTION OF A CHILDREN'S BOOK ABOUT GRASSY WATER'S PRESERVE; GRANTING LICENSES ASSOCIATED WITH THE BOOK; AUTHORIZING THE EXECUTION OF THE AGREEMENT REGARDING CHILDREN'S BOOK AMONG VERA DE CHALAMBERT, CHRISTINA EURE, GRASSY WATERS CONSERVANCY, INC., AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 312-23.

**Background Information:**

The Nature Center, located within the City's Grassy Waters Preserve, was developed to provide residents and visitors a diverse educational nature experience in Grassy Waters Preserve to foster individual action towards water conservation and stewardship of the environment.

Grassy Waters Conservancy, Inc. ("Conservancy") is an independent not-for-profit corporation organized under Florida Statutes Chapter 617 and operated exclusively for charitable purposes to support and promote Grassy Waters Preserve for environmental education, research, and

nature based experiences, while ensuring its ecological integrity and its major role as a regional water supply.

Vera De Chalambert and Christina Eure are employees of the City of West Palm Beach and through their employment at Grassy Waters Preserve Nature Center, desire, as part of their regular job duties, to write, illustrate, publish, and distribute a children's book about the Grassy Waters Preserve to educate children on the need to protect the environment and the City's water source.

The Conservancy desires to support the children's book effort by funding the publication and distribution of such children's book in an amount not to exceed \$5,000.

Resolution No. 312-23 approves an agreement among the City, Vera De Chalambert, Christina Eure, and the Conservancy for the development, publication and distribution of a children's book about Grassy Water's Preserve by the City to educate children on the need to protect the environment and the City's water source. Such approval is subject to the following conditions:

- a. The writing and illustration of the Children's Book shall be considered as works made for hire, and the City of West Palm Beach shall own all rights in the Children's Book.
- b. The Children's Book shall be reviewed by the City's public information officer and approved in writing by the City prior to publication.
- c. The City grants to the Conservancy a license to reproduce faithful images from the Children's Book for educational, promotional, and fundraising purposes only.
- d. The City grants a license to the illustrator of the Children's Book to use the City's "Snail Kite Logo" in connection with the Children's Book and for this purpose only.

**Fiscal Note:**

No cost is required of the City of West Palm Beach. Funding of \$5,000 to be provided by the Grassy Waters Conservancy.

- 8.2. Resolution No. 322-23 approves as Face of the City, a large scale sculpture titled: "Ripples" by local artist Nestor Guzman to be installed at Echo Lake Park.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO 322-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE ARTWORK ENTITLED: "RIPPLES" BY ARTIST NESTOR GUZMAN TO BE INSTALLED AT ECHO LAKE PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 322-23.

**Background Information:**

On Saturday, October 21st, the community surrounding Echo Lake Park reviewed three (3) concepts by artist Nestor Guzman, and by majority vote selected Ripples Concept # 3.

On November 1, 2023, the ArtLife Committee, considering the communities request, voted unanimously to recommend to City Commission, as Face of the City, "Ripples", which is a large-scale marble sculpture by Nestor Guzman to be installed at Echo Lake Park. Further, the sculpture meets the criteria set forth in Section 78-125 of the code of ordinances.

The community was invited via email through their neighborhood associations, which included Echo Lake Park, Westfield, and Northshore neighborhood associations to attend the meet and greet with the artist with the intent for the community to select by majority vote one of the three proposed concepts. Also, Commissioner Ward added the invitation in her "Northend Updates & Resources" newsletter. In addition, the Administration from Bak Middle School of the Arts received an invitation to share with families from the surrounding area.

The meet and greet included an overview of the artist practice, review of the three proposed concepts, and an opportunity to vote on one of the three works. Further, voting was made accessible via a QR code linked to the City's ArtLife web page.

ABOUT THE ARTIST

Guzman is a south Florida-based sculptor, originally from Bogota, Colombia where he studied at the Universidad Nacional de Colombia. Later, he earned a bachelor's degree in sculpture at the Academy of Fine Arts in Carrara. He completed his training at the Academy of Fine Arts in München, Germany. Guzman works primarily in marble. In his artist statement he writes: "Marble talks to me! It is like words to the writer or oil to the painter". Further, he states: "Seemingly rigid and harsh in its unpredictable natural stage, marble becomes an object defined by a few clean lines, breaking the stigma of being a heavy and soundless stone to become a natural source of expression, greatly capable to inspire other

minds".

