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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  
Agenda  
Monday, March 4, 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. PROCLAMATION

- 6.1. Proclaiming March 2024 as Florida Bicycle Month. Proclamation to be accepted by Kevin Volbrecht, Director of Engineering Services; Jessica Keller, Mobility and Transportation Manager; Alex Hansen, City Comprehensive Planner; Bernard Harrigan, Outreach Coordinator WPBgo Mobility Coalition; and Raphael Clemente, Executive Director of the Downtown Development Authority.

**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. Resolution No. 19-24 approving the Stipulation of Parties between the City, the South Florida Regional Transportation Authority (SFRTA), and the Florida Department of Transportation (FDOT) for the railroad crossing closures at Division Avenue and 25th Court and the partial closure of the railroad crossing at Old Okeechobee Road; and

Resolution No. 22-24 approving the Project Funding Agreement among the City, SFRTA, and FDOT for the cost reimbursement by the City to SFRTA for the design work associated with the crossing closures and the new crossing at Fern Street; and

Resolution No. 59-24 approving an Interlocal Funding Agreement between the West Palm Beach Community Redevelopment Agency and the City of West Palm Beach regarding funding in the amount of \$300,000 to cover design costs for the Fern Street Railway Crossing; and

Resolution No. 60-24(F) recognizing and appropriating a transfer of cash proceeds (\$300,000) for the design costs for the Fern Street Railroad Crossing project.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 19-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A STIPULATION OF PARTIES BETWEEN THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY, THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WEST PALM BEACH FOR THE CLOSURES OF PUBLIC RAILROAD-

HIGHWAY GRADE CROSSINGS AT DIVISION STREET AND 25TH COURT AND TO PARTIAL CLOSURE AT OLD OKEECHOBEE ROAD; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL REQUIRED DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 22-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PROJECT FUNDING AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY FOR COSTS ASSOCIATED WITH THE CLOSING OF CERTAIN RAILROAD CROSSINGS AND THE CONSTRUCTION OF A NEW FERN STREET RAILROAD CROSSING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 59-24: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF WEST PALM BEACH, FLORIDA, 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 \$300,000 TO COVER DESIGN COSTS FOR THE FERN STREET RAILROAD CROSSING; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

RESOLUTION NO. 60-24(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 AMENDING THE CAPITAL ACQUISITION FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE DESIGN OF THE FERN STREET RAILROAD CROSSING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Resolution No. 214-23 was approved by the City Commission on September 5, 2023 authorizing the Mayor to sign the Florida Department of Transportation (FDOT) provided Stipulation of Parties (SOP) for execution by FDOT.

After the document was signed and sent to FDOT, further revisions were made to the Stipulation of Parties to include more language regarding the cost responsibilities of the City for the design and construction work of the crossing closures at 25th Court, Division Avenue, and the partial crossing closure at Old Okeechobee Road and for the new crossing at Fern Street. Another revision to the SOP incorporated a Project Funding Agreement (PFA) as an exhibit to the SOP to be executed by the South Florida Regional Transportation Authority (SFRTA), the City, and FDOT, wherein

the terms are provided for the cost responsibility that the City will need to reimburse SFRTA for their having the design performed by their consultant(s) and the construction performed by their contractor(s). The design costs are currently estimated not to exceed \$150,000 and the terms for reimbursement to SFRTA are depicted in the PFA.

In the SOP and the PFA ,the closures of the existing crossings is referred to as the Crossing Work and the new railroad crossing at Fern Street is referred to as the Fern Street Work.

The PFA depicts that the design work will include preparations of Plans Packages for the Crossing Work and Fern Street Work including a preliminary Project budget for the construction work which will be provided to the City for review and approval.

This design effort to be performed by SFRTA consultants will primarily involve the trackwork associated with the Crossing Work and the Fern Street Work.

The City will contract with a separate consultant directly for the design work associated with the roadwork for the crossing closures and for the new Fern Street crossing. This effort will be undertaken as soon as practical following the trackwork design with the track geometry and elevations being coordinated appropriately.

The estimated trackwork design costs are \$150,000. The estimated roadwork design costs are \$400,000.

The Community Redevelopment Agency (CRA) will be contributing \$300,000 towards these design efforts. The City will fund the balance of \$250,000 for these design efforts.

Resolution No. 19-24 authorizes the Mayor to sign the revised Stipulation of Parties provided by FDOT.

