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Mayor Keith A. James  
Commission President Cathleen Ward (District 1)  
Commissioner Shalonda Warren (District 2)  
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  
Tuesday, October 15, 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. 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.

- 6.1. Minutes of the Regular City Commission Meeting of August 5, 2024.

**Originating Department:**

Mayor's Office

- 6.2. Minutes of the Regular City Commission Meeting of August 19, 2024.

**Originating Department:**

Mayor's Office

- 6.3. Minutes of the Regular City Commission Meeting of September 3, 2024.

**Originating Department:**

Mayor's Office

- 6.4. Minutes of the Special City Commission Meeting of September 9, 2024.

**Originating Department:**

Mayor's Office

- 6.5. Resolution No. 187-24(F) accepting and appropriating funds in the amount of \$40,000 from the West Palm Beach Library Foundation to support programming at the Mandel Public Library of West Palm Beach.

**Originating Department:**

Library

**Ordinance/Resolution:**

RESOLUTION NO. 187-24(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 PROVIDE APPROPRIATIONS FOR A CONTRIBUTION FROM THE WEST PALM BEACH LIBRARY FOUNDATION TO SUPPORT THE MANDEL PUBLIC LIBRARY PROGRAMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

To assist in funding enhanced services at the Mandel Public Library of West Palm Beach, in Resolution No. 6-10, the Commission authorized the Mayor to execute an agreement between the City of West Palm

Beach and the West Palm Beach Library Foundation Inc. ("Foundation") allowing the Foundation to solicit donations for the Mandel Public Library of West Palm Beach.

The West Palm Beach Library Foundation recently raised or was provided funding, in the total amount of \$40,000 to provide additional funding for programming in the Library's newly updated Technology & Innovation Center, as well as providing funding to provide parking vouchers to library patrons who attend library programs.

**Fiscal Note:**

Approval will recognize a contribution to the West Palm Beach Library Foundation and provide an appropriation for the technology and innovation center programming.

- 6.6. Resolution No. 194-24(F) appropriating \$28,362 for the State of Florida Department of Health Child Care Food Program to provide snacks during the City's after-school programs at two (2) community centers.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 194-24(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 2024/2025 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE PURCHASE OF SNACKS FOR THE CHILD CARE FOOD PROGRAM AND FOR RECOGNIZING REIMBURSEMENT THROUGH A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF HEALTH CHILD CARE FOOD PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In the City of West Palm Beach, many children only receive one (1) balanced meal a day and qualify for free meals at school. The State of Florida Department of Health (FDOH), in partnership with the U. S. Department of Agriculture (USDA), administers a reimbursement Child Care Food Program, whereby child care providers such as the City, are reimbursed for snacks/food served, food program administration, and supplies.

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

The Department of Parks and Recreation, through the City's after-school program, provides a healthy snack during licensed after-school programs.

This resolution authorizes City expenses for the Child Care Food Program, not to exceed \$28,362 in fiscal year 2024-2025, which will be reimbursed to the City by the State of Florida Department of Health.

Commission District 1: Commissioner Cathleen Ward.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Approval will provide approximately \$28,362 in reimbursable expenditures for providing snacks to children in the after-school program.

- 6.7. Resolution No. 195-24 approving the interlocal agreement between Palm Beach County and the City of West Palm Beach accepting a grant in an amount not to exceed \$22,615 for reimbursement of Fire Emergency Medical Equipment; and

Resolution No. 196-24(F) approving the receipt and appropriation of funds from the interlocal agreement between Palm Beach County and the City of West Palm Beach in an amount not to exceed \$22,615 for reimbursement of Fire Emergency Medical Equipment.

**Originating Department:**

Fire

**Ordinance/Resolution:**

RESOLUTION NO. 195-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THAT INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH GRANTING \$22,615 OF EMS GRANT FUNDS FOR EMERGENCY MEDICAL SERVICES EQUIPMENT; AUTHORIZING EXECUTION OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 196-24(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 GRANTS PROGRAMS SPECIAL REVENUE FUND TO RECOGNIZE A GRANT FROM PALM BEACH COUNTY FOR REIMBURSEMENT OF COSTS TO PURCHASE A ZOLL AUTOPULSE AND EMERGENCY PEDIATRIC RESTRAINTS (EMS EQUIPMENT); PROVIDING AN EFFECTIVE DATE;

AND FOR OTHER PURPOSES.