LOCATION

Echo Lake Park

ARTWORK

Nestor Guzman introduced three (3) concepts to the community at Echo Lake Park:

1. INCONTRO: This sculpture depicts the moment when we meet with family, friends, or even when we find ourselves in contact with nature on casual and peaceful conversation.
2. CONNECTION: This sculpture depicts the spirituality that rises towards heaven, it is the connection of ourselves with nature and the rest of the universe.
3. RIPPLES: This sculpture represents how we build community. How we treat each other affects our surroundings creating a *ripple* effect.

Dimensions: 4' (W) x 8' (H)

Materials: White Carrara Marble - Italy

Base: Specs Materials and Dimensions per Installer 6' X 1'

Resolution No. 322-23 approves as Face of the City, a large-scale sculpture titled: "Ripples" by artist Nestor Guzman to be installed at Echo Lake Park.

Resolution No. 137-23(F) was approved on July 10, 2023 and provided appropriations of \$100,000 for this Public Art Commission.

Commission District One (1): Commissioner Ward.

**Fiscal Note:**

No fiscal impact.

- 8.3. Resolution No. 332-23 approves the proposed art concepts of Amy Lincoln, Annie Morris, and Klip Collective for 575 Rosemary by The Related Companies to satisfy the public art requirement. One percent (1%) of the total construction costs is \$880,000.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 332-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MAKING FINDINGS AND APPROVING INSTALLATION OF A PUBLIC ART INSTALLATION BY AMY LINCOLN, ANNIE MORRIS, AND KLIP COLLECTIVE FOR 575 ROSEMARY AVENUE. IN COMPLIANCE WITH THE PUBLIC ART ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 332-23.

This motion is based on the findings that the proposed artworks meet the criteria set forth in Section 78-125 of the City Code as reviewed by the ArtLife WPB Committee.

**Background Information:**

On November 15, 2023 at a special meeting, the ArtLife Committee voted unanimously to recommend to City Commission the proposed artworks by Amy Lincoln, Annie Morris, and Klip Collective for 575 Rosemary.

ABOUT THE ARTISTS

**Amy Lincoln** makes imaginative, intensely hued paintings of the natural world. After painting plants for many years, she chose to simplify her imagery such as with air, water, light, and clouds, none of which has a local color or concrete form. Drawing on three prevailing genres of oil painting—landscape, still life, and portraiture—and working with a distinct color palette, Amy Lincoln employs a visual vocabulary that unsettles any clear-cut category. Her uncanny use of bold and unnatural colors and highly manicured style instills a discomfiting quality in otherwise idyllic settings.

**Annie Morris** creates fantastical and intricate sculptures, paintings, and drawings. Morris is well known for her monumental stack sculptures. The colorful balls of the vertical sculptures are shaped out of bronze, plaster, or sand. Playfully, her works are neither fully figurative nor abstract. Inspired by her strength from personal struggles, Morris chooses to focus on the hopefulness and vibrancy of life. The seemingly weightless forms are a metaphor for pure joy and the ability to conquer the impossible.

**Klip Collective** was founded in 2003 by Ricardo Rivera. Klip Collective is a creative studio that uses a unique synthesis of projection mapping, lighting, and sound design to create captivating, immersive sensory experiences on behalf of institutions, corporate clients, and cultural partners. Klip's installations are dynamic, large-scale explorations of perception and imagination. By interpreting and transforming architecture, landscape and objects into active canvases framed by the



dark of night, Klip re-shapes the reality of a space.

### ABOUT THE ARTWORKS

Titled: *Sun Through Leaves (Spectrum)*, 2023-2024 will be Amy Lincoln's first large-scale mural at 5,000 square feet. Her composition reflects the lush plant foliage of The Square's with the addition of her signature color palette. The artist works with three colors and white to create her compositions. In this work, the yellow sun is at the center, while rays of orange and pink project out with an outer ring of dark green leaves that frame the center. The installation of Lincoln's design will be implemented by Chalk & Brush.

Annie Morris' sculpture: *Stack 9, Ultramarine Blue* is one of an edition of three. The overall height is close to 9'. Nine (9) numbered colored balls are stacked in a precarious manner. Seemingly weightless, fun, and colorful, the sculpture defies the impossible.

Klip Collective: Light installation will transform the passageway between a parking structure and an entry point into The Square. This will be a site-specific immersive light passage that will include swash's of light with deconstructed video patterns that create a dynamic portal.

Based on the findings that the proposed artwork meets the criteria set forth in Section 78-125 of the City Code as reviewed by the ArtLife WPB Committee, Resolution No.332-23 approves works by Amy Lincoln, Annie Morris, and Klip Collective for 575 Rosemary to satisfy the Developers public art requirement.

Commission District 3: Commissioner Christy Fox.

#### **Fiscal Note:**

No fiscal impact.