Resolution No. 22-24 authorizes the Mayor to sign the Project Funding Agreement. referenced in the SOP that provides for the reimbursement to SFRTA for the design and construction costs that will be undertaken directly by SFRTA.

Resolution No. 59-24 approves an interlocal agreement between the City of West Palm Beach Community Redevelopment Agency and the City to provide the necessary funding for the Fern Street Crossing project design.

Resolution No. 60-24(F) recognizing and appropriating transfer of cash proceeds (\$300,000) for the design costs for the Fern Street Railroad Crossing project. The CRA companion item providing the funding is

Resolution No. 24-7(F).

The Fern Street crossing and the partial crossing closure at Old Okeechobee Road is located in Commission District 3: Commissioner Christy Fox.

The crossing closures at 25th Court and Division Avenue are located in Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

Approval will recognize a transfer of cash proceeds (\$300,000) and provide appropriations for the design costs for the Fern Street Railroad Crossing project. The City will fund the balance of the design cost (\$250,000) utilizing adopted FY24 budget within the Capital Acquisition Fund.

- 7.2. Resolution No. 45-24 accepting a Resilient Florida Grant from the Florida Department of Environmental Protection in the amount of \$1,000,000 to fund the City of West Palm Beach Utilities Adaptation Project; and

Resolution No. 46-24(F) providing budget appropriations for the Water and Sewage Systems Revenue Funds.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 45-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A RESILIENT FLORIDA GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$1,000,000 TO FUND PHASE 2 OF THE FLAGLER DRIVE UNDERGROUND HARDEING / ADAPTATION PROJECT; APPROVING THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 46-24(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 AMENDING THE WATER/SEWER UTILITY RENEWAL, REPLACEMENT AND IMPROVEMENT FUND BUDGET TO RECOGNIZE A GRANT FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE CITY OF WEST PALM BEACH UTILITIES ADAPTATION PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

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

In August 2022, the City Commission approved the submittal of a Resilient Florida grant application to implement the City of West Palm Beach Adaptation Project to accomplish the underground utilities hardening along Flagler Drive ("Project") (Resolution No. 219-22). The intent of the Project is to perform the repair and rehabilitation of the wastewater collection network in the south end of the City in areas where underground utilities experience high volume of inflow and infiltration from frequent exposure to elevated groundwater and flooding conditions.

In July 2023, the Florida Department of Environmental Protection, through its Resilient Florida Program, awarded a grant to the City in the amount of \$1,000,000 (with 50% match required for total estimated project cost of \$2 Million) to implement the City of West Palm Beach Utilities Adaptation Project. The grant funding covers the project costs incurred and expended during the period of July 1, 2023 to June 30, 2026.

The general project boundaries extend from Belvedere Road to the north, Gregory Road to the south, Parker Avenue to the west, and Flagler Drive to the east. While the exact scope of work is subject to change based on post condition assessment, the improvements involve, but are not limited to, replacement, or repair and rehabilitation of approximately 290 sanitary sewer laterals totaling approximately 6,000 linear feet of vitrified clay pipes with trenchless method using cured-in-place pipe methodology. Ancillary activities include sewage by-pass pumping, pre and post closed-circuit television video/reporting, and incidental site restoration.

Resolution No. 45-24 accepts the Resilient Florida grant and authorizes execution of the grant agreement.

Resolution No. 46-24(F) amends the Water and Sewage Systems Revenue Fund Budget to accept the grant funds and provides appropriations of the grant plus the matching funds of \$1,000,000 for the Project.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

The amount of both grant and match were budgeted in Fiscal Year 2023 -

2024. The F-Resolution needs recognize the revenue only.

- 7.3. Resolution No. 49-24(F) amending the General Fund Budget to recognize insurance and auction proceeds (\$97,071) to provide appropriations for Police replacement vehicles.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 49-24(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 GENERAL FUND BUDGET TO PROVIDE FOR THE RECEIPT OF AUCTION AND INSURANCE PROCEEDS TO PROVIDE APPROPRIATIONS FOR POLICE VEHICLE REPLACEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The West Palm Beach Police Department (WPBPD) operates numerous police vehicles both marked and unmarked. Throughout the year, several vehicles are involved in vehicle crashes and are deemed a total loss, or become non-operational outside of the contracted service life. These vehicles are sent to an auction company contracted by the City. Revenues collected from the auction are used to offset replacement costs to police fleet operations.

