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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**  
**Monday, October 28, 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 the Month of November 2024 as: Veterans Appreciation Month. The Proclamation presentation is in coordination with the City's Human Resources Department.

**Originating Department:**  
Mayor's Office

## 7. PRESENTATION

- 7.1. State of Education Report by Erica Whitfield, Palm Beach County District 4.

**Originating Department:**  
Mayor's Office

## 8. CONSENT CALENDAR

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

- 8.1. Minutes of the Regular City Commission Meeting of September 16, 2024.

**Originating Department:**  
Mayor's Office

- 8.2. Minutes of the Special City Commission Meeting of September 25, 2024.

**Originating Department:**  
Mayor's Office

- 8.3. Minutes of the Regular City Commission Meeting of September 30, 2024.

**Originating Department:**  
Mayor's Office

- 8.4. Resolution No. 247-24 approving a License Agreement with Hearst Television, Inc. on behalf of WPBF-TV, for the installation of a video camera on the northwest pole in the Great Lawn for the promotion of Holiday in Paradise 2024.

**Originating Department:**  
Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 247-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA,

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND HEARST TELEVISION, INC. FOR THE INSTALLATION OF A VIDEO CAMERA ON THE NORTHWEST POLE IN THE GREAT LAWN FOR PROMOTION OF HOLIDAY IN PARADISE 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

WPBF 25 News, as part of Hearst Television, Inc., is a multi-year, multi-event media sponsor for the City of West Palm Beach Community Events. The City's in-kind partnership with WPBF is valued at more than \$1 million dollars annually for year-round television ad campaigns, on-air interviews, First Weather forecast inclusions, social media posts, website inclusion, and a half-hour live 4th on Flagler special, including the City's 18-minute fireworks show.

Hearst Television, Inc. seeks to install a mutually beneficial remote-controlled video camera on the existing northwest pole in the Great Lawn for Holiday in Paradise. The camera will be spotlighting Sandi Tree and the Holiday in Paradise festivities from the delivery of sand in early November through January 2, 2025. Hearst Television will air a network live feed on WPBF 25 News during all new casts for the term of the agreement. The intended use of the video feed is to landmark and verbally and graphically promote the West Palm Beach Waterfront.

Hearst Television will provide the camera and installation at no cost to the City. They will be the sole operator and controller of the camera, which will only operate as a live-feed camera. Hearst Television will not record or store any data or images. They will also provide contact information to the City in the event of an emergency or need to shut down or disconnect equipment. The City will provide internet connection and power for the camera.

Resolution No. 274-24 approves the license agreement.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 8.5. Resolution No. 239-24 authorizing the City's participation in the Medicaid Managed Care Organization Supplemental Payment Program and approving an agreement with the Agency for Health Care Administration for Public Emergency Medical Transport for FY2024.

**Originating Department:**

Fire

**Ordinance/Resolution:**

RESOLUTION NO. 239-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REAUTHORIZING PARTICIPATION IN THE MEDICAID MANAGED CARE ORGANIZATION SUPPLEMENTAL PAYMENT PROGRAM BY THE CITY OF WEST PALM BEACH AND APPROVING THAT PUBLIC EMERGENCY MEDICAL TRANSPORTATION LETTER OF AGREEMENT FOR THE INTERGOVERNMENTAL TRANSFER OF FUNDS TO THE AGENCY FOR HEALTH CARE ADMINISTRATION FOR THE APPROXIMATE AMOUNT OF \$412,048.31 FOR ANTICIPATED REIMBURSEMENT OF APPROXIMATELY \$962,055.36 FOR A NET INCREASE IN REVENUE OF APPROXIMATELY \$550,007.05; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

This is the sixth year of this revenue source to supplement the current Medicaid reimbursements for medical transports. The current rate is approximately \$190 per transport. By Resolution No. 257-23, the City Commission previously approved the City's participation in the Medicaid Managed Care Organization Supplemental Payment Program. In FY2023, the program reimbursed approximately \$703,643 in revenue. The projected FY2024 revenue of \$550,007 is based on call volume projections.

