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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
Agenda
Monday, August 19, 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 August 24, 2024, as Ukraine Independence Day. Proclamation to be accepted by the Ukrainian Association of Florida: Dmytro Bozhko, President; Natalka Bozhko, Co-Founder; Yuliia Dryhybka, Communication Manager; Oksana Urban, Art Ambassador; Lily Yurchyshyn, Cultural Ambassador; and Sergei Babchenko, IT Support.

Originating Department:
Mayor's Office

7. PRESENTATION

- 7.1. Mayoral presentation to City employee Gregory Mihalko, Parks and Recreation Operations Coordinator, in recognition of his 50 years of service to the City of West Palm Beach.

Originating Department:
Mayor's Office

Background Information:

Greg was hired on August 12, 1974, and currently occupies the position of Parks Maintenance Operations Coordinator, for the Department of Parks and Recreation, a position that he has occupied for the last thirteen (13) years.

Through his 50 years with the City, Greg has worked for the Department of Parks and Recreation and the Department of Public Utilities, occupying several positions such as : Laborer I, Laborer II, Park Foreman I, Park Foreman II, Parks Maintenance Supervisor II, Public Utilities Project Specialist, and Public Utilities Operations Coordinator.

8. CONSENT CALENDAR

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

- 8.1. Resolution No. 152-24(F) accepting and appropriating funds in the amount of \$50,000 from Alba Palm Beach for Osprey Park improvements.

Originating Department:
Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 152-24(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 DONATION FUND BUDGET TO PROVIDE FOR THE RECEIPT AND APPROPRIATION OF A DONATION FROM THE ALBA PALM BEACH FOR \$50,000 FOR OSPREY PARK IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Parks and Recreation Department was contacted by the Northwood Harbor Neighborhood Association regarding the Alba Palm Beach development wanting to give back to the neighborhood through funding improvements. ALBA Palm Beach desires to contribute \$50,000 to the City of West Palm Beach for improvements to Osprey Park, pursuant to its commitment to the Northwood Harbor Neighborhood Association and surrounding communities. In particular, the neighborhood has requested the Parks and Recreation Department install security cameras in the park.

Resolution No. 152-24(F) authorizes the appropriation of the Alba Palm Beach funds for improvements to Osprey Park.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval will provide funding in the amount of \$50,000 for improvements to Osprey Park.

- 8.2. Resolution No. 170-24 approving a Partnership Agreement between the City and the Cox Science Center, Inc. for the purpose of applying for the United States Environmental Protection Agency Community Change Grant and for the oversight and management of the project. The Cox Science Center would be the grant recipient if awarded. The grant funding being requested is approximately \$19M, with an estimated \$6M for park amenity improvements.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 170-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PARTNERSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE COX SCIENCE CENTER FOR THE PURPOSE OF APPLYING TO THE U. S. ENVIRONMENTAL PROTECTION AGENCY FOR FUNDING PURSUANT TO THE COMMUNITY CHANGE GRANTS PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Cox Science Center approached the City with the recommendation to enter into a partnership for the purpose of applying to the United States Environmental Protection Agency for a Community Change Grant. In this partnership, the primary purpose shall be for the Cox Science Center to oversee and manage the completion of projects funded by the Community Change Grant.

Under this agreement, the partnership's name shall be DREHER PARK GRANT PARTNERSHIP, referred to herein as "Partnership". The Partnership would become effective upon the receipt of the Grant.

The Partnership's primary purpose is executing the proposed Grant application titled: "*Empowering Dreher Park: Advancing Climate Justice in West Palm Beach*".

The Cox Science Center and the City shall be equal partners in this Partnership to implement the project with equal voting rights unless the Agreement is amended to add one or more statutory partners.

Any decision requiring the Partnership to enter into a contract with another person or entity requires a unanimous vote by all parties.

2. Lead Applicant Responsibilities

A. Consistent with the terms of the Grant, the Science Center, as lead applicant, shall be solely responsible for the overall management, performance, oversight, and reporting responsibilities under the Grant and for making sub-awards to Collaborating Entities.

B. The Science Center shall be solely responsible for the receipt of federal funds from the EPA pursuant to the Grant. The Science Center shall ensure proper expenditure of funds for the project and shall be liable for any unallowable costs except for expenditures made by the City with grant funds it received as a sub-award under the agreement.

C. The Science Center shall be responsible for compliance, including legal compliance, with the terms of the Grant and for managing risks associated with receipt of funds for the project.

3. Grant Project Requested Improvements and Programs

A. Park improvements to roadway, parking, and wayfinding.

B. Recreational amenities include: picnic pavilion replacements, trail enhancements, playground improvements, etc.

- C. New landscaping and park beautification.
- D. Stormwater lake improvements.
- E. Stormwater lake water quality improvements.
- F. Expansion of Stiles-Nicholson Stem Education Center.
- G. Job readiness training and education in environmental science fields.