The WPBPD is requesting funds transferred via Resolution No. 49-24(F) from revenues received from JJ Kane Auctioneers related to decommissioned police vehicles sold at auction from Account # 001-031200-0-364001-00000000 as follows:

11/28/2023 JJ Kane Auctioneers	= \$63,475
<u>1/8/2024 JJ Kane Auctioneers</u>	<u>= \$10,940</u>
Total	= \$74,415

The WPBPD is requesting funds transferred via Resolution No. 49-24(F) from revenues received from Corvel Enterprise Comp. Inc. related to total loss police vehicles sold as scrap from Account # 001-031200-0-369909-00000000 as follows:

11/15/2023 - Corvel Enterprise Comp Inc. =\$22,656

Funds to be transferred into the Police automotive Account # 001-031200-521-500641 for replacement police vehicles and up fitting as

follows:

JJ Kane Auction	= \$74,415
<u>Corvel</u>	<u>= \$22,656</u>
Total	= \$97,071

Resolution No. 49-24(F) amends the General Fund Budget to recognize insurance and auction proceeds (\$97,071) to provide appropriations for Police replacement vehicles.

**Fiscal Note:**

Approval recognizes insurance and auction proceeds (\$97,071) to provide appropriations for Police replacement vehicles.

## 8. RESOLUTIONS

- 8.1. Resolution No. 63-24(F) approving the use of general fund discretionary fund balance in the amount of \$272,500 for the first payment of the \$1.09M settlement to the Photographic Centre.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 63-24(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 GENERAL FUND BUDGET TO APPROVE THE USE OF GENERAL FUND DISCRETIONARY FUND BALANCE TO PROVIDE APPROPRIATIONS FOR A SETTLEMENT AGREEMENT WITH THE PALM BEACH PHOTOGRAPHIC CENTRE, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 63-24(F).

**Background Information:**

At the June 12, 2023 City Commission meeting, via Resolution No. 160-23, the Board approved the conditional Final Settlement Agreement between the City and Palm Beach Photographic Centre, Inc. in the amount of One Million and Ninety Thousand Dollars (\$1,090,000). Finalization of the Settlement Agreement was contingent upon a resolution of the repayment of the \$500,000 the Photographic Centre received from Palm Beach County.

As a settlement of its \$500,000 repayment, Palm Beach County agreed to



a credit of 50% of the amount or \$250,000, and the City agreed to pay the remaining \$250,000. Within sixty (60) days of the County's approval of its Termination Agreement, which was completed on January 30, 2024, the City is required to provide the initial payment of 25% of the \$1,090,000 settlement amount. Therefore, the first payment of \$272,500 is due to the Photographic Centre on or before March 31, 2023.

Resolution No. 63-24(F) authorizes the use of the general fund discretionary fund balance to provide appropriations of the \$272,500 payment to the Palm Beach Photographic Centre, Inc. The remaining portion of the settlement amount of \$817,500 will be included in the FY25 budget.

**Fiscal Note:**

Funds are available in the general fund discretionary funding.

## 9. PUBLIC HEARING

- 9.1. Public Hearing and Second Reading of Ordinance No. 5071-23 for approval of City-initiated Evaluation and Appraisal Review (EAR) based amendments to multiple elements and to the Map Series of the City's Comprehensive Plan.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5071-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE INTRODUCTION AND ADMINISTRATION ELEMENT, FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, UTILITIES ELEMENT, RECREATION AND OPEN SPACE ELEMENT, HISTORIC PRESERVATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, DOWNTOWN MASTER PLAN ELEMENT AND THE MAP SERIES OF THE COMPREHENSIVE PLAN BASED ON THE EVALUATION AND APPRAISAL REVIEW (EAR) PROCESS OF THE COMPREHENSIVE PLAN; STATING THE INTENT OF THE CITY COMMISSION TO AMEND THE COMPREHENSIVE PLAN IN ACCORDANCE WITH CHAPTER 163 FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5071-23 and direct submittal of the adopted amendments to the State Land Planning Agency. This recommendation is based on the findings that these proposed amendments meet Chapter 163, Florida Statutes and all other appropriate Florida statutory requirements and are consistent with the different elements of the City's Comprehensive Plan.

**Background Information:**

The proposed amendments reflect changes in State requirements or legislation; clarify the language in the policies for ease of understanding; combine or eliminate similar or redundant policies; more accurately reflect current practices, processes, or conditions; and update outdated references or definitions. These amendments are being undertaken by the City as part of the Evaluation and Appraisal Review (EAR) process outlined by the State.

