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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
DRAFT Agenda
Monday, January 8, 2024
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. PROCLAMATIONS

- 6.1. Proclaiming January 16, 2024 as Palm Beach Symphony 50th Anniversary Season Celebration Day. Proclamation to be accepted by Mr. James R. Borynack, Board Chair; Maestro Gerard Schwarz, Music Director; and Mr. David McClymont, Chief Executive Officer.

Originating Department:

Mayor's Office

- 6.2. Pay Tribute to Jones Foster in recognition of the Firm's centennial celebration. Tribute to be accepted by Mr. Larry B. Alexander, Chairman, and Mr. Scott G. Hawkins, Vice Chair.

Originating Department:

Mayor's Office

7. APPOINTMENTS

- 7.1. City Commission approval is requested for the Mayor's reappointment of Leesa Conley-Harding to the Library Board for a term of three (3) years to expire on January 28, 2027. Ms. Conley-Harding has served over the maximum allowed number of terms (3), and it is required that the City Commission confirms her reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Ms. Conley-Harding's reappointment is supported. She has been a committed member whose expertise with design has been particularly insightful for the Board.

- 7.2. City Commission approval is requested for the Mayor's reappointment of Patricia Sned to the Parks and Recreation Advisory Committee for a term of two (2) years to expire on November 1, 2025. Ms. Sned has served over the maximum allowed number of terms (3), and it is required that the City Commission confirms her reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Ms. Sned's reappointment is supported. Her leadership has been an integral part of keeping the parks protected and the bond funds spent appropriately.

8. CONSENT CALENDAR

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

- 8.1. Minutes of the Regular City Commission Meeting of December 11, 2023.

Originating Department:

Mayor's Office

- 8.2. Resolution No. 283-23(F) accepting and appropriating funds in the amount of \$4,250 from Prime Time of Palm Beach County funded by the Children Services Council in recognition of the after-school programs at Gaines Park and South Olive Park completing the Quality Improvement System (QIS) core quality practices. These funds are to be used for program supplies, professional development, field trips, special youth/family events, and other program expenditures.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 283-23(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 PROVIDE FOR THE RECEIPT AND APPROPRIATION OF THE GRANT AWARD FROM PRIME TIME OF PALM BEACH COUNTY TO PROVIDE AFTER SCHOOL PROGRAM SUPPLIES, PROFESSIONAL DEVELOPMENT, FIELD TRIPS, SPECIAL YOUTH/FAMILY EVENTS, OTHER PROGRAM EXPENDITURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Quality Improvement System (QIS) incentive program is a Prime Time of Palm Beach County strategy designed to further increase after school program quality for their participant's activities/programs. The QIS is a performance-based recognition program that awards financial incentives to out-of-school time programs that go above and beyond in their QIS work. The award amount is based upon a tiered process through which a program demonstrates the implementation of advanced youth development and program management practices. These practices are in concert and direct relationship with a program's voluntary participation and work in Prime Time's QIS incentive program. Funding is provided by the Children's Services Council of Palm Beach County and is based upon the availability of funds and performance.

This past year, two (2) of the City's after-school programs were eligible to receive a QIS Core Practices Development Grant through Prime Time's QIS incentive program. They have each completed the QIS core quality practices that aim to increase and maintain positive youth development, which leads young people to develop skills necessary to be successful socially, emotionally, and academically. Prime Time requires that the grant be spent on professional development, program supplies, field trips, special youth and/or family events, and other program expenditures.

Gaines Park Community Center and South Olive Community Center have each been recognized for going above and beyond in their QIS work. Gaines Park K - 5th grade was awarded \$1,500; Gaines Park 6th - 8th grade was awarded \$1,500; and South Olive K - 5th grade was awarded \$1,250.

Commission District 1: Commissioner Cathleen Ward.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Approval will provide \$4,250 in additional funds to be used towards professional development, field trips, special youth and/or family events, and other program expenditures.

- 8.3. 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.

- 8.4. 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.

- 8.5. 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.