The estimated cost for these improvements is \$19M, which the Grant application will reflect. There are no matching funds required for this Grant.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Any funds the City would receive would be as a sub-recipient.

- 8.3. Resolution No. 155-24 accepting a State of Florida Department of Environmental Protection Resilient Florida grant in the amount of \$150,000 to be used to fund a Resilient Waterfront Adaptation Plan; and

Resolution No. 156-24(F) provides budget appropriations in the Water and Sewage Systems Revenue Fund.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 155-24: 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 \$150,000 TO FUND A RESILIENT WATERFRONT ADAPTATION PLAN; APPROVING THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 156-24(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 WATER AND SEWAGE SYSTEMS REVENUE FUND BUDGET TO RECOGNIZE A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND TO PROVIDE

APPROPRIATIONS FOR A RESILIENT WATERFRONT ADAPTATION PLAN; 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 the 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.

Resolution No. 194-23 approved the submittal of the application by the City of West Palm Beach (Grantee) for a Resilient Florida Planning grant to develop a Resilient Waterfront Adaptation Plan. The grant in the amount of \$150,000 (with no match required) was awarded by the State of Florida Department of Environmental Protection through its Resilient Florida Program. The Grantee will complete the Resilient Waterfront Adaptation Strategy Project (Project) to include an Adaptation Plan (AP) consistent with the Florida Adaptation Planning Guidebook. The Project will include public outreach and stakeholder engagement. The AP will also include a list of prioritized projects for each asset class as defined in subsection 380.093(2), Florida Statutes, for consideration and implementation. Subtasks to include draft seawall ordinance, conceptual designs for prioritized projects, and recommendations for existing local plans.

The grant funding covers the Project development costs incurred and expended during the period of July 1, 2023 to June 30, 2026.

Resolution No. 155-24 accepts the grant and authorizes execution of the grant agreement.

Resolution No.156-24(F) amends the Water and Sewage Systems Revenue Fund Budget to accept the grant funds and provides appropriations for the Project.

Fiscal Note:

No match is required for this grant. Resilient Waterfront Adaptation Plan costs to be supported by Fund 481 Storm Water System Fund until reimbursement is received.

- 8.4. Resolution No. 182-24 approving submittal to the State of Florida Department of Environmental Protection multiple applications to the Resilient Florida Grant Program.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 182-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBMITTAL TO THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF MULTIPLE APPLICATIONS UNDER THE RESILIENT FLORIDA GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The 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 the impacts of flooding and sea level rise facing the state, eligible applicants may apply to receive funding assistance to analyze and plan for vulnerabilities and implement adaptation and mitigation projects. Florida Statutes Section 380.093 provides more information on available grant programs and requirements.

Proposals for FY 2024-25 projects are being accepted by the Resilient Florida grant program, with a grant application deadline of September 1, 2024.

Under the Resilient Florida program, two (2) types of grant applications are being accepted by the State: (1) Planning grants and (2) Implementation grants.

Approval is requested for the City to submit up to seven (7) grant applications under the two categories noted above.

Planning Grants: One (1) Planning grant. Planning grants do not require a funding match.

- West Palm Beach Adaptation Plan: The Adaptation Plan would build on the work done by the Vulnerability Assessment and would prioritize identified projects for the development of conceptual designs, permitting requirements, and estimated costs. Changing water levels and the long-term infrastructure lifecycle require forward thinking adaptation approaches today and the pursuit of grant opportunities to achieve them. The project scope would also review current infrastructure improvement plans and identify possible current or future climate/flooding issues that would require project review and possible updates to meet expected flood levels. The scope would be sufficiently broad and phased to be applicable for an array of future grant funding opportunities and Capital

Improvement Planning/ Funding. The estimated grant request is up to \$400,000.

Implementation Grants: Up to six (6) Implementation Grants for the following potential projects:

- Flagler Drive Lift Station Retrofit (additional funding): The City received a grant from Resilient Florida in 2021 for \$405,000 (\$810,000 total project cost) for this project; however, due to the recent construction cost escalation, additional funding is required. An additional \$2,800,000 is requested. If awarded, the Public Utilities Department will provide a 50% match (\$1,400,000).
- WPB Tidal Valve Adaptation (additional funding): The City received a grant from Resilient Florida in 2022 for \$800,000 (\$1,600,000 total project cost) for this project; however, due to the recent construction cost escalation, additional funding is required. An additional \$1,500,000 is requested. If selected, the Public Utilities Department will provide a 50% match (\$750,000).
- Flagler Drive Underground Hardening Phase 3: This request expands on the Resilient Florida grant awards for Phase 1 and 2 and continues the work within the area. The estimated grant project request is \$4,000,000. If selected, the Public Utilities Department will provide a 50% match (\$2,000,000).
- Stormwater Underground Hardening (30" Dia & Larger): The project includes pipe rehabilitation of approximately 200,000 LF of vitrified clay pipe (VCP) and corrugate metal pipe (CMP) storm pipe City-wide. These pipe segments have been identified to have a high likelihood of failure and high consequence of failure. The estimated grant project request is \$5,000,000. If awarded, the Public Utilities Department will provide a 50% match (\$2,500,000).
- WPB Tidal Valve Adaptation (small): The project includes the design and installation of tidal valves on a minimum of fifteen (15) small stormwater outfalls. The estimated grant project request is \$2,000,000. If awarded, the Public Utilities Department will provide a 50% match (\$1,000,000).
- Lift Station Rehabilitation Phase 1: Lift stations are critical assets of a wastewater conveyance/transmission system. The 2019 wastewater master plan identified lift stations in the City's wastewater system that require critical rehabilitation and repairs, short-term and long-term. Up to twenty (20) lift stations have been identified by City staff for the LS Rehab program for the next three (3) years. The work includes but is not limited to, wetwell rehab, emergency pump out connection replacement, riser pipe and