**Background Information:**

Palm Beach County has awarded the City a grant in an amount not to exceed \$22,615 for the purpose of purchasing Fire Emergency Medical Equipment. The West Palm Beach Fire Department will utilize the grant funds to purchase one (1) AutoPulse (“EMS Equipment”). The AutoPulse is used to supplement manual Cardiopulmonary Resuscitation (CPR) by performing automated chest compressions for victims in cardiac arrest. This will improve our ability to serve and treat the community by saving lives and reducing mortality rate secondary.

The West Palm Beach Fire Department will also utilize the grant funds to purchase (10) Emergency Child (Pediatric) Restraints (“EMS Equipment”). The Emergency Child Restraint is designed to safely secure children of any size during EMS transport in all types of emergency vehicles. It is the City's priority to promote a safe and secure community, and the Fire Department strives to meet and exceed those expectations.

The Grant funds will be provided to the City by Palm Beach County on a reimbursement basis once the medical equipment has been purchased. The Fire Department currently uses the AutoPulse on existing EMS transport units; therefore, personnel training will not be needed, as it is a device with which personnel are already proficient. Emergency Pediatric Restraints training will consist of videos and a step-by-step guide for all personnel to be reviewed via the department training platform.

Resolution No. 195-24 accepts the grant and authorizes the use of the grant funds to purchase the EMS equipment.

**Fiscal Note:**

Approval will provide appropriations for the purchase of a Zoll AutoPulse and Emergency Pediatric Restraints (EMS Equipment).

- 6.8. Resolution No. 209-24 accepting a grant agreement with the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management for a grant not to exceed \$33,096 for the reimbursement of overtime costs incurred for the public education and enforcement of bicycle safety and pedestrian safety; and

Resolution No. 210-24(F) providing for the receipt and appropriation of \$33,096 in grant funding.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 209-24: A RESOLUTION OF THE CITY

COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT FOR REIMBURSEMENT OF OVERTIME EXPENSES INCURRED FOR THE PUBLIC EDUCATION AND ENFORCEMENT OF PEDESTRIAN AND BICYCLE SAFETY LAWS; AUTHORIZING EXECUTION OF A CONTRACT BETWEEN THE UNIVERSITY OF NORTH FLORIDA TRAINING AND SERVICES INSTITUTE, INC., D/B/A INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 210-24(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 2024/2025 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO RECOGNIZE RECEIPT OF FUNDS FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT (IPTM) FOR REIMBURSEMENT OF OVERTIME COSTS FOR TRAFFIC EDUCATION AND ENFORCEMENT AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

**Background Information:**

The University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM"), is the recipient of a grant from the Florida Department of Transportation (FDOT) for the education and enforcement of Pedestrian and Bicycle safety laws. The funding is intended to support activities that should reduce pedestrian and bicycle crashes, as they are more likely than any other types of crashes to produce serious injuries or fatalities. West Palm Beach was awarded a portion of the funding allocated to the University of North Florida for the administration of the FDOT grant.

The award notification was received on May 15, 2024, providing \$33,096 to the City through an agreement with the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM"), for the purpose of providing reimbursement for overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety.

This Pedestrian and Bicycle Safety Enforcement Campaign is approved for overtime hourly costs plus benefits for operations to be completed with sworn Police Officers at locations identified by the grantor and are to be carried out between the date of document execution and May 9, 2025. The approved intersections/corridors to conduct operations are identified within the scope of this grant as:

- U.S. 1 (41st Street to 55th Street)
- 45th Street (Military Trail to Metrocentre Boulevard)
- N. Australian Avenue (Palm Beach Lakes Boulevard to L.A. Kirksey Street)
- 45th Street (I-95 to East of Congress Avenue)
- Belvedere Road (Perimeter Road to Mercer Avenue)
- Palm Beach Lakes Boulevard (Executive Center Drive to Hank Aaron Drive)
- Palm Beach Lakes Boulevard (N. Australian Avenue to Douglass Avenue)
- Okeechobee Boulevard (Seminole Boulevard to Suwanee Drive)
- Dixie Highway (Alhambra Place to Maddock Street)

Each year, if the City meets the terms set forth in the agreement, ITPM may award additional funds. Those funds are accepted through an agreement that must be executed by all parties before the additional overtime is performed.