- 8.6. Resolution No. 4-24 accepting an award from the Florida Department of Transportation for a grant in the amount of \$105,000 to fund an Occupant Protection Program (seatbelts and child restraint device usage); and

Resolution No. 5-24(F) providing for the receipt and appropriation of \$105,000 in grant funding in FY 2023/2024.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 4-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING AN AWARD IN THE AMOUNT OF \$105,000 FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR AN OCCUPANT PROTECTION AND CHILD PASSENGER SAFETY GRANT TO FUND THE WEST PALM BEACH POLICE DEPARTMENT OCCUPANT PROTECTION PROGRAM; AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

RESOLUTION NO. 5-24(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 RECOGNIZE RECEIPT OF FUNDS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR REIMBURSEMENT OF OVERTIME COSTS FOR TRAFFIC EDUCATION AND ENFORCEMENT OF OCCUPANT SAFETY LAWS AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

Background Information:

In January 2023, the West Palm Beach Police Department (WPBPD) submitted a concept paper to the Florida Department of Transportation (FDOT) regarding the proposed use of grant funds to be included in the State's Fiscal Year 2024 Highway Safety Plan. The paper used statistics on crash outcomes in the City of West Palm Beach and the rest of the State to help justify why this education and enforcement plan targeting occupant restraint usage, safety belts, and child restraint devices should be funded in the City of West Palm Beach.

In 2022, the West Palm Beach Department issued 1,425 safety belt and child restraint citations and warnings throughout the City. This was a 125% increase from the previous year before, and this was in large part due to the Occupant Protection grant.

Often during a traffic stop initiated for another violation, officers have discovered more passengers not wearing seatbelts. This is occurring by both front and rear passengers. It is not uncommon to discover many of the rear seat occupants are unaware they are required to use a seatbelt per Florida State Statute. Many of these unrestrained drivers or occupants are under 18 years of age.

The WPBPD will continue to integrate high visibility enforcement, community outreach, and publicity to educate the public on safety belt usage. The WPBPD has adjusted the enforcement to the needs of the community. Crash data is used to determine where the most crashes are occurring and to conduct the above stated enforcement and outreach in those areas.

The WPBPD looks to achieve a few objectives during the project period.

The goal is to reduce the number of serious bodily injury crashes by at least 3% during the sub-grant period compared to the same time last year. To increase the enforcement of Florida's safety belt law, a

minimum of bi-weekly High Visibility Enforcement Details will be conducted throughout the sub-grant period. Participation in at least three (3) community events to promote occupant protection safety throughout the sub-grant period.

On September 26, 2023, Chief Adderley was notified that FDOT agreed and has determined that the City of West Palm Beach's plan merited inclusion in the Highway Safety Plan in the amount of \$105,000 in overtime reimbursement (salary and benefits). The City must submit an electronic application to accept this sub-grant and complete associated documents. The grant period began on October 1, 2023, but the program cannot be implemented until all documents are complete. This program supports the City's Vision Zero goal of zero traffic fatalities.

Resolution No. 4-24 accepts the grant and authorizes execution of any necessary documents.

Resolution No. 5-24(F) accepts and appropriates the grant funding of \$105,000.

Fiscal Note:

Approval of this item will recognize and appropriate the grant funding toward the FDOT Occupant Protection Program.

- 8.7. Resolution No. 6-24 accepting an award from the Florida Department of Transportation for a grant in the amount of \$109,000 to fund an Aggressive Driving Program; and

Resolution No. 7-24(F) providing for the receipt and appropriation of \$109,000 in grant funding in FY 2023/2024.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO 6-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING AN AWARD FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION OF A SPEED/AGGRESSIVE DRIVING SAFETY GRANT IN THE AMOUNT OF \$109,000 TO FUND THE WEST PALM BEACH POLICE DEPARTMENT SPEED AND AGGRESSIVE DRIVING CAMPAIGN; AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

RESOLUTION NO. 7-24(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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO RECOGNIZE RECEIPT OF FUNDS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR REIMBURSEMENT OF OVERTIME COSTS FOR TRAFFIC EDUCATION AND ENFORCEMENT OF AGGRESSIVE DRIVING LAWS AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

Background Information:

In January 2023, the West Palm Beach Police Department submitted a concept paper to the Florida Department of Transportation (FDOT) regarding the proposed use of grant funds to be included in the State's Fiscal Year 2024 Highway Safety Plan. The paper used statistics on crash outcomes in the City of West Palm Beach and the rest of the State to help justify why this education and enforcement plan focused on aggressive driving should be funded in the City of West Palm Beach.