**ADDITIONAL INFORMATION**

Medicaid payment rates do not recognize the actual costs incurred by EMS providers for the provision of EMS services. As a result, municipalities and counties have been required to use alternative funding sources to supplant the costs incurred through other funding mechanisms, such as allocating taxes and fees. Despite establishing the Public Emergency Medical Transport Medicaid Fee for Service Program in 2016, the medically managed care reimbursement levels remained at inadequate levels.

In a previous legislative session, the Florida Fire Chief's Association championed a legislative effort that led to the approval of new funding. This effort established a Medicaid managed care supplemental payment while preserving the existing Public Emergency Medical Transport Medicaid Fee for Service Program. The new Medicaid Managed Care Payment Program increases Medicaid federal funding available to government-owned Fire and EMS communities.

The most recent legislative session increased the Federal share from \$54 million to \$75 million, which also increased the per-transport reimbursement by an additional \$119. The federal government requires a cost share, and the State of Florida is requiring Palm Beach County and city governments interested in participating in the program to pay in

advance.

When the Medicaid insurance providers pay approximately \$190 per transport, they will also pay an additional estimated \$295 per transport, as a result of this program, as well as reimburse the City's cost share per transport.

The Agency for Health Care Administration [AHCA] implemented and monitored this program by determining the City's cost share and reconciling payments made by the Medicaid insurance providers. As done in FY2024, participating providers must execute a Letter of Agreement with the AHCA agreeing to intergovernmental funds transfers to AHCA for FY2025.

Upon finalization of the distribution model, the listed transfer amount in the Letter of Agreement is subject to minor changes by AHCA. Due to the likelihood of minor adjustments to the listed amount, Resolution No. 239-24 approves a transfer amount of up to 10% above or below the currently listed amount of \$412,048.31.

By Resolution No. 239-24, the City Commission reauthorizes participation and approves the Letter of Agreement for the approximate amount of \$412,048.31.

- 8.6. Resolution No. 232-24 granting a Revocable Permit and License to Rednum Investments Limited Partnership for an existing fence within the City right-of-way located at 431 Sunset Road.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 232-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE PERMIT AND LICENSE FOR CITY RIGHT-OF-WAY ADJACENT TO 431 SUNSET ROAD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

By previous agreement, the West end of Sunset Road at the FEC railroad was fenced off adjacent to 431 Sunset Road as far back as 2011.

As part of a recent paving permit, it was discovered that the previous agreement could not be located.

Resolution No. 232-24 will allow the fence to remain, and any liability will be their responsibility.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

- 8.7. Resolution No. 243-24 granting a Temporary Construction Easement to SFH Owner, LLC, for the construction of City improvements and construction staging at 1355 S. Flagler Drive, including Diana Place.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 243-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA GRANTING A TEMPORARY CONSTRUCTION EASEMENT TO SFH OWNER, LLC, FOR THE FLAGLER TOWERS RESIDENTIAL PROJECT FOR CONSTRUCTION OF CITY IMPROVEMENTS ON CITY-OWNED PROPERTY IDENTIFIED AS DIANA PLACE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In January 2022, Resolution No. 310-21 was adopted, approving the Flagler Towers Residential Planned Development, also known as the South Flagler House.

Part of the approval included replacing existing trees on the North side of Diana Place, along with walkway and parking improvements. Diana Place is a City-owned property. A Temporary Construction Easement is required so that the Developer, SFH Owner, LLC, can work on the property and protect the City.

Approval of Resolution No. 243-24 will allow SFH Owner, LLC, (Related Co.) to construct the required improvements, which will become part of their maintenance agreement.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal Impact.