Resolution No. 209-24 accepts the grant and authorizes execution of the grant agreement. Resolution No. 210-24(F) appropriates the funds.

Commission District 1: Commissioner Cathleen Ward.

Commission District 2: Commissioner Shalonda Warren.

Commission District 3: Commissioner Christy Fox.

Commission District 4: Commissioner Joseph Peduzzi.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Approval of this item will provide reimbursement for overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety.

- 6.9. Resolution No. 213-24 accepting a donation from Ideal Nutrition of a 2024 Scorpion Rides 6-person golf cart for use by the West Palm Beach Police Department for Law Enforcement activities; and

Resolution No. 228-24(F) appropriating the receipt of a 2024 Scorpion Rides 6-person golf cart.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 213-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A DONATION OF A GOLF CART WITH AN ESTIMATED

VALUE OF \$14,000 FROM IDEAL NUTRITION, TO BE USED BY THE WEST PALM BEACH POLICE DEPARTMENT FOR LAW ENFORCEMENT ACTIVITIES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 228-24(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 2024/25 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE DONATION FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF A GOLF CART FROM IDEAL NUTRITION FOR WEST PALM BEACH POLICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The West Palm Beach Police Department (WPBPD) is seeking to modernize and upgrade its current inventory of alternative transportation equipment utilized by officers in the downtown area. The downtown area is commonly referred to as the Entertainment District. The WPBPD has full-time dedicated personnel assigned to this area, Entertainment District Unit (EDU). The EDU is comprised of one (1) Lieutenant, two (2) Sergeants, and twelve (12) officers. Additionally, several members of the Community Response Team (CRT), one (1) Sergeant, and five (5) officers also operate within the downtown area. Numerous officers also work in an overtime and/or off-duty capacity in the downtown area offering police services to local businesses and City functions. The number of officers working in this capacity varies by day and time of week.

The downtown area comprises major roadways, secondary local surface streets, alleyways, service roads, and various public and private parking structures. As the City's downtown area continues to develop and grow in both size and population, it is critical that the WPBPD has the ability to continue to provide the highest level of public safety services. The increase in downtown development and daytime/nighttime population growth presents a challenging work environment when navigating the area. High-level public safety services require law enforcement to traverse the downtown area rapidly, efficiently, and safely. Ideally, this should be accomplished without adding further traffic and/or parking congestion. Traditionally, law enforcement has utilized full-sized marked police vehicles in the downtown area as the primary means of officer transportation. Given the stated challenges, the WPBPD is seeking to modernize its current equipment inventory and implement new alternative modes of officer transportation. Implementing alternative modes of transportation in the downtown area addresses several areas, such as minimizing parking and traffic congestion by decreasing the number of full-size marked police vehicles. The utilization of alternative modes of



transportation also has a positive sustainability and environmental impact by decreasing the use of fossil fuel vehicles. Traditional vehicles will be supplemented with electric rechargeable lithium-ion battery-powered carts and Ebikes.

Ideal Nutrition is a City of West Palm Beach (CWPB) based company that has supported the CWPB first responders in the past. Ideal Nutrition is seeking to continue supporting the WPBPD by donating a new Scorpion Rides six-person golf cart with a value of \$14,000 to assist in conducting law enforcement activities. The golf cart will be used primarily in the downtown area but could be utilized in any area of the City as deemed necessary.

Resolution No. 213-24 accepts a donation from Ideal Nutrition of a 2024 Scorpion Rides 6-person golf cart for use by the West Palm Beach Police Department for Law Enforcement activities.

**Fiscal Note:**

Approval will provide funding in the amount of \$14,000 for West Palm Beach Police Department Golf Cart.