Florida Statutes Chapter 163.3191 indicates that: “At least once every seven (7) years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in State requirements since the last update of the comprehensive plan, and notify the State land planning agency as to its determination.” The City completed its last evaluation of the Comprehensive Plan, or EAR in 2016 and adopted a series of EAR-based amendments to the Comprehensive Plan at the beginning of 2017.

Based on the State’s schedule, the City of West Palm Beach had to determine no later than December 1, 2022, whether the City’s Comprehensive Plan needed to be updated as part of the EAR process. On November 29, 2022, the City indicated to the Florida Department of Commerce or FloridaCommerce (then Florida Department of Economic Opportunity or DEO) that the City’s Comprehensive Plan would need to be amended to reflect changes in State requirements as well as to reflect changes in local conditions and the City’s vision and desired future outcomes. Based on State requirements, FloridaCommerce indicated to the City that the proposed Comprehensive Plan amendments based on the Evaluation and Appraisal should be transmitted to the State by November 29, 2023.

For the last several months, the City’s Planning Division has been working with City departments and stakeholder agencies to determine what changes, if any, were required for the elements and maps that are part of the City’s Comprehensive Plan.

Currently there are thirteen (13) elements in the City’s Comprehensive Plan. Most of these elements are required by the Florida Statutes, while some are optional. In addition, there are twenty-six (26) maps in the Comprehensive Plan’s Map Series. Nine (9) of the thirteen (13) elements are being updated as part of this set of amendments:

1. Introduction and Administration
2. Future Land Use
3. Transportation
4. Housing
5. Utilities

6. Recreation and Open Space
7. Historic Preservation
8. Capital Improvements
9. Downtown Master Plan (DMP)

In addition, the five (5) year Capital Improvement Program (CIP) is also being updated as part of this process. Four (4) elements are not being amended at this time:

1. Intergovernmental Coordination
2. Coastal Management
3. Conservation
4. Property Rights

All twenty-six (26) maps in the Map Series are being revised to depict changes in the City's boundaries due to recent annexations. Furthermore, most of these maps are also being updated to reflect changes in conditions, since the last EAR process seven (7) years ago.

In general, the proposed EAR-Based amendments to the City of West Palm Beach's Comprehensive Plan are intended to:

1. Reflect changes in State requirements or legislation;
2. Clarify the language in the policies for ease of understanding;
3. Combine or eliminate similar or redundant policies;
4. More accurately reflect current practices, processes or conditions;  
and
5. Update outdated references or definitions.

For the most part, the proposed Comprehensive Plan amendments included in this report are not intended to deal with significant policy issues. Staff did not want to potentially delay transmittal of the EAR-based amendments beyond the November 29, 2023 State-imposed deadline because of the potential sensitive nature of significant policy issues. As a result, potential policy issues, which may require more detailed analysis, or which could be considered more significant, will be addressed through separate amendments to the Comprehensive Plan.

The City's Zoning and Land Development Regulations indicate that the Downtown Action Committee (DAC) should provide a recommendation on proposed amendments to the DMP Element. As a result, the proposed amendments to the DMP Element were presented to the DAC at its September 13, 2023 meeting, where the Committee recommended approval of the amendments. In addition, the proposed amendments to the Historic Preservation Element were discussed with the City's Historic Preservation Board at its August 22, 2023 meeting.

The amendments to the nine (9) elements and twenty-six (26) maps that

are being revised were presented to the Planning Board at its September 19, 2023 Public Hearing. The Planning Board recommend approval of these proposed amendments on a 7-0 vote.

After the first reading by the City Commission on November 13, 2023, the amendment packet was sent to the State for their review. State Statutes provide a sixty (60) day review period for EAR-based amendments. On January 18, 2024, the Florida Department of Commerce submitted a letter to the City indicating that, after completing their review, they do "not identify any objections or comments to the proposed amendment". The letter also indicated that the adoption hearing for the amendments "must be held within 180 days" of the City's receipt of the State's letter.

### ANALYSIS

Below is a summary of the main changes proposed for each element and for the maps in the Map Series and some of the reasons behind those proposed changes:

**Introduction and Administration Element:** The Introduction and Administration Element is divided into two (2) sections, a "General" section and a "Definitions" section. The General section of the Element introduces the reader to the City of West Palm Beach's Comprehensive Plan and to the State's requirements for Comprehensive Plans and Comprehensive Plan amendments. In addition, this section includes language on the Evaluation and Appraisal of the Comprehensive Plan (EAR) and on Public Participation.