- 8.8. Resolution No. 236-24 accepting a Railroad Crossing Elimination grant from the Federal Railroad Administration in the amount of \$320,000 toward the Pedestrian Bridge Planning Project; and

Resolution No. 251-24(F) providing for the receipt and appropriation of the grant funds.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 236-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A RAILROAD CROSSING ELIMINATION (RCE) GRANT IN THE AMOUNT OF \$320,000 FROM THE FEDERAL RAILROAD ADMINISTRATION TO FUND A FLORIDA EAST COAST RAILWAY CORRIDOR PLANNING STUDY, TITLED WPB SUN PATH, WITH THE OBJECTIVE OF BUILDING PEDESTRIAN BRIDGES; APPROVING THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 251-24(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF 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 CAPITAL PROJECT FUND BUDGET TO PROVIDE FOR THE RECEIPT OF A FEDERAL RAILROAD ADMINISTRATION RAILROAD CROSSING ELIMINATION (RCE) GRANT APPROPRIATIONS FOR THE BUILDING B.R.I.D.G.E.S. PLANNING STUDY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On September 19, 2022, the City Commission approved Resolution No. 247-22 for the City to apply for a Railroad Crossing Elimination (RCE) grant with the United States Department of Transportation, Federal Railroad Administration (FRA) to complete Pedestrian Bridge Planning in the Florida East Coast (FEC) corridor within the City of West Palm Beach, which is approximately eight (8) miles, between 59th Street and Gregory Street.

The Building BRIDGES (Bridging Residents, Integrating Districts, Growing Economic Sustainability) Planning Project will identify a preferred location to construct a pedestrian bridge over the FEC main line through the City of West Palm Beach, Florida. Project work includes conceptual engineering, cost estimating, environmental steps, and benefit cost analysis to ready the City to apply for grant funds for construction of the preferred alternative.

FRA has awarded funding up to \$320,000 as a reimbursable grant. In September 2024, the FRA and the City finalized the terms and conditions of the associated grant agreement.

The total estimated construction cost of the project is \$400,000. The City

of West Palm Beach is responsible for the matching funds of \$80,000, which will come from the Capital Acquisition fund.

The project is estimated to be completed on or before January 31, 2028.

Resolution No. 236-24 accepts the grant and authorizes the Mayor to sign the grant agreement.

Resolution No. 251-24(F) appropriates the grant funding.

This FEC corridor study is in the following Commission Districts:

- Commission District 1: Commissioner Cathleen Ward
- Commission District 3: Commissioner Christy Fox
- Commission District 5: Commissioner Christina Lambert

**Fiscal Note:**

Approval will recognize grant proceeds and provide appropriations to complete pedestrian bridge planning. City match funding of \$80,000 is fully budgeted.

- 8.9. Resolution No. 248-24(F) authorizing the amendment of the General, Capital Acquisition, Information Technology, and Fleet Replacement Fund budgets, recognizing cash carryforward and providing appropriations for various City needs.

**Originating Department:**

Finance

**Ordinance/Resolution:**

RESOLUTION NO. 248-24(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, CAPITAL ACQUISITION, FLEET REPLACEMENT, INFORMATION TECHNOLOGY AND FLEET MANAGEMENT FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR VARIOUS CITY NEEDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Resolution No. 248-24(F) recognizes cash carryforward and provides appropriations from these funds for the following one-time funding items, as presented at the July 29, 2024, Mayor/Commission Work Session.



MAYOR'S OFFICE - COMMUNICATIONS

**TV-18 Equipment: \$70,529**

Replacement of aging programming playback server systems and associated production control systems at TV-18 City Hall and the Emergency Operations Center. New equipment will be installed at TV-18 and removed equipment will be reinstalled at the EOC. Existing EOC equipment will be decommissioned.

FIRE

**Dive Rescue Team Equipment: \$151,029**

The Fire Department wants to increase its Hazmat Grant budget for a one-time purchase of equipment to bring the Dive Rescue Team up to full capacity. Our Dive Control Board is in the process of training new personnel to staff the team fully. This will require additional sets of equipment not accounted for in the current budget. Additionally, some of our equipment is outdated and would not be cost-effective to service. The team has a unique opportunity to trade in some of that equipment and receive credit toward a new purchase. This newer equipment would also allow our team to service in-house, resulting in long-term cost savings for maintenance. The request also contains equipment needed to keep our team on par with the industry standard.