discharge pipe, and valving replacement. This project will include up to ten (10) lift stations. The estimated grant project request is \$10,000,000. If awarded, the Public Utilities Department will provide a 50% match (\$5,000,000).

These potential implementation grant projects will adapt critical assets to the changing conditions we all are experiencing. Implementation grants require a 50% funding match (50/50 cost share). At this time, it is unknown when and how the City will have to demonstrate proof of a match, but it is estimated that a partial match would have to be provided in the FY 2025-26 fiscal year, with additional matches required over the two remaining years of the grant term.

Resolution No. 182-24 authorizes the submittal of the grant applications and commits that matching funds will be appropriated if the Implementation Grants are awarded.

Fiscal Note:

Post approval, balances will be approximately \$75,000,000 in Water Sewer General Reserve Fund 459 and \$17,000,000 in Stormwater General Reserve Fund 484.

- 8.5. Resolution No. 168-24 authorizing the assessment of City liens in the total amount of \$17,480.16 for unpaid water service, sewer service, and stormwater charges for the month of April 2024.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 168-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE CHARGES FOR THE MONTH OF APRIL 2024; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services.

The liens to be assessed by Resolution No. 168-24 are for unpaid water service, sewer service, and stormwater service charges for the month of April 2024.

The list of properties to be assessed and the associated charges totaling \$17,480.16 are provided in Resolution No. 168-24 as EXHIBIT A - Utility Lien List - April 2024.

Fiscal Note:

No fiscal impact.

9. RESOLUTIONS

- 9.1. Resolution No. 171-24 authorizing the replacement of the City's remarketing agent on the Florida Utility System Variable Rate Revenue Bonds, Series 2008C.

Originating Department:

Finance

Ordinance/Resolution:

RESOLUTION NO. 171-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RELATING TO THE CITY'S OUTSTANDING CITY OF WEST PALM BEACH, FLORIDA UTILITY SYSTEM VARIABLE RATE REVENUE BONDS, SERIES 2008C; AUTHORIZING THE REPLACEMENT OF THE CURRENT REMARKETING AGENT WITH A SUCCESSOR REMARKETING AGENT AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A REMARKETING AGREEMENT WITH THE SUCCESSOR REMARKETING AGENT; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Recommended Motion:

Approve Resolution No. 171-24.

Background Information:

On August 20, 2008, the City of West Palm Beach issued its Utility System Variable Rate Revenue Bonds, Series 2008C (the "Series 2008C Bonds"). These variable rate revenue bonds necessitate the engagement of a liquidity provider and a remarketing agent to facilitate their ongoing management and marketability. In 2024, we received information that the previous remarketing agent, Citigroup Global Markets Inc., had exited the municipal bonds market.

Consequently, PFM Financial Advisors LLC ("PFM"), acting on behalf of the City, conducted a competitive solicitation process to identify a suitable successor. The City received seven (7) responses to the solicitation process, which were reviewed and analyzed by PFM and the City. The review process involved an analysis of fees, capability, and experience in the market. Following the competitive solicitation, PFM recommended that the City appoint J. P. Morgan Securities LLC as the new remarketing

agent for the Series 2008C Bonds.

In addition to its role as the proposed remarketing agent, J. P. Morgan also provides the Standby Bond Purchase Agreement on these bonds, providing liquidity for the bonds.

Resolution No. 171-24 approves the appointment of J. P. Morgan Securities LLC as the successor remarketing agent to ensure the continued successful management of the bonds.

Fiscal Note:

The remarketing fees are paid out of Utility Funds 455 and 482. The new remarketing fee is estimated to save \$35,000.

- 9.2. Resolution No. 123-24 establishing and appointing members to a ten (10) member Affordable Housing Advisory Committee, establishing the term of office and waiving conflicts of interest.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 123-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA ESTABLISHING AND APPOINTING MEMBERS TO A TEN (10) MEMBER AFFORDABLE HOUSING ADVISORY COMMITTEE FOR THE STATE HOUSING INITIATIVES PARTNERSHIP ("SHIP") PROGRAM; ESTABLISHING THE TERM OF OFFICE; WAIVING CONFLICTS OF INTEREST; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 123-24.