The last four consecutive years the West Palm Beach Police Department participated in the High Visibility Enforcement Contract, which is a partnership where FDOT provides funding to the Institute for Police Technology and Management (IPTM) at the University of North Florida.

The West Palm Beach Police Department continues to conduct several high visibility DUI saturations in our downtown area as well as illegal street racing operations. The West Palm Beach Police Department has recruited the help of County Law Enforcement during these enforcement operations. The West Palm Beach Police Department will continue to work and find new ways to make the roads and the people who use them safer.

On September 26, 2023, Chief Adderley was notified that FDOT agreed and has determined that the City of West Palm Beach's plan merited inclusion in the Highway Safety Plan in the amount of \$109,000 in overtime reimbursement and emergency vehicle lighting. The City must submit an electronic application to accept this sub-grant and complete associated documents. The grant period began on October 1, 2023, but the program cannot be implemented until all documents are complete. This program supports the City's Vision Zero goal of zero traffic fatalities.

Funding allocations:

- \$105,000 overtime reimbursement (salary & benefits)
- \$4,000 purchasing of emergency vehicle lighting

Resolution No. 6-24 authorizes the acceptance of the grant award, and Resolution No. 7-24(F) accepts and appropriates the grant funds of

\$109,000.

The funds for the stated operations are not district specific and will be conducted City-wide in areas of concern that current statistics and traffic issues dictate.

Fiscal Note:

Approval of this item will recognize and appropriate the grant funding toward the FDOT Aggressive Driving Program.

- 8.8. Resolution No. 1-24 approving an Interlocal Agreement between the City of West Palm Beach and the West Palm Beach Downtown Development Authority for Maintenance of trash cans in the right of way downtown on Clematis Street

Originating Department:

Public Works & Support Services

Ordinance/Resolution:

RESOLUTION NO. 1-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY FOR MAINTENANCE OF TRASH CANS IN THE RIGHT OF WAY IN DOWNTOWN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Department of Public Works Sanitation Division currently services 62 right of way (ROW) trash cans seven (7) days a week on Clematis Street from Flagler to Tamarind. Resolution No. 250-22, approved by City Commission on October 3, 2022, updated the Comprehensive Fee Schedule to establish ROW can charge monthly service fees based on frequency of service. The current cost being absorbed by the Sanitation Division to service these 62 cans is \$4,767.18 per month. As a result of the proposed interlocal agreement, this cost and servicing of these cans will now be absorbed by the Downtown Development Authority (DDA).

DDA'S RESPONSIBILITIES FOR MAINTENANCE

The DDA agrees to maintain all of the trash cans in the City's right of way ("ROW"), specified above. Such "maintenance" is defined as follows:

1. Shall include the emptying of such cans located within the ROW of Clematis Street, from 100 – 700 blocks, seven (7) days per week.
2. Wiping off (cleaning) and lock replacements.

3. All other maintenance shall be reported to the City to be addressed. Replacement of cans will not be the responsibility of the DDA.
4. DDA will not be responsible for cans that are not owned by the City; cans that are located on private property; or public facility properties, such as City Hall Courtyard, garage entrances, Police Station, or other public facilities.

CITY'S RESPONSIBILITIES

The City shall ensure that the DDA has a current list of all trash can locations and is able to access the trash cans to be emptied. The current locations of the trash cans to be maintained by DDA is provided in Exhibit A.

Fiscal Note:

Cost savings to the Department of Public Works Sanitation Division: \$4,767.18 monthly.