**Rapid Chemical Hazard Detection Device: \$92,446**

The Fire Department needs to purchase a rapid chemical hazard detection device. Our Hazardous Materials Response Team needs to ensure the safety of our response area, especially in advance of the upcoming elections and the increased threat profile of this thriving City. The advanced chemical detection device will accentuate our capabilities to keep us ahead of the ever-changing landscape of threats ranging from drugs to terrorism. The MX 908 offers unparalleled capabilities in identifying unknown substances quickly and accurately, empowering our hazmat team to make informed decisions in real time, minimizing risk to firefighters, and maximizing safety for our community. The device can also be used at the request of Police for drugs of abuse, explosives, and chemical warfare agents.

**EMS Defibrillator/EKG Units (10): \$393,441**

Replacement Defibrillator / EKG units are needed for all ten (10) rescue trucks. The total cost of the units will provide our busiest units with the latest EMS technology. Heart rhythms can be sent via Wi-Fi to the hospital in advance of the patient's arrival. The high-level technology in

the new units allows for faster interpretation of heart arrhythmia thereby speeding up the time to a patient being catheterized.

## POLICE

### **Bomb Unit Response Vehicle: \$448,828**

The West Palm Beach Police Department (WPBPD) requires a capital purchase of a replacement end-of-life specialty vehicle utilized by the Police Department Bomb Squad for FY2025. The end-of-life specialty vehicle is no longer operationally reliable for conducting Explosive Ordinance Disposal (EOD) functions and investigations. The updated replacement vehicle is required and/or mandated in order for the WPBPD to continue to provide the City with EOD services and conduct operations. The WPBPD is requesting allocation of funds to replace the current nineteen (19) year old EOD vehicle with the following: (1) 2025 International MV607 SBA EOD vehicle including Emergency Vehicle Inc. (EVI) up fitting.

### **Emergency Field Force Response Vehicle: \$387,961**

The WPBPD has a dedicated Emergency Field Force Team (EFF). The EFF Team provides a ready response to situations which require the use of special weapons or tactics beyond the capabilities of normally equipped and trained police officers. The EFF Team responds to civil disturbances and mass arrest situations as well as search and rescue post disaster incidents. The current EFF Team vehicle used to transport the necessary equipment and personnel is non-operational due to mechanical failures. The current EFF Team vehicle is a 2005 Sterling brand ambulance that was de-commissioned by the WPBFR Department. It currently has 117,000 miles on the odometer, with unknown engine hours. The WPBPD is seeking to replace the EFF response vehicle with a 2025 MV607 SBA chassis vehicle manufactured and up-fitted by EVI Inc.

### **Mobile Command Center: \$980,000**

The WPBPD is needed to replace the Mobile Command Center/Vehicle (MCV). Currently the WPBPD operates a 2004 manufactured Ford chassis Winnebago which is considered end of service life. The current MCV no longer can fulfill the requirements needed when utilized under the nationally recognized Incident Command System (ICS) operational model or support the technological advancements of modern policing in conjunction with the WPBPD Real Time Crime Center (RTCC). The platform selected is the following: 2025 International HV607 2-Door, tandem axle chassis, 35 foot public safety mobile command center designed and built by EVI, a local vendor. The MCV will serve as a

unified command hub for all major incidents including but not limited to (e.g., special events, public demonstrations, natural disasters, weapons of mass destruction, hostage rescue, major crime scenes, critical incidents). The MCV will enable coordination with all federal, state, and local response units under the mutual aid agreements and serve as a technological hub for intelligence sources and interoperable radio systems. A modern MCV will provide the WPBPD with the ability to rapidly deploy to any location where the communication infrastructure is inadequate or has been disrupted, or where enhanced interoperability among law enforcement and fire/rescue agencies is needed.