Background Information:

The City of West Palm Beach receives annual allocations of State Housing Initiatives Partnership (SHIP) Program funds from the State of Florida for the creation and/or preservation of affordable housing.

As a condition of receiving the funds and in accordance with Florida Statutes, the City's governing board is required to establish an Affordable Housing Advisory Committee (AHAC). The primary objective of the AHAC is to review established policies and procedures, ordinances, land development regulations, adopt a local government comprehensive plan for the appointing local government, and recommend specific actions or initiatives to encourage or facilitate affordable housing.

Section 420.9076 (2), Florida Statutes, details the AHAC committee composition. The AHAC must have at least eight (8) members

representing at least six (6) categories identified in the statute.

The City proposes to create a ten (10) member committee, and the following persons are recommended to serve in the designated categories:

1. An elected official (Shalonda Warren);
2. A citizen who is actively engaged in the residential home building industry in connection with affordable housing (Claudio Costa);
3. A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing (Suzanne Cabrera);
4. A citizen who is actively engaged as a for-profit provider of affordable housing (Nick Rojo);
5. A citizen who is actively engaged as a for-profit provider of affordable housing (Jordan Davis);
6. A citizen who is actively engaged as a for-profit provider of affordable housing (Jordan Rathlev);
7. A citizen who is actively engaged as a not-for-profit provider of affordable housing (Terri Murray);
8. A citizen who is actively engaged as a not-for-profit provider of affordable housing (Carol Jones-Gilbert);
9. A citizen who is actively serving on the local planning agency pursuant to Florida Statutes, Section 163.3174 (William Corrente); and
10. A citizen who is residing within the jurisdiction of the local governing body making the appointments (Nicholas Bixler).

The duration of the committee is three (3) years, and the term of each member will be for the three-year period.

Five (5) of the proposed members above have business relationships with the City and may have a conflict of interest. They are:

- Nick Rojo: The President and Co-Founder of Affiliated Development is presently doing business with the City as a Developer of workforce housing who has received funding and other development incentives for the development of housing;

- Jordan Rathlev: The Executive Vice President of Related Northeast is presently doing business with the City as a Developer who has received development incentives for proposed development projects;
- Jordan Davis: The Acquisitions Manager for Related Urban is presently doing business with the City as a Developer who has received funding and development incentives for an affordable housing project;
- Terri Murray: The Executive Director of Neighborhood Renaissance Inc. is presently doing business with the City as a non-profit Developer who has received funding and other development incentives for the development of housing; and
- Carol Jones-Gilbert: The Chief Executive of the Palm Beach County Housing Authority presently doing business with the City as a non-profit Developer has received funding and other development incentives for the development of housing.

Norman Ostrau, the City's Ethics Official, has advised that both state and county law provide that no member or their outside employer can sell goods or services to the City, have any employment or contractual relationship with any business entity doing business or regulated with the City, have any contractual or employment relationship that will be a continuing or frequently recurring conflict between their private interest and public duty, or impede their public duties. He is of the opinion that the relationships described above violate this law, thereby creating a conflict of interest. He further advises, however, that both state and county law provide that the conflict can be waived by the City Commission at a public hearing where the proposed member discloses the conflict and the Commission waives the conflict by a vote of a majority plus one. Mr. Rojo, Mr. Rathlev, Mr. Davis, Ms. Murray, and Ms. Jones Gilbert have made the disclosure on the required state ethics commission Form 4A.

Staff request the City Commission to approve Resolution No. 123-24, thereby establishing the AHAC, appointing ten (10) members to the committee, waiving conflicts of interest as to five (5) of the members, and authorizing the Mayor to execute all documents necessary to establish the committee and facilitate the activities of the Committee.

Fiscal Note:

No fiscal impact.

- 9.3. Resolution No. 169-24 authorizing the acquisition of real property located at 611 56th Street for the purchase price of \$231,589; and

Resolution No. 185-24(F) amending the local Housing Trust Fund to provide appropriations for the acquisition of real property located at 611 56th Street.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 169-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH APPROVING THE ACQUISITION OF PROPERTY LOCATED AT 611 56TH STREET IN THE AMOUNT OF \$231,589; AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH THE PROPERTY OWNER, 5701 BROADWAY LAND TRUST; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE ACQUISITION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 185-24(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 HOUSING TRUST FUND TO PROVIDE APPROPRIATIONS FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 611 56TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 169-24 and Resolution No. 185-24(F).

Background Information:

The City is seeking to purchase real property located at 611 56th Street (PCN No. 74-43-43-04-08-064-0450) from 5701 Broadway Land Trust, for \$231,589. The property is a vacant lot and consists of approximately 0.14 acres, according to the Palm Beach County Property Appraiser's Office.