- 8.4. Resolution No. 93-23 establishing the calculation for the historic preservation height bonus assessment applicable in certain sub-districts of the Northwood mixed use district.

#### **Originating Department:**

Development Services

#### **Ordinance/Resolution:**

RESOLUTION NO. 93-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE CALCULATION FOR THE HISTORIC PRESERVATION HEIGHT BONUS ASSESSMENT APPLICABLE IN CERTAIN SUB-DISTRICTS OF THE NORTHWOOD MIXED USE DISTRICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER

PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 93-23.

**Background Information:**

In 2018, the Community Redevelopment Agency applied for and received approvals for text amendments as well as land development regulation changes per City Ordinance 4772-18 that implemented the visioning results for the Northwood Mixed Use District (NMUD). The amendments established a Historic Preservation Fund to help with the preservation of historic resources within NMUD consistent with the Historic Preservation Element of the City's Comprehensive Plan. The City's modified Zoning and Land Development Regulations gave Developers the option to increase their building height by electing to participate in different bonus options depending on their location in the core sub-district, transition sub-district, or edge sub-district. One of the options is to pay in to the Northwood preservation Fund. Specifically:

"(q) Historic preservation height bonus assessment. (1) Developments utilizing the historic preservation height bonus in accordance with Section 94-210(h)(2) must contribute a historic preservation height bonus assessment per square foot of all additional square footage above base zoning to be eligible for the height bonus. Such historic preservation height bonus assessment shall be paid prior to issuance of a building permit for the new development or addition. All historic preservation height bonus assessments shall be deposited into the historic preservation fund for the Northwood Road Historic District. (2) Developments which preserve a historically designated structure on site in accordance with Section 94-210(h)(2)b receive height bonus square footage on a one-for-one basis for the amount of square footage in the preserved building. If the height bonus requires more square footage than is in the preserved building, then the Developer shall contribute to the Northwood Historic Preservation Fund in accordance with Section 94-210(g)(1) for the remaining height bonus square footage. (3) The amount of the historic preservation height bonus assessment shall be established by resolution of the City Commission and may be adjusted from time to time.

(r) Historic preservation fund. (1) A separate historic preservation fund shall be established by the City. All historic preservation height bonus assessment payments from new development or additions to an existing structure within the Northwood mixed-use district shall be deposited into this fund and the funds shall be kept separate from any other City funds. The historic preservation fund shall be used by the City for improvement to and maintenance of structures in the Northwood Road Historic District. Use of such funds shall be determined by the City Commission. Any monies not expended in

the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund."

Since 2018, no project has expressed interest in utilizing this height bonus until now. City and CRA staff met on multiple occasions to establish a cost per square foot that would capture the market difference between the Northwood area and downtown. Staff is proposing half the current rate of the Transfer of Development Right (TDR) value of downtown as reflected in the Resolution (\$8.50/square foot).

Commission District 1: Commissioner Cathleen Ward.

- 8.5. Resolution No. 329-23 approving a Local Funding Agreement between the City of West Palm Beach and Florida Department of Transportation (FDOT) for the additional design costs to add multi-use pathways to the FDOT Okeechobee and Lakeview project;

Resolution No. 337-23 approving an Interlocal Funding Agreement between the Community Redevelopment Agency and the City of West Palm Beach for the additional design costs to add multi-use pathways to the FDOT Okeechobee and Lakeview project; and

Resolution No. 338-23(F) accepting the appropriation of CRA funds for the redesign of Okeechobee Boulevard and Lakeview Avenue.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 329-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LOCALLY FUNDED AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WEST PALM BEACH FOR ADDITIONAL DESIGN SCOPE FOR THE OKEECHOBEE AND LAKEVIEW PROJECT TO INCLUDE A SHARED USE PATH AND RELATED MODIFICATIONS TO THE ROADWAY, SIGNAGE, LIGHTING AND TRAFFIC SIGNAL PLANS; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL REQUIRED DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 337-23: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF WEST PALM BEACH APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH REGARDING FUNDING IN THE AMOUNT OF \$800,000 TO COVER FLORIDA DEPARTMENT OF TRANSPORTATION DESIGN COST FOR THE ADDITION OF A MULTI-

PURPOSE PATH ALONG OKEECHOBEE BOULEVARD BETWEEN  
TAMARIND AVENUE AND FLAGLER DRIVE.

RESOLUTION NO. 338-23(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 AMENDING THE CAPITAL ACQUISITION FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE REDESIGN OF OKEECHOBEE BOULEVARD AND LAKEVIEW AVENUE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 329-23, Resolution No. 337-23, and Resolution No. 338-23(F).