**South End Camera Expansion Project: \$369,392**

The WPBPD seeks to establish and maintain a cooperative effort with the South End Neighborhood Association (SENA) to expand the use of City monitored and maintained CCTV camera and license plate reader systems. The project involves two (2) phases Phase 1 (Southern Boulevard to City Limits South) and Phase 2 (Southern Boulevard to Okeechobee Boulevard) consisting of CCTV cameras, fixed LPR readers, solar LPR readers and recurring costs. The South End Neighborhood Association has committed to the funding of the Phase 1 purchase and installation of equipment at a cost of \$156,704. The WPBPD is seeking funding for the Phase 2 purchase and installation of equipment at a cost of \$369,392. The project involves annual recurring costs Phase 1--\$14,900 and Phase 2--\$26,700. Recurring costs to be included in the FY2025 PD operating budget request.

**PUBLIC WORKS**

**O&M Complex Sanitation Pad Paving: \$120,000**

The Northwest corner of the O&M Complex is currently asphalt and not the appropriate thickness to handle the weight of the garbage trucks, the chemicals (de-greasers) used, and the garbage juice discharge from the trucks. As a result, the area is riddled with potholes. The whole area needs to be reconstructed to remove all asphalt and replaced with concrete at an appropriate thickness to support the garbage truck line.

**Fern Street Concrete Repair: \$200,000**

A Maintenance Agreement was never executed for the pavers installed in the area of Fern Street from Rosemary Avenue to Sapodilla Avenue. As a result, the City is responsible for repairs to damaged pavers and concrete, causing trip hazards and liability for the City. Instead of just repairing the pavers, the proposal is to remove all brick pavers and install concrete/saw cut pattern, grind roots and redo curbs and planter islands on the south side of the street from South Sapodilla to South Rosemary.

The scope of work will reduce the risk of liability to the City, the need for maintenance in the future, and overall long-term cost.

**Key Trak Edge Asset Management: \$41,000**

The current key storage system in Fleet is not secure and keys frequently go missing. Currently there are over 1,000 keys in the Fleet key storage cabinet. As vehicles come in for service, keys are hung on the board and are not secured. Over the past 15 months, 103 keys have been lost and replaced at a cost of over \$19,000. The new system would secure the backup keys and have a tracker in each key and require logging out the key from Fleet. This key management system would house backup keys for the entire City fleet, including a rack mounted server and integration with our current Asset Management system, AssetWorks System, which is currently used by the Leon County Sheriff's Department. The system would save the City approximately \$15,000 annually and would pay for itself in less than three (3) years.

**Thermoplastic Kettles and Trailer Package: \$75,000**

The Street Maintenance Traffic Operations division requires the Thermoplastic Kettles and trailer package to help effectively and efficiently install thermoplastic striping on City-maintained roadways. Traffic operations are incapable of completing certain jobs without this equipment.

**Hunter TC39SSW Center Clamp Tire Changer: \$23,000**

The existing tire changer in Fleet is old and worn; and it is beginning to go down frequently for repairs; therefore, a replacement is needed. The Hunter TC39SSW Center Clamp Tire Changer has an easy-to-use lever less head, bead press arm, split bead loosening arms, variable speed electric motor, movable column, adjustable work height, side shovel, and wheel lift included. 220V, 15A, 1ph, Kit-19.5 Adapter adds clamping capability for 19.5 wheels.

**Diesel Diagnostic Data Tool & Laptop: \$20,000**

The Fleet Department requires up-to-date diesel diagnostic software. The requested Heavy and Medium Truck diagnostic software/laptop tool will improve access to the information needed for Fleet Technicians to service commercial trucks.

## PARKS AND RECREATION

### **Youth Empowerment Center Roof Replacement: \$80,000**

The Pleasant City Youth Empowerment Center's roof has been leaking for the last 3-4 months. The Contractor who inspected the roof reported that it cannot be repaired in its current condition and has exceeded its life expectancy. The current roof was renovated in the mid-1990s and is thirty (30) years old.