- 8.9. Resolution No. 11-24 for the execution of a Utility Work by Highway Contractor Agreement between the State of Florida Department of Transportation (FDOT) and the City of West Palm Beach (City) for the City Utility Work in conjunction with State Road 5-US1/Broadway Avenue Milling & Resurfacing (59th Street/West Palm Beach to Northlake Boulevard/North Palm Beach).

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 11-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT (UWHCA) BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF WEST PALM BEACH (CITY) FOR UTILITY WORK IN CONJUNCTION WITH FDOT'S PROJECT ON STATE ROAD 5-US 1/BROADWAY AVENUE FROM 59TH STREET/WEST PALM BEACH TO NORTHLAKE BOULEVARD/NORTH PALM BEACH, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In July 2024, the Florida Department of Transportation (FDOT) will be soliciting bids for the improvements of State Road No. 5-US1/Broadway Avenue Milling & Resurfacing of 59th Street/West Palm Beach to Northlake Boulevard/North Palm Beach, "FDOT Project". The FDOT Project involves milling and resurfacing, sidewalk replacement, lighting,

and signalization improvements. The work requires incidental improvements of City-owned existing utilities (Utility Work). The Utility Work involves adjustment of water valve boxes and manholes and relocation of a fire hydrant.

The construction by FDOT is anticipated to begin in October 2024 for a duration of twelve (12) months. The FDOT and the City have determined that it is in the best interest of the public and to the economic advantage for both parties to enter into a Utility Work by Highway Contractor Agreement (UWHCA) to accomplish the City's utility improvements ("Agreement"). Accordingly, the City's related utility work will be competitively bid as part of the FDOT project and constructed by an FDOT Contractor. Under the terms of the Agreement, the City shall reimburse FDOT a total estimated amount of \$12,040 for the cost of the Utility Work. This amount includes the cost of utility items plus 10% construction contingency and 2% CEI (Construction Engineering & Inspection).

Resolution No. 11-24 approves the UWHCA with FDOT for the City's incidental utility relocation within State Road No. 5-US1 (Broadway Avenue) Milling & Resurfacing from 59th Street/City of West Palm Beach to Northlake Boulevard/City of North Palm Beach.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Fully budgeted. The Water and Sewer Operational Expenses, Utility Relocation balance is approximately \$150,000.

9. PUBLIC HEARING

- 9.1. Public Hearing and First Reading of Ordinance No. 5074-23 amending the Code of Ordinances of the City of West Palm Beach, Florida, at Chapter 86 (Traffic and Parking) by amending and restating Article IV (Stopping, Standing and Parking) to amend Section 86-292 (Immobilization of Vehicles on Private Property) to add new provisions relating to notice, Method of immobilization and towing and removal procedure.

Originating Department:

Parking

Ordinance/Resolution:

ORDINANCE NO. 5074-23: 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 86 (TRAFFIC AND PARKING) BY AMENDING AND RESTATING ARTICLE IV (STOPPING, STANDING

AND PARKING) TO AMEND SECTION 86-292 (IMMOBILIZATION OF VEHICLES ON PRIVATE PROPERTY) TO ADD NEW PROVISIONS RELATING TO NOTICE, METHOD OF IMMOBILIZATION AND TOWING AND REMOVAL PROCEDURES; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5074-23 at first reading and schedule second reading.

Background Information:

City Ordinance No. 5074-23 amends Section 86-292 of the City's Code of Ordinances, which regulates the immobilization of motor vehicles on private property by adding new provisions relating to notice, method of immobilization and towing, and device removal procedures. These provisions will clarify the immobilization process on private property within the City and bring the City's ordinance into consistency with updated provisions of Palm Beach County Ordinance No. 2022-021 governing Towing and Immobilization Services.

The new provisions accomplishes the following:

- Notice: The Notice provision specifies the size, location, and content of notices required to be posted on private property that is licensed to immobilize motor vehicles parked without permission.
- Method of Immobilization: This provision describes the type of device that may be used to immobilize a vehicle and specifies the size, location, and content of the notice that must be posted on the vehicle when an immobilization device is installed. This provision also regulates the device removal process and the towing requirements.