As part of these proposed amendments, references to State requirements and to Chapter 163 of the Florida Statutes are being updated. In addition, the amendment removes outdated references to the Support document for the different elements, updates references to the EAR process and to the Palm Beach Transportation Planning Agency.

Several definitions are being revised to update language dealing with workforce housing and with different State and Federal housing programs.

**Future Land Use Element:** The proposed revisions to the Future Land Use Element include new language that adds flexibility for the provision of affordable workforce housing consistent with the intent of recent State legislation and City efforts. FLU Policy 1.1.3 adds language that may provide additional density or intensity in certain Future Land Use Designations for on-site affordable workforce housing developments. New FLU Goal 6 includes policies that provide a general framework establishing land development processes and regulations to promote a range of affordable workforce housing opportunities. The specifics of

these new affordable workforce housing provisions will be included in the City's Zoning and Land Development Regulations.

Language dealing with Community Development Block Grant (CDBG) areas is being revised to more accurately reflect the City's redevelopment and housing strategies and goals.

FLU Policy 1.7.2.2, which deals with the Northwood Mixed Use District (NMUD), is being amended to revise the development caps for NMUD's buildout. The current policy indicates that development in NMUD will not exceed a maximum of 850,000 square feet of retail/commercial uses and 650 residential units. Existing development plus recently approved projects in NMUD will bring the amount of non-residential uses in the district to around 300,000 square feet and to almost 650 residential units. This would mean that no additional residential development could be built in the district, but there would still be around 550,000 square feet of non-residential uses that could be built. It is staff's opinion that it is very unlikely that a substantial amount of additional non-residential development could be built in NMUD, while it is very likely that additional residential could be proposed in the future. As a result, staff is proposing to convert a portion of the unbuilt non-residential capacity (400,000 square feet) into residential capacity (400 residential units). This would mean that the new NMUD development caps would be 450,000 square feet of retail/commercial and 1,050 residential units.

The proposed changes to NMUD's development caps would not only be more accommodating of realistic development trends in the district, but would also have minimal impacts on the district's infrastructure as residential uses tend to have lower impacts on traffic and other facilities than non-residential uses.

A few minor policy changes are being made in the Future Land Use Element, since the transmittal hearing. First, one of the notes in FLU Policy 1.1.3 is being revised to clarify that provisions for on-site workforce housing in the regulations for the Downtown Master Plan area would still be applicable for parcels under the Urban Central Business District Future Land Use designation. In addition, FLU Policy 2.6.3 is being revised to replace a reference to the Metropolitan Planning Organization with a reference to the Transportation Planning Agency. The change to this policy was inadvertently omitted from the transmittal hearing packet.

**Transportation Element:** Over the last few years, the City has enhanced its multimodal transportation options through several initiatives and projects. Different policies in the Transportation Element are being revised in order to reflect these initiatives and projects. Below is a summary of the main issues that are prompting the proposed amendments to the Transportation Element:

- The City's trolley services have been replaced with other mobility and mass transit options. Policies area being updated to reflect these changes.
- Outdated references to the Palm Beach Metropolitan Planning Organization (MPO) are being revised to reflect the name change to Palm Beach Transportation Planning Agency (TPA).
- Policies dealing with coordination with mass transit providers are being updated to include references to Brightline.
- Language in TE Policy 2..1.1(h) regarding a Constrained Roadway at a Lower Level of Service (CRALLS) at Australian Avenue from Palm Beach Lakes to 25th Street is being revised to remove a reference to the Peak Hour standard in order to make this policy consistent with the corresponding policy in the County's Transportation Element.
- New TE Policy 2.1.1(m) is being added to reflect the City's interest in exploring the establishment of a multimodal level of service for its streets.
- Policies dealing with Transportation Demand Management (TDM) and Transportation System Management (TSM) strategies are being revised to add references to micromobility and remote work options to reflect recent trends and options.
- Policies that address Complete Streets and ADA requirements are being modified to clarify their intent.
- "Appendix A: List of Required Thoroughfare Right of Way Setbacks and Required Street Widths (Number of Lanes)" is being revised to reflect the accurate Right of Way (ROW) and number of lanes for thoroughfare roads located within the City limits. In addition, references to Roebuck Road now indicate that this proposed road is also known as the "Okeechobee Reliever".