Resolution No. 24-35 authorized the West Palm Beach Community Redevelopment Agency (CRA) to acquire an abutting property located at 5701 Broadway Boulevard as a future development site to encourage redevelopment along the Broadway corridor. The intention is the redevelopment of the property, along with the adjacent property, for a mixed-use project.

By purchasing 611 56th Street, the City will further its goal of encouraging

redevelopment along the Broadway corridor, and increasing the supply of affordable/workforce housing. The City will utilize funding from the local Housing Trust Fund (HTF) for the acquisition costs, closing costs, and other related costs. Eligible uses of the HTF include programs or projects that promote the development of mixed-income, affordable, or workforce housing projects.

The Housing and Community Development Department, as the land manager for City-owned property, will be responsible for maintaining the parcel until it is transferred to another party or developed.

Resolution No. 169-24 authorizes the acquisition of real property located at 611 56th Street (PCN No. 74-43-43-04-08-064-0450).

Resolution No. 185-24(F) approves amending the local Housing Trust Fund to provide appropriations for the acquisition of real property located at 611 56th Street.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

The purchase price is \$231,589. Additional funds are expected for title work, environmental, and other due diligence items.

10. PUBLIC HEARING

- 10.1. Public Hearing of Resolution No. 177-24 establishing the rates for the Fire Service Assessment Fee for fiscal year 2024/2025 and approving the assessment roll.

Originating Department:

Finance

Ordinance/Resolution:

RESOLUTION NO. 177-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE RATES FOR THE FIRE SERVICE SPECIAL ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2024; APPROVING THE RATES OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 177-24 with no increase in the Fire Service Assessment Fee.

Background Information:

Fire suppression, prevention, and other fire services provide a special benefit to properties by protecting the value and integrity of improvements to real property and protecting the use and enjoyment of such property. The availability of comprehensive fire services reduces the cost of fire insurance and enhances the market perception and property values.

In 2008, the City Commission adopted Ordinance No. 4141-08, Resolution No. 212-08, and Resolution No. 332-08, establishing an annual recurring Fire Services special assessment program for properties within the City to fund the assessable costs of providing fire services, excluding Emergency Medical Services. The City Commission approved a rate increase for the Fire Service Assessment on August 27, 2018, for the first time since initially adopted in 2008. In fiscal year 2019/2020, it was determined that a further increase in the Fire Assessment rates was necessary to help offset the increase in the operating costs of the Fire Department. Accordingly, by Resolution No. 228-19 on July 15, 2019, the City Commission adopted the Preliminary Rate for 2019/2020, which increased the fire assessment rates.

The City contracts with Anser Advisory formerly Government Services Group (GSG) Inc., for annual Fire Assessment Program services. Studies conducted by GSG Inc. revealed significant increases in firefighters' pensions, building renovations for additional personnel, acquisition and maintenance of fire trucks, equipment, hoses and apparatus, and operating costs over the period 2008 to 2019, justifying the two (2) rate increases.

By Resolution No. 140-24, the City Commission adopted the Preliminary Rate Resolution directing the matters specified in Section 2.08 of the Ordinance, including the updating of the Assessment Roll, the mailing and publication of notice, and the scheduling of a public hearing. The Preliminary Rate Resolution made no change to the assessment rates. The preliminary Assessment Roll was updated and made available for inspection by the public, as required by the Ordinance. Notice of this public hearing was published in the Palm Beach Post on July 24, 2024, and mailed to each affected property owner.

Based on the discussion at the Commission Meeting held on July 18, 2024, the Fire Service Assessment will remain the same as fiscal year 2024. The current rates are:

RESIDENTIAL: \$100
NON-RESIDENTIAL PROPERTY (Rate Per Building Square Foot)
Commercial: \$0.103
Industrial/Warehouse: \$0.018
Institutional: \$0.123
Nursing Home: \$0.372

No Fire Services Assessment will be imposed upon Governmental Property. The City will buy down this exemption with non-assessment funds. Institutional Property, whose use is wholly exempt from taxation under Florida law, shall be assessed but shall be required to pay only twenty percent (20%) of the Fire Services Assessment imposed against each parcel. The City will buy down this eighty percent (80%) exemption with non-assessment funds.

The Fire Service Special Assessment will be collected by the County Tax Collector through the property tax bill.

Resolution No. 177-24 approves the Fire Service Special Assessment for FY2024/2025 without change to the assessment rates.

Fiscal Note:

Anticipated Revenue to be collected is \$8.0 Million.

- 10.2. Public Hearing of Resolution No. 178-24 adopting the assessment roll for the Chronic Nuisance Assessment for fiscal year 2024/2025, which includes properties with unpaid charges for the abatement of code violations and chronic nuisance.