Parking staff supports these changes and recommends approval.

10. PUBLIC HEARING - QUASI-JUDICIAL

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

- 10.1. Public Hearing and First Reading of Ordinance No. 5079-24 regarding a Rezoning to change the Zoning designation of approximately 2.6 acres located at 2500 North Florida Mango Road from General Commercial to Commercial Planned Development; and

Discussion of Resolution No. 2-24 regarding the development regulations and conditions for the Tropicana Self Storage Commercial Planned

Development, and granting a waiver of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Jon Schmidt of Schmidt Nichols, on behalf of 2500 N Florida Mango LLC, to create the Tropicana Self Storage Commercial Planned Development.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5079-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING TWO PARCELS LOCATED AT 2500 NORTH FLORIDA MANGO ROAD, APPROXIMATELY 2.6 ACRES, FROM GENERAL COMMERCIAL (GC) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) TO CREATE THE TROPICANA SELF STORAGE COMMERCIAL PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 2-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE TROPICANA SELF STORAGE COMMERCIAL PLANNED DEVELOPMENT LOCATED AT 2500 NORTH FLORIDA MANGO ROAD; GRANTING A WAIVER TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5079-24, a rezoning to change the Zoning designation of approximately 2.6 acres located at 2500 North Florida Mango Road from General Commercial to Commercial Planned Development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Sections 94-32 of the City's Zoning and Land Development Regulations.

Resolution No. 2-24 to be considered for approval at Second Reading of the related ordinances at the January 22, 2024 City Commission Meeting.

Background Information:

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

The subject property is comprised of two (2) parcels, with the address of 2500 North Florida Mango Road, consisting of approximately 2.6 acres. Specifically, the subject property is located on the east side of North Florida Mango Road, between Upland Road and Belvedere Road. The subject property has frontage along North Florida Mango Road. The subject property consists of an existing bowling alley building.

The applicant is proposing to construct a 108,292 square foot self-storage facility in two (2) phases on the subject property. To effectuate the plans and to allow the request of a waiver from the City's Zoning and Land Development Regulations (ZLDRs), an application was submitted to change the zoning designation of two (2) parcels from General Commercial (GC) to Commercial Planned Development (CPD).

The applicant is requesting a 2.4-acre waiver from the minimum area requirement for a CPD per Section 94-207(d)(2) of the ZLDRs (which is described and analyzed in the Staff Report). It is staff's professional opinion that with the finding that particular circumstances justify the reduction of the planned development acreage to less than five (5) acres and that the requirements for the planned development district zoning and the benefits to be derived from the planned development district zoning can be derived in such a lesser area, the proposed CPD complies with the City's Comprehensive Plan, and that the proposed development, with the waiver granted, will comply with the standards required by the ZLDRs. Planning staff, therefore, is recommending approval, subject to the conditions contained in Resolution No. 2-24.

PLANNING BOARD

After a Public Hearing on November 21, 2023, the Planning Board recommended approval (6-0).

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 5079-24 and Resolution No. 2-24 were advertised in the Palm Beach Post.

Commission District 3: Commissioner Christy Fox.

- 10.2. Public Hearing of Resolution No. 324-23: A request by Patricia Monahan of Marine Construction Inc., on behalf of Mary Cheatham, for a Class A Special Use Permit to construct a private dock greater than 100 feet in length, on the subject property located at 7405 South Flagler Drive within the Single-Family Low Density (SF7) residential zoning district.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 324-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A DOCK AT 7405 SOUTH FLAGLER DRIVE; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 324-23 for a Class A Special Use Permit to allow for the construction of a 104 foot 1-inch dock on the subject property.

This motion is 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 94-36(e)(3),(4) and (5), Sections 94-313(a)(3) and (4), and Section 94-273(a)(2), of the City's Zoning and Land Development Regulations.