### **Gaines Park Roadway and Trail Lighting Improvements: \$175,000**

The current lighting along the roadway and walking paths in Gaines Park does not illuminate the park properly. There are many dark spots that could cause security concerns for the public who use the park at night to attend sports events and for residents who walk early in the morning. Upgrading the light fixtures to LED will address these concerns and properly illuminate the park when it is dark outside. The current poles and light fixtures are approximately forty (40) years old.

### **Howard Park Tennis Parking Lot Mill and Re-Pave: \$75,000**

The parking lot surface is in complete disrepair and needs to be milled and re-paved. The pavement does not drain correctly and damages vehicle tires and equipment due to potholes and uneven surfaces. There are trip hazards for all staff and visitors who park at the Howard Park Tennis Center parking lot. If this is not repaired soon there will be continual damage to vehicles and could be a safety concern for the public and staff.

### **Gaines Park Restroom Roof Replacement: \$250,000**

The roof of the press box and restrooms collapsed recently after a rain event where we received multiple inches of rain. The Structural Engineer that inspected the restrooms strongly suggested we do not open the restrooms until a new roof has been designed and installed. There is also a termite infestation, which will need to be addressed during the repair, that may be weakening the wooden trusses that support the press box that is positioned over the restrooms. The current roof is the original roof, and it is over fifty (50) years old.

### **Gaines Park Warren Hawkins Aquatic Center Renovations: \$3,600,000**

The 2015 Parks & Recreation Master Plan identified the need to renovate the Aquatic Center pool and related structures. The preliminary estimated cost for this project is \$5.1M. \$1.5M in Bond & One Cent Tax funds have

already been allocated to this project. The requested funding will allow us to move forward with the aquatic center renovation project which will include a pool re-design and upgrades; and renovations to locker rooms, administrative offices, equipment and related structures.

## LIBRARY

### **Interior Painting: \$175,000**

The Library has been open to the public for fifteen (15) years. The interior paint in our public spaces is stained, cracking, peeling, and fading. Baseboards are also showing wear and tear and will need minor repairs in addition to being repainted. The goal is to repaint the interior using finishes that match the use of the public space, such as using a finish in the children's space that is easy to clean marks and smudges and can more easily hide flaws on the walls. As with the carpet, we will work with a professional painting company to direct us in the best interior paint types and colors. Repainting of the entire interior would be more time-efficient and less disruptive to patron services if it also coincided with the future carpet replacement.

### **Window Blinds: \$130,000**

The Library's original existing aluminum mini blinds are desperate for replacement. The majority are damaged, unable to be closed and/or opened and pose a safety risk due to broken pieces, cords, and falling pieces. They also are not effective in blocking the sun on hot summer days, hence making the spaces quite warm and requiring building maintenance to lower AC during the summer. New blinds will allow for more controlled temperatures and will also be equipped with child safety features. The aluminum can be replaced with faux wood, which is less costly, more durable, and easier to wipe down for cleaning maintenance.

## ENGINEERING

### **Railroad Crossing Maintenance Obligations: \$1,853,609**

The City is obligated to cover the costs for rehabilitation of the existing at-grade railroad crossings for both the SFRTA and FEC Florida East Coast (FEC) railroads. SFRTA has provided costs for four (4) crossings: 7th Street, 15th Street, 25th Street, and 36th Street. FEC provided an estimate for their 2024 anticipated work to rehabilitate two (2) crossings at 30th Street and Hampton Road. The City is obligated to pay for the maintenance of the railroads per existing executed railroad crossing agreements.

The items below are also being funded in this item:

- Palm Beach Photographic Centre Settlement: \$817,500
- Various HVAC Repairs: \$200,000
- Police Radios: \$1,000,000
- Median & Swales Repair & Maintenance: \$566,030
- Vehicle Replacement: \$6,000,000
- Property Restoration & Grant match - \$8,284,000

The total one-time capital funding request of \$26,578,765 will be funded using the General Fund Discretionary Fund Balance.

**Fiscal Note:**

Approval of this item will utilize the General Fund discretionary fund balance to provide appropriations for various one-time capital funding.