Originating Department:

Finance

Ordinance/Resolution:

RESOLUTION NO. 178-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATED TO THOSE NON-AD VALOREM ASSESSMENTS, WHICH MAY BE LEVIED FOR THE COST OF PROVIDING PROPERTY MAINTENANCE SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY, INCLUDING BUT NOT LIMITED TO: LOT MOWING AND DEBRIS REMOVAL SERVICES, BOARDING AND SECURING OF VACANT OR UNSAFE STRUCTURES, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES, CALLS FOR SERVICE AND INSPECTIONS: APPROVING THE ASSESSMENT ROLE FOR FISCAL YEAR 2024/2025; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 178-24.

Background Information:

In September 2011, the City of West Palm Beach adopted a series of new Ordinances intended to change the way the City deals with chronic nuisance properties and chronic nuisances in general. These Ordinances were intended to recognize that the work that City staff provides to

chronic nuisance properties direct benefits the affected property. Through the adoption of Ordinance Nos. 4350-11, 4361-11, and 4362-11, the City Commission declared that any unpaid chronic nuisance service charges, unpaid Code Enforcement re-inspection assessment charges, or unpaid costs incurred for the abatement of code violations that remained delinquent and unpaid should become a special assessment against these properties as a non-ad valorem assessment equal in rank and dignity to a lien for ad valorem taxes.

In order to satisfy the statutory requirements for the implementation of special assessments contained in Section 197.3632 Florida Statutes, the City Commission also adopted Resolution No. 17-13, which declared the City's intent to utilize the uniform method of collecting these non-ad valorem assessments.

By Resolution No. 141-24, the City Commission directed the Chief Finance Officer to comply with the requirements of the uniform method of collection by preparing an assessment roll for the chronic nuisance service assessments for fiscal year 2024/2025 and set August 19, 2024, as the date for the public hearing to adopt a final assessment roll as required by statute. Written notification by first class mail was sent to each affected property owner advising of the total amount to be levied against each parcel of assessed real property; that failure to pay the assessment will cause a tax certificate to be issued against the property; that the property owners have a right to appear at the public hearing and to file written objections with the City Commission within twenty (20) days of the date of the notice; and providing the date, time, and place of the public hearing. Notice of the assessment was also published in the Palm Beach Post.

Resolution No. 178-24 approves the chronic nuisance assessment roll and approves the assessments for the chronic nuisance services to be included on the property tax bills.

Fiscal Note:

No fiscal impact, as revenue generated from the Chronic Nuisance Program is a reimbursement of expenditures incurred by the City to abate the nuisance.

- 10.3. Public Hearing and Second Reading of Ordinance No. 5105-24 amending the code of ordinances at Chapter 94, Article XIII "Sign Regulations" to designate wayfinding signage or kiosks as an "unregulated sign".

Originating Department:

Mayor's Office

Ordinance/Resolution:

ORDINANCE NO. 5105-24: 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, ARTICLE XIII "SIGN REGULATIONS" SECTION 94-402.a. TO CREATE SECTION 94-402.a.23; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Recommended Motion:

Approve Ordinance No. 5105-24 on First Reading and Schedule Second Reading for August 19, 2024.

Background Information:

The Code of Ordinances Chapter 94, Article XIII places limitations on signage within the City, including prohibitions on digital signage. Exclusions on such limitations are noted under Sections 94-402.a "unregulated signs".

The City desires to include digital kiosks that provide information on City events, public transportation, sites of interest, and other public interest information as an exclusion to the signage requirements. These kiosks will provide residents and visitors with valuable real-time information while also generating revenue for the City.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 10.4. Resolution No. 159-24 authorizing the disposition of property located at 386 South Tamarind Avenue; 810, 818, 826, 860, and 910 Evernia Street; and 913 Fern Street in West Palm Beach; and

Public Hearing and First Reading of Ordinance No. 5104-24 approving the execution of a conveyance agreement for the property.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 159-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING DISPOSITION OF REAL PROPERTY LOCATED AT 386 S. TAMARIND AVENUE; 810, 818, 826, 860 AND 910 EVERNIA STREET; AND 913 FERN STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5104-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA,

APPROVING THE CONVEYANCE OF CERTAIN PROPERTY LOCATED AT 386 S. TAMARIND AVENUE; 810, 818, 826, 860 AND 910 EVERNIA STREET; AND 913 FERN STREET, WEST PALM BEACH, TO BE USED FOR HIGHER EDUCATIONAL PURPOSES; AUTHORIZING EXECUTION OF A CONVEYANCE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 159-24.

Approve Ordinance No. 5104-24 on first reading and scheduled second reading for September 3, 2024.

Background Information:

The City of West Palm Beach has been requested to donate property to be used for higher educational purposes. The property sought was acquired by the City by County Deed. Several of the parcels were deeded in exchange for the property deeded to the County for the Ball Park of the Palm Beaches, and the remaining parcel was deeded pursuant to a reversionary interest retained by the City. The property has not been used for City purposes since it was acquired. The requestor is proposing to use the property for higher educational purposes and intends to construct a campus. The project is contingent on acquiring several parcels within the City, which includes additional property currently owned by a third party.