**Background Information:**

The FDOT began their design work on the SR704/Okeechobee Road and Lakeview Avenue project in 2022. The project limits go from Tamarind Avenue to Flagler Drive and will include roadway resurfacing, relocated drainage facilities, streetlighting upgrades and new pavement markings. The FDOT had been coordinating with the City for additional utility upgrades for water and sanitary sewer piping.

As the design was being completed and presented to the City for review and comment in August 2023, the West Palm Beach Community Redevelopment Agency (CRA) requested the City staff to pursue the possibility of considering modifying the design to include a multi-use trail for the entire length of the project in lieu of the on-street bike lanes being provided by the FDOT.

The City, CRA and FDOT met several times over the months of August, September, and October 2023 to discuss the logistics of doing so. Extra work at the request of City of West Palm Beach to redesign the Project to remove the bike lane in the street and instead create shared use path behind the curb. This work includes revisions to Roadway, signing, lighting, and signal plans.

It was eventually agreed that the FDOT could accommodate this, if the City was willing to pay for the additional costs associated with this revision to the scope. The FDOT elected to defer the project for one (1) year to allow for the modifications to the design to take place, which their design consultant will prepare the revised plans for. In order to do so, a Local Funding Agreement (LFA) for the added design costs was to be prepared by the FDOT, which was provided to the City in November 2023.

The estimated additional design costs that the FDOT will incorporate into their existing design contract is \$800,000. A future LFA will be prepared in fiscal year 2025 to cover the added construction costs.

It is anticipated that the re-design work will be completed in the fall of 2024 and that the construction work will commence in the Spring of 2025.

The CRA currently has funds budgeted in the Okeechobee Corridor program to cover these costs.

The FDOT requires that an LFA be executed between the FDOT and the City, wherein the City will remit these funds to the FDOT within thirty (30) days of execution of the LFA. Any unused funds will be returned to the City at that time.

Approval of Resolution No. 329-23 approves contribution of \$800,000 by the City for the multi-use trail land authorizes the execution of the Local Funding Agreement.

Resolution No. 337-23 approves an interlocal agreement between the City of West Palm Beach Community Redevelopment Agency and the City to provide the necessary funding for the project redesign. Resolution No. 338-23(F) accepts the transfer of funds from the CRA to the City.

The CRA companion item is Resolution No. 23-43.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

Approval will recognize a transfer from the CRA and provide appropriations for the Okeechobee/Lakeview redesign project.

- 8.6. Resolution No. 339-23 finding that City-owned property located at 815 Palm Beach Lakes Boulevard is not needed for City purposes, declaring the property as surplus, and providing the method of disposition to be negotiation of a conveyance agreement with the Sickle Cell Foundation.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

RESOLUTION NO. 339-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT CITY OWNED PROPERTY LOCATED AT 815 PALM BEACH LAKES BOULEVARD IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; AUTHORIZING THE METHOD OF DISPOSITION TO BE NEGOTIATION OF A CONVEYANCE AGREEMENT WITH THE SICKLE CELL FOUNDATION; PROVIDING

AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 339-23.

**Background Information:**

The City of West Palm Beach hereby desires to make a determination of surplus to City-owned property located at 815 Palm Beach Lakes Boulevard (the "Property"). The Sickle Cell Foundation is presently operating from the Property and have expressed an interest in acquiring the Property for the Foundation's use in providing services to the community, for the following reasons:

- For 50 years, the Foundation has led the fight against Sickle Cell Disease in Palm Beach and Treasure Coast counties. Moreover, in recent years, the Foundation, in reliance on the credibility and respect it has earned in the community it serves and beyond, has expanded its programming and services to help reduce infant mortality; increase the availability and use of high-quality prenatal care; and to provide support, education, and training for fathers; each of which is a high priority health issue in the City.
- The Foundation desires to continue to be prominently situated in the heart of the community it serves and to be able to help lead the effort to revitalize and enhance that community.
- The Foundation is confident that the necessary funding to rehabilitate and renovate the aging Property will be available; thereby, setting an example for the ongoing "rebirth" of its neighborhood.

The City acquired the Property by tax deed sale, which includes the Jenkins House and is adjacent to a City-owned parcel containing the Vickers House. The property line between the two parcels may not lie equidistant between the two parcels and may need to be re-platted, as it appears from the Property Appraiser's system that the property line may run through the Vickers House. The intention of the City is to surplus and convey the parcel that includes only the Jenkins House, along with half of the access drive and approximately half of the parking area.

Prior to negotiating with the interested party and in accordance with Section 2-31 of the City's Code of Ordinances, the City Commission must make a determination that the property is not needed for City purpose, must declare the property as surplus, and select a method of disposition. The recommended method of disposition is formal negotiations with an interested party, in this case, the Sickle Cell Foundation.