**Housing Element:** The proposed amendments to the Housing Element include: a cross reference to a new Goal in the Future Land Use Element dealing with Workforce Housing; the deletion of a redundant policy; clarification of certain policies, changes to terminology to reflect that the City (and other housing entities) utilize the terms affordable and workforce housing instead of attainable housing; updates to the different housing plans and reports that the City is required to update on a periodic basis; updates to the City's population projections and to the reflect the new (20-year) or 2045 planning horizon consistent with new State laws; and updates to a reference on the most recent Historic Preservation

Ordinance.

One revision to the Housing Element is being made since the transmittal hearing. Housing Objective 1.1 is being amended to reflect that the City's housing policies emphasize the development of housing that is affordable to households below 120% of Area Median Income (AMI). The current reference mentions households below 140% of AMI. This reference was intended to be revised at the transmittal hearing but it was inadvertently omitted.

**Utilities Element:** Recent changes to Florida Statutes require local governments utilize 10-year and 20-year planning horizons for their comprehensive plans, instead of the previous requirement of 5-year and 10-year planning horizons. As a result, the City's 10-year Water Supply Facility Work Plan SubElement (Water Supply Plan), which is part of the Utilities Element, is being updated to a 20-Year plan that includes projections through the year 2045. The updates to the Water Supply Plan include: revisions to the population information for the City's service area based on the County's population projections; new language dealing with water supply and treatment strategies; revised water demand projections based on the new planning horizon; updates to reflect the status of the Alternative Water Supply projects and the City's intent to secure an allocation of the brackish water from the Floridan Aquifer for future use; and updated information on several capital improvements projects that the Utilities Department is either currently working on or planning for in near future.

The updates to the Utilities Element also include: revisions to policies dealing with groundwater recharge to identify current practices; and changes to current terminology to the Florida Department of Environmental Protection (DEP) drinking water program.

**Recreation and Open Space Element:** The Recreation and Open Space Element is being updated to reflect revised timelines associated with the upcoming update to the 2016 Parks and Recreation Master Plan; changes to the schedules for the review of the Department of Parks and Recreation organization structure, policies and procedures; and other materials required for accreditation.

**Historic Preservation Element:** The proposed revisions to the Historic Preservation Element are minor, and they clarify certain references and terminology; update information regarding the Historic Preservation Ordinance; and remove references to outdated programs.

**Capital Improvements Element:** The proposed amendments to the element include language that: clarifies the need for the City's Utilities Department negotiate with Developers when addressing infrastructure upgrades needed to support new development projects; adds a reference

to the South Florida Water Management District's Water Use Permit; adds language dealing with Pump Station Peaking Factor Level of Service in order to make this section consistent with the Utilities Element; and revises a policy in order to potentially allow Developers to contribute to an improvement, when it is in their best interest to accelerate a Capital Improvement Project.

In addition, the updated 5-year Capital Improvements Program (CIP) 2024-2028 is included as an attachment to the Capital Improvement Element.

**Downtown Master Plan Element:** The proposed amendments to the DMP Element deal with the following issues:

- The Introduction section is being updated to reflect the most current development and population data for downtown, to highlight the area's growth since the adoption of the original Downtown Master Plan in 1994 and some of the most recent projects in the DMP.
- A few provisions of DMP Policy 1.1.1 are being revised to reflect the scale, historic character, and desired connectivity improvements to the Northwest Neighborhood District and the identification of the NoRA District.
- Several policies are being amended to reflect the current name of "The Square" for the district formerly known as Rosemary Square and CityPlace. References to the CityPlace District are still being retained given that the Development of Regional Impact (DRI) for this district was officially adopted as the CityPlace DRI. In addition, the description of the CityPlace District in DMP Policy 1.1.1 is being updated to reflect recent changes on the type of development within the district.
- A reference to the Downtown Master Plan Housing Incentive Program is being updated to reflect the correct name of the program.
- Some policies are being revised in order to reflect current practices and terminology.
- Language in DMP Policy 3.1.3 that includes references to the conversion from the original 1994 Master Plan to the existing FAR-based code adopted in 2007 is being removed from the policy as it does not provide "policy direction". A revised version of this section is being added to the Introduction section of the DMP Element to provide some historical background to the reader.