Background Information:

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

The subject property is located at 7405 South Flagler Drive and is comprised of property on both the east and west sides of South Flagler Drive. The western portion of the property consists of a single-family residential dwelling unit. The cumulative acreage of the eastern and western portions of the subject property is 0.4 acres.

Pursuant to Section 94-313 (a) of the Zoning and Land Development Regulations (ZLDRs), a Class A Special Use Permit is required when waivers to the City's standards for dock design are requested. Accessory docks are also permitted by right on properties possessing contiguous and non-contiguous riparian rights. The subject property possesses non-contiguous riparian rights to the Intracoastal Waterway. The dock will extend into the waterway within the middle one-third of the lot.

Per Section 94-313(a)(3)(i) of the City's ZLDRs requires that all

residential docks not exceed 100 feet in length. The applicant is requesting approval for a 104 foot 1-inch long dock which is 4 feet 1 inch beyond the allowed length, and therefore requires a waiver. Currently, the properties to the north and south of the subject site along South Flagler Drive have non-contiguous riparian rights into the Intracoastal Waterway with docks which exceed the permitted 100 feet length.

CONCLUSION

The provision of a waiver for the maximum length required by Section 94-313(a)(3)(i)(i) would reasonably accommodate water vessels, while avoiding maintenance dredging which could wash away upland shorelines. It is staff's professional opinion that the additional dock length will not have an adverse effect on the surrounding properties and is necessary to provide the required protection. With the exception of the dock's length, staff finds that the request satisfies the required provisions of the ZLDRs. Therefore, staff finds the request satisfies all the standards found within the ZLDRs and as such, is recommending approval, subject to the conditions contained in Resolution No. 324-23.

PLANNING BOARD

After a Public Hearing on October 17, 2023, the Planning Board unanimously recommended approval (6-0) of the Class A Special Use Permit to the City Commission.

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet off the subject property, and signs were posted on the property. In accordance with the advertising requirements of the City's Zoning and Land Development Regulations, a legal ad for Resolution No. 324-23 was advertised in the December 30, 2023 edition of the Palm Beach Post.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Not applicable.

- 10.3. Resolution No. 8-24 approving the replat of approximately 1.04 acres (45,425 square feet) of real property generally located at 300 Banyan Boulevard and 301 Clematis Street, as is associated with the 300 Banyan Boulevard office tower and 111 Olive Avenue projects by Brand Atlantic/300 Banyan LLC and 301 Clematis LLC.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 8-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONSOLIDATION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "300 BANYAN BLVD. – 301 CLEMATIS ST." CONSISTING OF TWO (2) DEVELOPMENT TRACTS TOTALING APPROXIMATELY 1.04 ACRES (45,425 SQUARE FEET) GENERALLY LOCATED AT 300 BANYAN BOULEVARD AND 301 CLEMATIS STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 8-24 creating the plat entitled "300 BANYAN BLVD. - 301 CLEMATIS ST." This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with all applicable provisions of Chapter 177, Florida Statutes, the Comprehensive Plan, and the standards in Sections 94-44 and 94-342 of the City's Zoning and Land Development Regulations.

Background Information:

The subject property and project entitled: "300 Banyan and 111 Olive" received site plan approval on January 31, 2022. The project consists of approximately 97,906 square feet of office space, a 272-space parking structure, and the renovation of the existing 41,779 square foot building at 301 Clematis Street.

The project is generally located at 300 Banyan Boulevard and 301 Clematis Street (111 Olive Avenue).

The development approval for "300 Banyan and 111 Olive" project provided a condition that prior to the issuance of the final Certificate of Occupancy (CO), the property shall be re-platted in accordance with the City's policies and procedures.

The ownership, 300 Banyan LLC, wishes to aggregate the site into two (2) development tracts and detail/record all necessary easements.

Resolution No. 8-24 approves the plat titled "300 BANYAN BLVD. - 301 CLEMATIS ST."

Commission District 3: Commissioner Christy Fox.

11. 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.

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. ADJOURNMENT

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

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