- 6.10. Resolution No. 218-24 approving a Local Funding Agreement between the City of West Palm Beach and the Florida Department of Transportation (FDOT) for the additional design costs to replace the existing roadway bridge over the Carver Canal and to delete the two (2) previously planned structural steel pedestrian bridges, as part of the FDOT administered 36th Street Mobility Improvements Project.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 218-24: 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 ROADWAY BRIDGE ACROSS THE CARVER CANAL FOR THE 36TH STREET MOBILITY IMPROVEMENTS PROJECT; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL REQUIRED DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On January 28, 2019, the City Commission adopted Resolution No. 44-19 authorizing the Florida Department of Transportation (FDOT) to administer the 36th Street Improvements Project on behalf of the City of West Palm Beach.

On November 14, 2022, the City Commission adopted Resolution No.

284-22, approving the Highway Maintenance Memorandum of Agreement (HMMOA) for the 36th Street project.

FDOT has been coordinating with the City on the 36th Street Mobility project to include two (2) new pedestrian bridges across the Carver Canal on the north and south side of the 36th Street roadway bridge, and the City was undertaking a separate project to rehabilitate the 36th Street roadway bridge.

In May 2024, the City of West Palm Beach Engineering staff and FDOT came to the consensus that the roadway bridge on 36th Street over the Carver Canal could be replaced with a new concrete bridge designed to include wider sections on both the north and south sides to provide for the multiuse trails in addition to the vehicular traffic lanes.

The City issued a letter of commitment to FDOT on May 15, 2024, to contribute additional funding as may be necessary to cover additional design, construction, engineering, inspection, and the differential in construction costs for the new concrete bridge instead of the two (2) previously planned pedestrian bridges.

The estimated additional design costs the FDOT will incorporate into their existing design contract is \$600,000.

The City currently has sufficient funds in the One-Cent Sales Surtax program to cover the additional costs for the concrete bridge.

The re-design work is anticipated to be completed in the spring of 2025, and the construction work will commence in early 2026.

FDOT requires that a Local Funding Agreement (LFA) be executed between FDOT and the City for this additional \$600,000 in design costs. The City will remit these funds to FDOT within thirty (30) days of the LFA's execution.

Resolution No. 218-24 authorizes the execution of the Local Funding Agreement.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

The City agrees to provide FDOT an additional \$600,000 for their design scope to revise the current design of the bridge across the Carver Canal.

- 6.11. Resolution No. 226-24 approves a Settlement Agreement totaling \$90,000 in the matter of Mark Miller and Crystal Miller vs. The City of West Palm Beach.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 226-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT FOR \$90,000 IN THE MATTER OF MARK MILLER AND CRYSTAL MILLER VS. THE CITY OF WEST PALM BEACH, FILED IN THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA, CASE NO. 50-2023-CA-014710XXXXMB AG; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Mark Miller and Crystal Miller filed a complaint in the Fifteenth Judicial Circuit of Florida for damages stemming from an accident that occurred on or about April 5, 2022, to wit: Mark Miller and Crystal Miller vs. The City of West Palm Beach in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Case No. 50-2023-CA-014710-XXXXMB AG.

The City has reached a settlement agreement with Mark Miller and Crystal Miller and their attorney to resolve the matter for a total of \$90,000. The plaintiffs signed a general release that releases the City from all claims arising from this accident, which resolves all of the claims for damages, including 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 in excess of \$30,000 shall require the approval of the City Commission by formal resolution.

Resolution No. 226-24 approves the Settlement Agreement.

- 6.12. Resolution No. 234-24 granting an exemption for the Downtown Development Authority from the 2nd mill ad valorem tax and approving an interlocal agreement among the West Palm Beach Community Redevelopment Agency, the City of West Palm Beach, and the West Palm Beach Downtown Development Authority for fiscal years 2025-2029.

**Originating Department:**

Community Redevelopment Agency

**Ordinance/Resolution:**

RESOLUTION NO. 234-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT

AMONG THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY, THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH REGARDING THE DDA WORK PLAN; EXEMPTION FOR THE TAX INCREMENT PORTION OF THE 2ND MILL OF AD VALOREM TAX, DOWNTOWN MOBILITY AND PUBLIC SPACE MAINTENANCE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City Commission is authorized to grant an exemption from the requirement to appropriate funds to the redevelopment trust fund pursuant to Section 163.387(2)(d)(1), Florida Statutes, by execution of an interlocal agreement with the DDA establishing the conditions of the exemption, including the time of which the exemption is granted.