Resolution No. 339-23 finds that City-owned property located at 815 Palm

Beach Lakes Boulevard is not needed for City purposes, declares the property as surplus, and provides the method of disposition to be negotiation of a conveyance agreement with the Sickle Cell Foundation.

Commission District 1: Commissioner Cathleen Ward.

## 9. PUBLIC HEARING

- 9.1. Public Hearing and Second Reading of Ordinance No. 5078-23 amending the definition of special event to specifically include large group feeding, adding a time to process a large group feeding special event application, providing for waiver of the permit application fee, and making other minor modifications.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

ORDINANCE NO. 5078-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 78 (STREETS, SIDEWALKS AND PUBLIC PLACES); ARTICLE VI (SPECIAL EVENTS); DIVISION 1 (GENERALLY); SECTION 78-151 (DEFINITIONS); SECTION 78-153 (APPLICATION FOR A SPECIAL EVENT PERMIT), SECTION 78-155 (RESERVATION OF DATES, APPLICATION FEE AND DEPOSIT); AT ARTICLE XVI (PUBLIC PLACES); SECTION 78-468 (PUBLIC EXPRESSION ACTIVITIES); PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Staff Recommended Motion:**

Approve Ordinance No. 5078-23 on Second Reading and schedule a Third Reading for January 8, 2024.

**Background Information:**

Ordinance No. 5037-23 was enacted by the Commission in early 2023 and amended the City's Special Events Permits Process to regulate permitting large group feedings.

Recently, the 15th Judicial Circuit found that Ordinance No. 5037-23 acted as a prior restraint, as applied to Food Not Bombs.

As a result, Ordinance No. 5078-23 specifically includes large group feedings in the definition of a "special event". The instant ordinance also adds the conjunction "or" between each of the conditions listed to qualify as a special event.

Finally, this Ordinance adds a timeframe for processing a large group

feeding permit applications and provides an alternative permit option; waives the permit fee for large group feedings; reduces the citywide large group feeding permit restriction of two events per park per year to five specifically identified public spaces; makes other revisions for clarification purposes.

Adoption of Ordinance No. 5078-23 addresses the prior restraint issue raised by the Court and provides other recommended changes.

**Fiscal Note:**

No fiscal impact.

## 10. PUBLIC HEARING - QUASI-JUDICIAL

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

10.1. Public Hearing and Second Reading of Ordinance No. 5023-22 designating the Florida Public Utilities Company (FPUC) building on the West Palm Beach Register of Historic Places.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5023-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 401 SOUTH DIXIE HIGHWAY AS A HISTORIC SITE ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5023-22 on second reading.

**Background Information:**

This application is for the designation of the structure at 401 South Dixie Highway, West Palm Beach, Florida, formerly known as the Florida Public Utilities Company (FPUC) building.

The FPUC Office Building, built in 1965, in downtown West Palm Beach embodies the distinctive characteristics of the mid-century modernist architecture. The Building meets local register criteria A and D. It is significant as an important element of the commercial history of West Palm Beach and a mainstay as the downtown evolved and developed around it. It is also significant as a representation of the work of the firm founded by renowned architect, Marion Sims Wyeth (1889-1982), whose work over 55 years made him one of Palm Beach's most prolific



architects with many notable commissions and as he helped shaped the image of West Palm Beach and neighboring Palm Beach.

On October 25, 2022, the Historic Preservation Board unanimously recommended approval (7 - 0) to designate this building.

The item was approved on first reading on December 12, 2022.

Commission District 3: Commissioner Christy Fox.

- 10.2. Public Hearing and Second Reading of Ordinance No. 5077-23 designating the Locust House, 1225 North Sapodilla Avenue on the West Palm Beach Register of Historic Places.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5077-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 1225 NORTH SAPODILLA AVENUE AS AN HISTORIC SITE ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5077-23 on Second Reading.

**Background Information:**

On September 28, 2021, the Historic Preservation Board (HPB) approved the relocation of this building from 464 Fern Street to 1225 North Sapodilla Avenue under HPB Case Number 21-74. One condition of the relocation was that the building be redesignated at its new location in the Northwest neighborhood.

The Locust House, historically known as 917 Locust Avenue, is a two-story, Mission Revival style structure with one-story components to the side and rear featuring a flat roof with parapet. A chimney is located to the rear of the structure along with an open-air loggia with arched openings covered by a hip roof surfaced with barrel tile. The front elevation features a wood bracketed hip roof overhang surfaced with barrel tile. Fenestration includes wood multi-light French doors and multi-light windows on the front elevation except for one over one (1/1) sash style windows. The side and rear elevations have sash style one over one (1/1) and casements windows. While it was used as an office downtown, it has now been rehabilitated back into a single-family house.