- A portion of APPENDIX I “Downtown Master Plan Area - Maximum Development Capacity” is being deleted as it contains outdated development information from 2007, which is no longer relevant. The City’s Comprehensive Plan already outlines the overall capacity for non-residential uses in the downtown area based on the caps set forth within the Transportation Concurrency Exception Area (TCEA) language included in both, the Future Land Use Element and the Transportation Element.

**Map Series Amendments:** Currently, there are twenty-six (26) maps in the Comprehensive Plan Map Series. Ten (10) of those maps are maps associated with the Transportation Element (TE), while the additional maps are related to other elements of the Comprehensive Plan. As part of these proposed amendments, all maps are being updated to reflect changes to the City’s boundaries as a result of annexations. In addition, most maps are being updated to reflect new conditions, since the maps were last updated as part of the last round of EAR-based amendments in 2016-2017.

**Interlocal Plan Amendment Review Committee (IPARC):** Notification of the proposed Comprehensive Plan text amendments was sent to IPARC on September 7, 2023. On November 8th, 2023, the City received a comment letter from Palm Beach County in which they suggest that the City consider removing the downtown Transportation Concurrency Exception Area (TCEA) from its Comprehensive Plan. The County letter can be found as an exhibit to the attached staff report.

**Other Comments:** The City and FloridaCommerce received communication from the Florida Department of Transportation (FDOT) and the Treasure Coast Regional Planning Council (TCRPC) as part of their review of the EAR-based amendments. FDOT recommended that the City include the State Road 7 extension in different Comprehensive Plan maps, and TCRCP indicated that no adverse effects on regional resources or facilities and no extra-jurisdictional impacts had been identified in their review. As indicated previously, FloridaCommerce indicated that they had not identified any objections or comments to the proposed amendments and the City did not make any revisions to the Comprehensive Plan amendments based on either the County's or FDOT's comments. All these letters can be found as exhibits to the staff report.

**Meetings and Public Involvement:** The initial discussion of the EAR-based amendments to the Comprehensive Plan started in 2022, when City staff determined that the Comprehensive Plan needed to be amended in order to reflect changes in State requirements, as well as to reflect changes in local conditions and the City’s vision and desired future outcomes. As referenced earlier, the City indicated to the then Florida

DEO on November 29, 2022 that it would proceed with amendments to the Comprehensive Plan as part of the EAR-based process.

Starting in February 2023, Planning Division staff communicated and held multiple meetings with different City departments in order to discuss potential revisions to the different elements and maps of the City's Comprehensive Plan. In addition, staff discussed some or multiple aspects of the EAR-based amendments at multiple workshops or public hearings and revised the proposed amendments to reflect, when appropriate, comments received during these meetings.

**Conclusion:** For the last several months, the City's Planning Division has been working with several City departments to determine what changes, if any, were required for all the elements and maps that are part of the City's Comprehensive Plan.

The amendments proposed in this report are being undertaken by the City as part of the Evaluation and Appraisal Report's (EAR) process outlined by the State. These amendments reflect changes in State requirements or legislation; clarify the language in the policies for ease of understanding; combine or eliminate similar or redundant policies; more accurately reflect current practices, processes or conditions; and update outdated references or definitions.

Throughout this year, several workshops and public hearings have been held to present and get feedback on these amendments. The amendments meet Chapter 163, Florida Statutes and all other appropriate Florida statutory requirements and are internally consistent with the different elements of the City's Comprehensive Plan. In addition, FloridaCommerce indicated that they had reviewed the proposed amendments in accordance with the Florida Statutes and had not identified any objections or comments to the proposed amendments. Therefore, staff is recommending approval of the proposed amendments to the Comprehensive Plan.

**Fiscal Note:**

No fiscal impact.

- 9.2. Public Hearing and Second Reading of Ordinance No. 5090-24 adopting the City of West Palm Beach amendments to the Florida Building Code 8th Edition (2023), Chapter 1, Administration.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5090-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA,

AMENDING THE CODE OF THE CITY OF WEST PALM BEACH, FLORIDA AT CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE II (BUILDING CODE), SECTION 18-32, CITY AMENDMENTS ADOPTED; ADOPTING BY REFERENCE THE AMENDMENTS TO THE FLORIDA BUILDING CODE 8TH EDITION (2023); PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, A CODIFICATION CLAUSE, AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5090-24 on Second Reading.