The purpose of this agreement is to provide the requestor with assurances that should it be successful in acquiring the property and approvals needed to create, fund, develop, and operate the campus, the City will convey its property to be used for higher educational purposes, which includes creating a higher education campus. The property will be subject to a reversionary clause should the property not be developed and a use restriction requiring the property to be used for higher educational purposes.

Approval of Resolution No. 159-24 authorizes the method of disposition of the City-owned property, and Ordinance No. 5104-24 authorizes the Mayor to execute the conveyance agreement and any other documents deemed necessary to effectuate the purposes of the agreement.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Property is being donated by the City at no cost to the requestor, and all closing costs will be borne by the requestor.

- 10.5. Public Hearing and First Reading of Ordinance No. 5108-24 amending the Restated Employees Defined Benefit Retirement System to allow a change in beneficiary in certain circumstances.

Originating Department:

Human Resources

Ordinance/Resolution:

ORDINANCE NO. 5108-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 62 (PERSONNEL AND RETIREMENT), ARTICLE III (PENSIONS AND RETIREMENT), DIVISION 5 (RESTATED EMPLOYEES DEFINED BENEFIT RETIREMENT SYSTEM) AT SECTION 62-176 (DEFINITIONS) AND SECTION 62-195 (RETIREMENT ALLOWANCE OPTIONS), TO ADD A DEFINITION FOR SPOUSE, AND TO ADD THE ABILITY FOR A CHANGE IN BENEFICIARY UNDER CERTAIN CONDITIONS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5108-24 on First Reading and schedule a Second Reading on September 3, 2024.

Background Information:

The City of West Palm Beach, through its Ordinances, has established a Restated Employees Defined Benefit Retirement System, commonly referred to as a pension, for non-first responder eligible and retired employees, codified at Section 62-185 of the City of West Palm Beach Code of Ordinances ("Plan"). The Plan is a closed pension plan, including only certain employees who were employed on or before September 10, 1997.

The City Commission has vested in a Board of Trustees for the retirement system with the ability to oversee the general administration, management, and responsibility for properly operating this retirement system.

The Plan presently does not allow a retirant to change the beneficiary after the date of retirement. However, current societal norms reflect that many individuals have situations wherein their initial designated beneficiary for a pension/retirement pre-deceases the retirant, or otherwise becomes permanently estranged from the retirant. As a result, a retirant's pension/retirement benefits may not be distributed to a beneficiary in accordance with the retirant's current wishes.

The Plan's administrator has advised that many plans are being amended to allow a one-time change in beneficiary after retirement.

Review by the Plan's actuary indicated that a one-time change in beneficiary should have negligible impact on the Plan.

The Board of Trustees for the Plan voted to recommend a Plan Amendment to allow a member one (1) time after retirement to designate a new beneficiary and to designate a new spouse where the retirant no longer has a living spouse.

The Plan may be amended by ordinance by the City Commission as per Section 62-177 of the Code of Ordinances.

Ordinance No. 5108-24 amends the Plan to allow one (1) beneficiary change after retirement and a change of beneficiary to a new spouse if the original beneficiary spouse is no longer living.

Fiscal Note:

Per the Plan's Actuary, the proposed change should have negligible financial impact on the Plan.

- 10.6. Public Hearing and First Reading of Ordinance No. 5106-24: A request by Shayne Broadnix of Urban Design Studio, on behalf of Tricera PBP Property Owner, LLC, for a Future Land Use Map Amendment to change the Future Land Use designation of 8.39 of the overall 11.57 acres of the subject area consisting of two (2) parcels located at 2751 South Dixie Highway and 501 Monceaux Road from Commercial (C) to Commercial East (CE).

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5106-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF 8.39 OF THE OVERALL 11.57 ACRES OF THE SUBJECT AREA CONSISTING OF TWO (2) PARCELS LOCATED AT 2751 SOUTH DIXIE HIGHWAY AND 501 MONCEAUX ROAD, FROM COMMERCIAL (C) TO COMMERCIAL EAST (CE); DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5106-24, changing the Future Land Use designation of ±8.39 acres of the overall ±11.57-acre parcel located at

2751 South Dixie Highway and 501 Monceaux Road from Commercial to Commercial East.

This motion is based on the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the provisions of Chapter 163, Florida Statutes, and Policies 1.1.5 and 1.1.6 of the City's Comprehensive Plan, based on changed assumptions.