On August 22, 2023, the Historic Preservation Board unanimously recommended approval (7 - 0) to designate this building.

Commission District 3: Commissioner Christy Fox.

- 10.3. Public Hearing of Resolution No. 314-23 regarding a request by Michelle Cuetara of Urban Design Studio, on behalf of CityPlace Retail, LLC, for the approval of a Major Planned Development Amendment to the CityPlace Commercial Planned Development (CPD) to amend the Rosemary Square – CityPlace CPD Master Sign Plan to update definitions and to clarify provisions regarding tenant sign criteria and locations.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 314-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR PLANNED DEVELOPMENT AMENDMENT TO THE ROSEMARY SQUARE – CITYPLACE CPD MASTER SIGN PLAN TO UPDATE DEFINITIONS AND TO CLARIFY PROVISIONS REGARDING TENANT SIGN CRITERIA AND LOCATIONS; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 314-23.

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 amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background Information:**

The CityPlace Commercial Planned Development (CPD) covers approximately 82 acres. The original Master Sign Plan for the CityPlace CPD was approved in 2000 by Ordinance No. 3327-00 and was amended five (5) times by Ordinance Nos. 4125-08, 4255-10, 4293-12, 4413-12, and 4444-13. As part of the rebranding of the commercial portion of the CityPlace CPD as Rosemary Square, CityPlace Retail, LLC, submitted changes to the Master Sign Plan. In December of 2019, the City Commission approved Ordinance No. 4881-19 to amend and restate the Master Sign Plan and Resolution No. 361-19 to contain the Rosemary Square - CityPlace CPD Master Sign Plan, which has been amended by Resolution No. 201-20. As Rosemary Square continues to evolve in both the form of the built environment and the mix of tenants, the Rosemary Square - CityPlace CPD Master Sign Plan needs to be updated to reflect this evolution.

## MASTER SIGN PLAN PROPOSED CHANGES

The changes to the Master Sign Plan apply to signs within Sign Zone 2, the commercial signs within Sign Zone 1 and along the F.E.C. RR as shown in ATTACHMENT I. The Rosemary Square – CityPlace CPD Master Sign Plan is currently included as Exhibit B of Resolution No. 201-20 and contains definitions, procedural requirements, and textual descriptions of the sign zones and sign types, as well as exhibits that graphically show and further describe what is permitted. The Rosemary Square – CityPlace CPD Master Sign will continue to be Exhibit B as part of proposed Resolution No. 314-23. The proposed amendments include changes to both the main body of the Rosemary Square – CityPlace CPD Master Sign Plan (Master Sign Plan) and to Exhibit C “Rosemary Square Tenant Sign Criteria” (Exhibit C) of the Master Sign Plan. No changes are proposed to Exhibits A-1, B, D, or E of the Master Sign Plan.

The amendment clarifies the definitions of awning and canopy and adds a definition of pergola in the Master Sign Plan. These definition modifications/additions are necessary, since the three (3) different features: (1) awnings, (2) canopies, and (3) pergolas have different sign allowances due to the way that each feature is physically constructed. Exhibit C was modified to reflect the specifics for mounting signage to these features.

Section D(e) of the Master Sign Plan regarding sign types is being clarified that back plates or panels are permitted only for certain sign types as listed in Exhibit C. Exhibit C includes an expanded definition of a sign panel for Arcade Identity Signs based on a sign design that currently is not permitted by the Master Sign Plan.

The amendment adds text to the Master Sign Plan that specifies that temporary construction signs, both free standing and those mounted to fences, follow the provisions outlined in Sections 94-407(7) and (8) of the Zoning and Land Development Regulations. Since both of these sections specify that signage is only permitted along a street frontage, the current development of the C Block at 550 South Rosemary Avenue (old movie theater and Brio) will be surrounded by a construction fence. The Developer, Related (CityPlace Retail, LLC), would like to install marketing signage on the eastern boundary of the site, which is bounded by the F.E.C. Railroad, which is not a street frontage. The proposed amendment includes an allowance for properties covered by the Master Sign Plan to treat the F.E.C. Railroad as a street frontage for the purpose of temporary construction signage.

Vertical Building Signs, which are mounted perpendicular to the exterior façade of a building on an upper level, are currently permitted within the Master Sign Plan only for double height tenants with a lower and upper

arcade (Storefront Type 5) and upper level tenants with grade level exclusive entry (Storefront Type 5). CityPlace Retail, LLC, is requesting to expand the locations where this type of signage is permitted to single height tenants with arcade (Storefront Type 1). This proposal requires changes in multiple locations within Exhibit C.