## 9. RESOLUTIONS

- 9.1. Resolution No. 219-24 approving, as Face of the City, "Delonix Regia" a public art installation by Carolina Sardi for Howard Park Community Center (1% for public art is \$56,000).

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO 219-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE ARTWORK ENTITLED: "DELONIX REGIA" BY ARTIST CAROLINA SARDI TO BE INSTALLED AT HOWARD PARK COMMUNITY CENTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 219-24.

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

**Background Information:**

On August 7, 2024, at their regularly scheduled meeting, the ArtLife committee voted unanimously to recommend to the City Commission Carolina Sardi's public art proposal for the Howard Park Community Center.

ABOUT THE ARTIST

Carolina Sardi was born in Argentina and was educated at the National

University of La Plata, in Argentina; then studied with the sculptor Ennio Iommi. Sardi moved to Miami in 1995, first taking a studio space at the South Florida Art Center in Miami Beach. Later, she moved her studio to the Little Haiti neighborhood in Miami. She is best known for her wall installations comprising organic elements cut from steel and aluminum. She plays with the effects of volume, light, and shadow, adding another layer of possibilities to the work. In a more recent series, she uses polished gold, copper, or chrome surfaces, in which the viewers can find their own reflections, thereby introducing a variety of added readings.

#### ABOUT THE ARTWORK/DESIGN

Ms. Sardi created a design of perforated patterns for the architectural panels of the new Howard Park Community Center. Drawing her inspiration from nature and organic shapes, she has fashioned a repeating pattern throughout her design, which will be incorporated into the architecture of the building. Working mainly with steel and aluminum, her sculptures and installations have an organic sensibility reflecting her interest in life's basic interactions. Ms. Sardi states that her pieces are "about the deep connections between every component of the universe." The reference to natural shapes, geometry, and the use of positive and negative spaces are her response to the search for a balance between opposites.

The work titled "Delonix Regia" is the Latin name for the Royal Poinciana. Corten-Steel is used as her material, which naturally produces a reddish/amber color and will serve as a reminder of the flowering Royal Poinciana tree. The sculptural work on the entry will feature all the shapes that make up the design, which the artist used in the deconstructed patterns for the panels. The west and east elevations feature a composition that seems to emerge from the support columns with an exuberance of branches, leaves, and flowers of the Royal Poinciana. The perforated panels will complement the architecture of the building, and they will allow the natural light to filter through them to create a play of shadows and reflections that will change during the day and throughout the seasons.

#### ABOUT THE MATERIAL

Corten Steel, known as weathered steel, is a group of steel alloys often used outdoors. The steel naturally rusts to form a protective coating and, over time, produces a dark red-brown desirable patina.

Resolution No. 219-24 approves, as Face of the City, "Delonix Regia" by Carolina Sardi for the Howard Park Community Center.

Commission District 3: Commissioner Christy Fox.



**Fiscal Note:**

No fiscal impact.

- 9.2. Resolution No. 220-24 approves, as Face of the City, the temporary installation of 500+ portraits titled "A Community Portrait: West Palm Beach" in the City's public places, buildings, and community centers.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 220-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE TEMPORARY INSTALLATION TITLED A COMMUNITY PORTRAIT: WEST PALM BEACH IN CITY-OWNED PUBLIC BUILDINGS, GARAGES, AND COMMUNITY CENTERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 220-24.

**Background Information:**

"A Community Portrait: West Palm Beach" occurred between August 24 – September 14, 2024. During this time, artist, photographer, and creative producer duo Christine Wexler and Luigerman Gomez met with hundreds of community members throughout the City of West Palm Beach and implemented phase one of the project. The team visited community centers, neighborhoods, public spaces, and cultural institutions to document stories and take over 700 participant's portraits.

Several organizations and cultural institutions, including Grassy Waters, the Norton Museum of Art, and CityPlace, hosted "Community Days."