Pursuant to the Florida Interlocal Cooperation Act of 1969, as amended, the City of West Palm Beach ("City"), the West Palm Beach Community Redevelopment Agency ("CRA"), and the West Palm Beach Downtown Development Authority ("DDA") desire to make the most efficient use of their respective powers, resources and capabilities by enabling them to cooperate based on mutual advantage and provide a means by which the parties may exercise their respective powers, privileges and authorities that they share in common and that each might exercise separately.

The CRA undertakes activities to redevelop and remedy blight in the Downtown/City Center District of the West Palm Beach Community Redevelopment Agency.

The DDA has established as one of its primary goals to revitalize the Downtown area of the City of West Palm Beach, promote commercial and economic development, and improve the quality of life for residents.

The City Commission desires to grant an exemption for the DDA from the requirement to appropriate funds to the redevelopment trust fund pursuant to Section 163.387(2)(d)(1), Florida Statutes, to provide funding for the DDA for its Work Plan.

The DDA has approved its Work Plan for fiscal years 2024-2029. The plan includes responsibility for downtown mobility services, certain public space maintenance, and other services coordinated among the three entities.

The City, CRA, and DDA desire to continue the exemption and provide for the funding and implementation of the DDA's 2024-2029 Work Plan;

Resolution No. 234-24 grants the tax exemption to the DDA and approves an interlocal agreement effective for fiscal years 2025-2029. The

interlocal provides the terms and conditions for the following:

- DDA work plan funding
- Downtown maintenance (street cleaning, landscaping, and pressure washing)
- Funding for three (3) on-demand mobility vehicles
- Clarifies special event process for DDA-sponsored events
- Funding for outreach and safety matters

Resolution No. 24-59 is the CRA companion item on this matter.

Commission District 3: Commissioner Christy Fox.

## 7. PUBLIC HEARING

- 7.1. Public Hearing and Second Reading of Ordinance No. 5110-24 regarding a text amendment at Chapter 94 (Zoning and Land Development Regulations) of the Code of Ordinances, Article VII (Special Districts), Section 94-209 (Mixed-use Districts), to increase the maximum allowable height encroachment for Mechanical Rooms & Equipment in the Currie Mixed-use District (CMUD).

The above-referenced request is being made by Brian M. Seymour and John P. Roach of Gunster, on behalf of N. Flagler Drive Development LLC.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5110-24: 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 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE VII – SPECIAL DISTRICTS, SECTION 94-209 – MIXED-USE DISTRICT, TO INCREASE THE MAXIMUM ALLOWABLE HEIGHT ENCROACHMENT FOR MECHANICAL ROOMS AND EQUIPMENT IN THE CURRIE MIXED-USE DISTRICT; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; 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. 5110-24 amending the text of Chapter 94, Zoning and Land Development Regulations, Article VII, Special Districts, Section 94-209, Mixed-use District of the City's Code of Ordinances, to increase

the maximum allowable height encroachment for Mechanical Rooms and Equipment in the Currie Mixed-use District.

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 Amendment Standards found in Section 94-32 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 ATTACHED STAFF REPORT.)

In 2021, the City adopted a major amendment to the Currie Mixed-use District (CMUD) regulations to increase the incentive building height and provide for greater development flexibility for the purpose of stimulating growth and redevelopment activity within the district (Reference: Ordinance No. 4963-21). The amended regulations increased the maximum allowable building height from 15-stories (approximately 180 feet) up to a maximum building height of 350 feet (an additional 170 feet) with the application of the district's established height incentive program. Since adopting the new CMUD regulations, redevelopment activity within the district has substantially increased, with all the new projects (approved and pending) utilizing the height incentive program to maximize building height within their respective CMUD Sub-district.

According to the applicant, the new allowable incentive building heights within the CMUD have created significant challenges to accommodating the appropriate size cooling towers, elevator overrides, and other similar structures for the height/size of buildings permitted within the district. Currently, the height encroachment for Mechanical Rooms and Equipment within the City's mixed-use districts is limited to a maximum encroachment height of 15 feet. Given that buildings can extend up to a height of 350 feet within the CMUD when utilizing the height incentive program, the 15-foot height limitation is insufficient to accommodate the appropriate size of mechanical rooms/equipment for the size of buildings permitted in the CMUD.