### STANDARDS

The Planning Division has determined that the Major Planned Development Amendment to the Rosemary Square – CityPlace CPD Master Sign Plan 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 Planning Board Staff Report (ATTACHMENT II).

### PLANNING BOARD

The Planning Board recommended approval (6-0) of the request to the City Commission after a Public Hearing on October 17, 2023.

### NOTICE

Individual notices were mailed to all property owners within 500 feet of the area covered by the Major Amendment. Signs for the Major Amendment were posted on the property on September 29, 2023.

Resolution No. 314-23 approves the amendments to the CityPlace Master Sign Plan.

Commission District 3: Commissioner Christy Fox.

### **Fiscal Note:**

No fiscal impact.

- 10.4. Resolution No. 315-23: A request by Jon Schmidt of Schmidt Nichols, on behalf of Centrepark Master Mind, LLC, for a Major Amendment to the Centrepark CPD, with waivers from the City's Zoning and Land Development Regulations, to allow for the construction of a 13-story, 155,765 square foot office building on property located at 1545 Centrepark Drive North.

### **Originating Department:**

Development Services

### **Ordinance/Resolution:**

RESOLUTION NO. 315-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE CENTREPARK COMMERCIAL PLANNED DEVELOPMENT AND DEVELOPMENT OF REGIONAL IMPACT, TO ALLOW FOR THE CONSTRUCTION OF A 155,765 SQUARE FOOT OFFICE USE DEVELOPMENT ON PROPERTY LOCATED AT 1545 CENTREPARK DRIVE NORTH, GENERALLY LOCATED AT THE SOUTHERN CORNER OF THE SOUTH AUSTRALIAN AVENUE AND OKEECHOBEE ROAD INTERSECTION; GRANTING WAIVERS OF THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 315-23 based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, the findings that the request complies with the Comprehensive Plan, and the standards in Section 94-32(a) and 94-35(c) of the City's Zoning and Land Development Regulations.

**Background Information:**

The subject site is approximately 1.27 acres located at 1545 Centrepark Drive North, within the Centrepark Commercial Planned Development (CPD) zoning district south of the South Australian Avenue and Okeechobee Road intersection and northwest of the Centrepark Drive North right-of way. The subject site is comprised of one (1) parcel that is currently developed with an existing 1-story office building and a surface parking lot.

The applicant is requesting approval of a Major Amendment to the Centrepark CPD to allow for the construction of a 13-story, 155,765 square foot office building on the subject site.

Additionally, the applicant is seeking waivers from the minimum setbacks requirement to allow for the proposed location of the office building on the subject site.

Staff finds the subject development project proposal is consistent with the type of development permitted within the Centrepark CPD, as well as the surrounding area, and the requested waivers would not negatively affect the orderly and logical development pattern within the Centrepark CPD.

The Planning Board recommended approval with conditions (6-0) of this request to the City Commission after a Public Hearing on October 17, 2023, based on the testimony presented at the hearing, along with the application submitted and the Staff Report, that the request does comply with the standards for the Planned Development Major Amendment.

NOTICES

Pursuant to the requirements of Sections 94-39(i)(5) and 94-39(j) of the City's Code of Ordinances, individual notices were mailed to property owners within 500 feet of the subject property, the site was posted, and the resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Commission District 3: Commissioner Christy Fox.

- 10.5. Resolution No. 325-23: A request by Nour Darwish, of Schmidt Nichols, on behalf of Scuba Club, LLC, for a replat of the subject property, consisting of approximately 1.73 acres, located at 4714 North Flagler Drive.

**Originating Department:**  
Development Services

**Ordinance/Resolution:**  
RESOLUTION NO. 325-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REPLAT / MINOR SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "ALBA RESIDENCES", CONSISTING OF ONE (1) PARCEL AND CONTAINING A TOTAL OF APPROXIMATELY 1.73 ACRES, LOCATED AT 4714 NORTH FLAGLER DRIVE, GENERALLY NORTH OF 46TH STREET AND SOUTH OF 47TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**  
Approve Resolution No. 325-23 creating the plat entitled "Alba Residences". This motion is based upon the application submitted, staff report, factual testimony, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-342 of the City's Zoning and Land Development Regulations.

**Background Information:**  
The subject property is one (1) individual parcel, consisting of 1.73 acres (75,358.80 square feet), located at 4714 North Flagler Drive, generally north of 46th Street and south of 47th Street.

In 2022, the City Commission approved Resolution No. 2-22 approving a Residential Planned Development to construct a 55-unit development, 235 feet in height. The approval included waivers from the City's Zoning and Land Development Regulations (ZLDRs) and rezoning from Multifamily High Density (MF32) Residential zoning to Alba Residences Residential Planned Development (RPD).