**Background Information:**

The Florida Building Commission has adopted the 8th Edition (2023) of the Florida Building Code, which is the State-wide building code administered by every jurisdiction in the State of Florida. For administrative requirements of the code, each jurisdiction may either enforce the base version of Chapter 1, Administration, in the Florida Building Code as adopted by the Florida Building Commission, or adopt local amendments to Chapter 1. For earlier editions of the Florida Building Code, the City of West Palm Beach, like most jurisdictions, has adopted local amendments to Chapter 1, Administration.

Chapter 1 is the administrative chapter of Florida Building Codes, and it is the only chapter for which the Florida Building Commission has authorized amendment by local jurisdictions. Among other administrative requirements and exemptions, Chapter 1 lays out the minimum requirements for permit application support documents, minimum plan review criteria, the minimum required inspections, and the procedures for the Construction Board of Adjustment and Appeals.

For the 8th Edition (2023) of the Florida Building Code, as with previous editions, the Building Code Advisory Board (BCAB) of Palm Beach County has reviewed Chapter 1, Administration, and published suggested amendments that local jurisdictions can use to formulate their amendments. The BCAB suggested amendments were used in the drafting of the proposed City of West Palm Beach Amendments to the Florida Building Code 8th Edition (2023), Chapter 1, Administration, and the changes made are those necessary to document the department processes that have been in place for previous editions of Florida Building Code.

Ordinance No. 5090-24 adopts the City of West Palm Beach Amendments to the Florida Building Code 8th Edition (2023), Chapter 1, Administration.

- 9.3. Public Hearing and First Reading of Ordinance No. 5082-24 dissolving the Golf Commission Dependent Special District.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

ORDINANCE NO. 5082-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DISSOLVING THE GOLF COMMISSION DEPENDANT SPECIAL DISTRICT; DISSOLVING THE GOLF COURSE ADVISORY COMMITTEE; DELETING ARTICLE IV (GOLF) OF CHAPTER 58 (PARKS AND RECREATION FACILITIES) OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5082-24 on First Reading.

**Background Information:**

By Ordinance No. 2609-93 the City Commission established the West Palm Beach Golf Commission, a dependent special district for the operation and maintenance of the West Palm Beach Municipal Golf Course ("Golf Course"). By Ordinance No. E01-03, the City Commission assumed the role of interim Golf Commission.

As approved by Ordinance No. 4943-21, the City of West Palm Beach and the West Palm Golf Community Trust, Inc. entered into that certain Ground Lease, Development and Operating Agreement dated May 24, 2021, pursuant to which the West Palm Golf Community Trust would lease, redevelop, and operate the Golf Course, subject to oversight by the City Commission.

Accordingly, the City of West Palm Beach wishes to dissolve the Golf Commission special district, as the Golf Commission no longer serves a public purpose as such duties and responsibilities are now the contractual duty and responsibility of the West Palm Golf Community Trust.

Moreover, there is no need to spend public funds to pay the special district fees to the state.

Ordinance No. 5082-24 will dissolve the Golf Commission Special District.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Fiscal savings from annual special district fees.

- 9.4. Public Hearing and First Reading of Ordinance No. 5093-24 to increase the number of regular committee members appointed to the Education Advisory Committee from nine (9) to fifteen (15).

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

ORDINANCE NO. 5093-24: 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 2 (ADMINISTRATION), ARTICLE III (BOARDS, COMMITTEES, AND COMMISSIONS), DIVISION 2 (EDUCATION ADVISORY COMMITTEE, SECTION 2-77 (COMPOSITION; APPOINTMENT; TERMS) INCREASING THE NUMBER OF COMMITTEE MEMBERS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Staff Recommended Motion:**

Approve Ordinance No. 5093-24 on first reading and schedule second reading for March 18, 2024.

**Background Information:**

Section 2-77 of Division 2, Article III, Chapter 2, of the Code of Ordinance of the City of West Palm Beach, Florida creates the Education Advisory Committee and provides that the committee shall be composed of nine (9) regular members and one (1) alternate member.

During its regular meetings, the Education Advisory Committee explored how the committee could be expanded and voted to recommend an increase of its regular members from nine (9) to fifteen (15).

In support of its recommendation, the Education Advisory Committee posits that increasing the membership will allow for appointments from communities not currently represented on the committee and will help reflect the diversity of the City and to bring a diversity of perspectives to the Committee.

Adoption of Ordinance No. 5093-24 will increase the number of regular committee members to fifteen (15).

**Fiscal Note:**

No fiscal impact.

## **10. 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.

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

## **12. ADJOURNMENT**

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

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