Background Information:

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

The +11.57-acre subject area comprises two (2) platted lots addressed 2751 South Dixie Highway and 501 Monceaux Road, separated by the FEC Railroad. The land area east of the FEC Railroad supports the existing buildings and parking on-site, while the area to the west of the Railroad supports the 423-space parking lot. Seven hundred forty-nine (749) parking spaces in all are provided, along with pedestrian access to the west parking lot via the newly constructed bridge over the railroad tracks. The property east of the FEC Railway is characterized by a split Future Land Use (FLU) designation of Commercial East (CE) and Commercial (C). To consolidate the FLU, the applicant has submitted a request to change the current FLU designation of the property.

Additionally, the applicant has submitted a rezoning application to change the property's zoning designation to establish a Commercial Planned Development (CPD) from General Commercial (GC), which includes the incorporation of an additional permitted use, along with a parking waiver.

PLANNING BOARD

After a Public Hearing on July 16, 2024, the Planning Board unanimously recommended approval (6-0) of the proposed Future Land Use Map Amendment to the City Commission.

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the subject property, and signs were also posted on the property. Per statutory requirement, First Reading of Ordinance No. 5106-24 was advertised in the Palm Beach Post on August 12, 2024, and Second Reading will be advertised in the Palm Beach Post on August 29, 2024.

Commission District 5: Commissioner Christina Lambert.

11. PUBLIC HEARING - QUASI-JUDICIAL

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

- 11.1. Public Hearing and First Reading of Ordinance No. 5107-24 regarding a Rezoning to change the Zoning designation of approximately 11.57 acres located at 2751 South Dixie Highway and 501 Monceaux Road from General Commercial (GC) to Commercial Planned Development (CPD); and

Discussion of Resolution No. 126-24 regarding the development regulations for the Shops at The Press Commercial Planned Development, and granting a waiver of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Shayne Broadnix of Urban Design Studio, on behalf of Tricera PBP Property Owner LLC, to create the Shops at The Press Commercial Planned Development.

Originating Department:
Development Services

Ordinance/Resolution:

ORDINANCE 5107-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING TWO (2) PARCELS LOCATED AT 2751 SOUTH DIXIE HIGHWAY AND 501 MONCEAUX ROAD, CONSISTING OF APPROXIMATELY 11.57 ACRES, FROM GENERAL COMMERCIAL (GC) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) TO CREATE THE SHOPS AT THE PRESS COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION 126-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, FOR THE SHOPS AT THE PRESS COMMERCIAL PLANNED DEVELOPMENT LOCATED AT 2751 SOUTH DIXIE HIGHWAY AND 501 MONCEAUX ROAD; GRANTING A WAIVER TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5107-24, a rezoning to change the Zoning designation of approximately 11.57 acres located at 2751 South Dixie Highway and 501 Monceaux Road from General Commercial (GC) to Commercial Planned Development (CPD) and schedule Second Reading for September 3, 2024.

This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Sections 94-32 of the City's Zoning and Land Development Regulations.

Resolution No. 126-24 is to be considered for approval at Second Reading of the related ordinances at the September 3, 2024 City Commission Meeting.

Background Information:

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

The +11.57-acre subject area is comprised of two (2) platted lots addressed 2751 South Dixie Highway and 501 Monceaux Road, separated by the FEC Railroad. The land area east of the FEC Railroad supports the existing buildings and parking on-site, while the area to the west of the Railroad supports the 423-space parking lot. Seven hundred forty-nine (749) parking spaces in all are provided along with pedestrian access to the west parking lot via the newly constructed bridge over the railroad tracks. The property east of the FEC Railway is characterized by a split Future Land Use (FLU) designation of Commercial East (CE) and Commercial (C). To consolidate the FLU, the applicant has submitted a request to change the current FLU designation of the property.

Along with the request to change the current FLU designation of the property, the applicant has submitted a rezoning application to change the zoning designation of the property to establish a Commercial Planned Development (CPD) from General Commercial (GC), which includes the incorporation of an additional permitted use, classified as Schools, Colleges and Universities, Public and Private, along with a parking waiver. This change would allow Palm Beach Atlantic University to establish classroom space within this project.

The parking waiver requested is from the minimum number of parking spaces required per Section 94-486, Table XV-6 of the ZLDRs (which is described and analyzed in the Staff Report). The waiver request is for 128 spaces to reduce the number of required parking spaces from 877 to 749. It is staff's professional opinion that with the finding that particular circumstances justify the parking reduction, as well as the parking study provided, the proposed CPD complies with the City's Comprehensive

Plan, and that the proposed request, with the waiver granted, will comply with the standards required by the ZLDRs. Planning staff is, therefore, recommending approval of Resolution No. 126-24.

PLANNING BOARD

After a Public Hearing on July 16 2024, the Planning Board unanimously recommended approval (6-0) of the proposed rezoning to the City Commission.

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the subject property, and signs were also posted on the property. Ordinance No. 5107-24 and Resolution No. 126-24 were advertised in the Palm Beach Post.

Commission District 5: Commissioner Christina Lambert.

12. COMMENTS FROM THE PUBLIC

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

13. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

14. ADJOURNMENT

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

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