The applicant is in the process of requesting a Major Amendment to the Alba Residences Residential Planned Development (RPD), with waivers from the City's Zoning and Land Development Regulations, to allow for changes to the approved site plan and to construct a dock greater than 100 feet in length.

The applicant desires to combine Parcels A, B, C, and D identified on the survey, into one (1) lot on the subject property to create the plat entitled "Alba Residences".

### STANDARDS

Staff has found the requested Minor Subdivision (Replat) complies with the subdivision general design standards as established in Section 94-342 of the City's Zoning and Land Development Regulations.

### NOTICES

Pursuant to the requirements of Section 94-39(i)(5) and 94-39(j)(2) of the City's Zoning and Land Development Regulations, the site was posted, individual notices were mailed to property owners within 500 feet of the subject property, and the Resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Resolution No. 325-23 will approve the plat, combining the four lots into one (1) parcel.

Commission District 1: Commissioner Cathleen Ward.

## 11. APPEALS

- 11.1. Appeal of the Historic Preservation Board's decision in Case # 22-37A, denying the request to replace the original wood siding at the historically contributing structure located at 221 Greenwood Drive.

**Originating Department:**

Development Services

**Staff Recommended Motion:**

Deny the Certificate of Appropriateness to replace the siding on the historically-contributing structure at 221 Greenwood Drive.

The City Commission may deny the certificate of appropriateness, approve the certificate, or approve the certificate with conditions.

**MOTION FOR DENIAL:** Deny the Certificate of Appropriateness for

replacement of wood siding at 221 Greenwood Drive based on the factual testimony presented, the application submitted and the staff report, along with the findings that, pursuant to Section 94-49(c) of the Code of Ordinances, the following conditions for the basis of denial exist: [State the specific conditions].

**MOTION FOR APPROVAL WITHOUT CONDITIONS:** Approve the Certificate of Appropriateness for replacement of wood siding at 221 Greenwood Drive based on the factual testimony presented, the application submitted and the staff report, along with the findings that: [the feature matches the old in design, color, texture, and other visual qualities and where possible materials].

**Background Information:**

The property at 221 Greenwood Drive is a two-story Frame Vernacular residence with Colonial influences built in 1939 by W. A. Holley and is known as the Alfred and Lucie Jackson House. It is a contributing building located in the Prospect Park/Southland Park Historic District. Character defining features include a cutaway porch and siding. The Florida Master Site File Form references 2/2 double hung windows and a brick chimney.

On May 24, 2022, the applicant requested the following from the Historic Preservation Board:

1. Replacement of siding with wider boards.
2. A standing seam metal roof.
3. New eyebrow/detail at entry porch.
4. Entry door with sidelites in same opening size.
5. Modifications to openings at rear and facing guests house.
6. Addition of pergola at guest house.
7. Removal of non-original porch/deck at guest house, new cover on main house.

The case was subsequently continued to discuss the issue of roofing material, and was ultimately approved on June 28, 2022 with the applicant agreeing to retain the existing wood siding and replace only the rotted/damaged portions with wood siding of equivalent width and profile.

On September 26, 2023, the applicant returned to the Board asking to reconsider the condition of retaining the wood siding, instead requesting to remove all siding and replace with stucco finished to replicate wood siding.

HISTORIC PRESERVATION BOARD

This request came to be heard by the Historic Preservation Board on September 26, 2023. Planning staff presented the application for a



condition modification of a Certificate of Appropriateness for replacement of existing wood siding with stucco to mimic siding with the recommendation of DENIAL based on not meeting compatibility standards. The Historic Preservation Board voted (7-0) on the request, resulting in a denial.

### APPEAL

The Applicants' appeal of the Historic Preservation Board's decision was timely received on October 25, 2023 through the EPL application system. Pursuant to Sec. 94-50 of the Code of Ordinance, Historic Preservation Board decisions are appealed to the City Commission. The appeal hearing must be held within sixty (60) days of the appeal request. The City Commission's review is de novo and the decision shall be based on the testimony and evidence presented to the Commission at this hearing. A decision of the City Commission may be appealed to a court of competent jurisdiction within thirty (30) days.

### RELEVANT CODE PROVISIONS

94-49(c)(3): Secretary of the Interior's Standards for Rehabilitation. In reviewing an application, the Secretary of the Interior's Standards for Rehabilitation (as may be amended from time to time) shall be applied. The current version is as follows:

f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Commission District 5: Commissioner Christina Lambert.

## **12. COMMENTS FROM THE PUBLIC**

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

part of the record and may be addressed at a later date.

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

### **14. 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.