The applicant has noted that the approved Olara project (located on the west side of North Flagler Drive, generally between Butler Street and Pine Street), a 306-foot tall mixed-use development (Site Plan approval granted on February 28, 2023), which is currently in for building permits, cannot address their building height entitlements and meet the height encroachment limitation for mechanical rooms and equipment unless the equipment is customized, which would increase the cost "exponentially because of the limited number of suppliers." The applicant further notes

that the issue extends beyond the Olara project, as other pending projects within the CMUD (i.e., the Pine Street Assemblage project and the Ritz Carlton) are experiencing the same design issues with accommodating the appropriate size rooftop mechanical rooms/equipment within the height constraints.

To address this issue, the applicant requests a text amendment to the Zoning and Land Development Regulations (ZLDRs) to increase the height encroachment for Mechanical Rooms and Equipment in the CMUD. Table 1 below summarizes the proposed height encroachment change for Mechanical Rooms and Equipment in the CMUD.

**Table 1:  
Current and Proposed Maximum Height Encroachment  
For Mechanical Rooms & Equipment in the CMUD**

<u>Current Height Encroachment</u>	<u>Proposed Height Encroachment</u>	<u>Height Encroachment Difference</u>
15 feet	20 feet	+ 5 feet

### ANALYSIS

The 2021 CMUD regulations were tailored closely to mimic the development pattern and building heights of the Downtown Master Plan (DMP) area. According to the Downtown development regulations, the maximum building height within the DMP is 380 feet. The DMP regulations also allow a maximum height encroachment of 20 feet for Mechanical Rooms and Equipment above the maximum building height.

It's logical that the mechanical systems of a building increase in size as the building gets larger/taller. Given that the building heights within the CMUD are very similar to the DMP area (DMP = 380 ft. vs. CMUD = 350 feet), increasing the height encroachment for Mechanical Rooms and Equipment within the CMUD from 15 feet to 20 feet to match the height encroachment limitation for similar structures in the DMP makes sense. Unfortunately, there was oversight by staff not to increase the vertical height encroachment for Mechanical Rooms and Equipment within the district to coincide with the incentive height increases when the 2021 CMUD regulations were drafted. This issue only became evident as projects under the new CMUD regulations were going through the permitting/design process.

The applicant has provided expert support letters that state that cooling towers, other mechanical equipment, and conventional traction elevators cannot fit into the current 15-foot maximum height encroachment for the permitted building heights in the CMUD. Increasing the encroachment

height for Mechanical Rooms and Equipment to 20 feet, as currently allowed in the DMP, will provide the flexibility necessary to design and install the required equipment in an economically viable manner. The expert letters also note that “the slight increase in allowable encroachment will not be discernable given the height at which it is located and its small portion relative to the overall size of the building.”

### CONCLUSION

The proposed text amendment provides a solution to accommodating the appropriate-size mechanical rooms and equipment for the height/size of the developments that are permitted in the CMUD. If approved, the adjusted maximum height encroachment of 20 feet for Mechanical Rooms and Equipment would be consistent with the height encroachment standards of the DMP for Mechanical Rooms and Equipment, which is logical since the CMUD regulations, including building heights and development patterns, are comparable to the DMP.

The proposed text amendment does not impact the character and/or development pattern of the district; and therefore, staff is recommending approval.

### STANDARDS FOR CODE COMPLIANCE

Staff found that the proposed text amendment is consistent with the Amendment Standards of Section 94-32 of the ZLDRs.

### PLANNING BOARD

After a Public Hearing on August 20, 2024, the Planning Board unanimously recommended approval (7-0) of the proposed text amendment to the City Commission.

### PUBLIC NOTICE

Per the procedures for adopting an Ordinance in Section 166.041, Florida Statutes, Ordinance No. 5110-24 was advertised in the Palm Beach Post on October 5, 2024, for Second Reading.

Commission District 1: Commissioner Cathleen Ward.

- 7.2. Public Hearing and First Reading of Ordinance No. 5115-24 authorizing the Mayor to execute Interlocal Funding Agreements between the City of West Palm Beach and the West Palm Beach Community Redevelopment Agency.

**Originating Department:**



Community Redevelopment Agency

**Ordinance/Resolution:**

ORDINANCE NO. 5115-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE INTERLOCAL FUNDING AGREEMENTS BETWEEN THE CITY OF WEST PALM BEACH AND THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY WHERE SUCH FUNDING HAS BEEN BUDGETED AND APPROPRIATED; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5115-24 on First Reading and schedule a Second Reading on October 28, 2024.

**Background Information:**

The Florida Interlocal Cooperation Act of 1969, as amended, permits the City of West Palm Beach (City) and the West Palm Beach Community Redevelopment Agency (CRA) to make the most efficient use of their respective powers, resources, and capabilities by enabling them to cooperate based on mutual advantage and provide a means by which the parties may exercise their respective powers, privileges, and authorities that they share in common and that each might exercise separately. The CRA undertakes activities for redevelopment and to remedy blight in CRA districts. Many City projects also support the specific goals of the CRA's Redevelopment Plan and Strategic Finance Plans.

To comply with legal and audit requirements and to provide transparency, the CRA and City execute interlocal funding agreements for each project for which the CRA will provide funding to the City. Although the City Commission and CRA Board have already approved the funding, each such interlocal funding agreement is brought to the City Commission for authorization for the Mayor to execute such agreement in compliance with the City Charter. Efficiencies in administration and project timeliness may be achieved if it is not necessary to bring forward City and CRA agenda items to obtain City Commission and CRA Board approvals for the Mayor to execute such funding interlocal agreements.

Ordinance No. 5115-24 will eliminate duplicative administrative requirements for budgeted projects and authorize the Mayor to execute interlocal Funding Agreements between the City and the CRA for City projects when such funding has been budgeted and appropriated by the CRA Board and the City.

## 8. APPEALS

- 8.1. Appeal of a condition of the Historic Preservation Board's decision in Case # 24-40 at 315 Marlborough Road, True barrel tile roof, no "s" tiles; to match the current roof or entire roof to white concrete tiles (circa 1962).

**Originating Department:**

Development Services

**Staff Recommended Motion:**

Approve the Certificate of Appropriateness with the conditions to replace the roof tile selection on the historically contributing structure at 315 Marlborough Road.

The City Commission may approve the certificate of appropriateness with conditions or approve the certificate of appropriateness without conditions.

**MOTION FOR APPROVAL WITH CONDITIONS:** Approve the Certificate of Appropriateness with the condition: True barrel tile roof, no "s" tiles; to match the current roof or entire roof to white concrete tiles (circa 1962).

**MOTION FOR APPROVAL WITHOUT CONDITIONS:** Approve the Certificate of Appropriateness without the condition that True barrel tile be used.

**Background Information:**

The property at 315 Marlborough Road is a single-story Masonry Vernacular residence with Minimal Traditional influences built in 1952. It is a contributing building located in the Prospect Park/Southland Park Historic District.

Roofing shingles on the property green card dated 1971 are stated as "concrete." The current roof on the primary and accessory structure is an "s" tile. There is no known roofing permit history outside of the green property card. The historic planning staff cannot verify if the current "s" tile barrel tile roofing is legally permitted, but this roof tile selection proposed by the owner is architecturally inappropriate for a historically contributing masonry vernacular residence within the Prospect Park/Southland Park Historic District.

On June 25, 2024, the applicant requested and received approval from the Historic Preservation Board for a proposed two-story rear addition of 606 square feet with the following conditions:

1. True barrel tile roof, no "s" tiles; to match the current roof or change the entire roof to white concrete tiles (circa 1962).

2. Windows to match in style and function with the 2015 permitted product.

### HISTORIC PRESERVATION BOARD

This request came to be heard by the Historic Preservation Board through a Certificate of Appropriateness on June 25, 2024. Planning staff presented the application and recommended approval with the two (2) aforementioned conditions. The Historic Preservation Board voted (6-0) for approval.

A. The Applicants' appeal of the Historic Preservation Board's decision was timely received on July 24, 2024. 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:

a. 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.

## **9. 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.

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

## **11. 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.