Through the platform of public art, the lens of photography, and the inspiration of the Inside Out Project (IOP), the project aimed to highlight the rich fabric of our community. IOP was created by artist JR, after winning the TED prize in 2011. IOP is a global platform where communities come together and craft a statement that they communicate through a public art installation. Large-scale black and white portraits of community members form the public art installation.

The final phase of this project temporarily installs our community portraits in public spaces. This performative-based project physically creates a temporary snapshot of the community through a multitude (700+) of black and white portraits, creating a synergy of inclusivity. Sites for the installation include: The Urban Living Room, City Garage 500 Clematis the West Facing Wall, Pleasant City Community Center, CityPlace, and smaller installations throughout parts of the City.

The installation days will be highlighted through social media, newsletters, and websites. A documentary about the project is in progress.

On March 18, 2024, the Commission approved Resolution No. 51-24(F) appropriating \$150,000 from the Public Art Reserves to implement the "A Community Portrait: West Palm Beach" project.

Resolution No. 220-24 approves, as Face of the City, the temporary installation of "A Community Portrait: West Palm Beach."

- 9.3. Resolution No. 221-24 approves the proposed design for the Spruce Project in the Northwood Village Neighborhood by local artist Renee Phillips for Northwood Partnership, LLC (Affiliated Development) to satisfy their public art requirement (1% escrow \$257,519.63).

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 221-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MAKING FINDINGS AND APPROVING THE PROPOSED DESIGN CONCEPT BY LOCAL ARTIST RENEE PHILLIPS, FOR THE SPRUCE COMMISSIONED BY NORTHWOOD PARTNERSHIP, LLC IN COMPLIANCE WITH THE PUBLIC ART ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 221-24

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

**Background Information:**

On August 7, 2024, at their regularly scheduled meeting, the ArtLife committee voted unanimously to recommend to the City Commission the public art proposal "Northwood Color Fields" by local artist Renee Phillips for The Spruce, an 8-story, 270-unit mid-rise building located at 2501 Spruce Avenue in Northwood Village.

**ABOUT THE ARTIST**

As a process-based artist inspired by macro and micro visions of Earth's surface, Phillips explores the layering of color, and manipulation of paint, to achieve sculptural-like results that droop, ripple, crack, and pool off the surface. Using color as the raw material, she navigates the line between painting and sculpture.

The daughter of a scientist and a lover of nature, Renee grew up between the South Florida beaches and the Colorado mountains and learned through hands-on exploration of her environment from a young age. She received her BA in Fine Art from the University of Miami, Florida, and continued her art education at the University of Paris, France, and the School of Visual Arts in New York City.

Recent international shows include the DeJi Museum, China and Kunstwerk Gallerie Berlin, Germany. National shows include the Coral Springs Art Museum, MTN Space Gallery, Lake Worth, Florida, Soho House West Hollywood, California, Aqua Art Miami, Pen & Brush New York City, and Muriel Guepin Gallery New York City. Renee's art studio is in West Palm Beach, Florida. This will be her first large-scale public art project.

### ABOUT THE DESIGN

Inspired by the vibrant tapestry of Northwood Village, the proposed 80' x 21'.5" mural will intertwine history, native flora + fauna, and the bohemian essence of the community using color as a conduit for storytelling. The design is a mix of crisp abstract color patterns. The mural will be placed on the south-facing façade of the building, creating a visually engaging experience.

- Color waves in vibrant shades.
- Clean composition with curated colors.
- Organic patterns and layering.
- Abstract composition invites viewers to explore ideas and concepts through their own lens versus concepts and forms.

Resolution No. 221-24 approves the proposed design by Renee Phillips for The Spruce project in the Northwood Village neighborhood by Affiliated Development to satisfy their public art requirement.

Commission District 1: Commissioner Cathleen Ward.

### **Fiscal Note:**

No fiscal impact.

- 9.4. Resolution No. 231-24: A request by the City of West Palm Beach to adopt the 2024 Palm Beach County Local Mitigation Strategy.

### **Originating Department:**

Development Services

### **Ordinance/Resolution:**

RESOLUTION NO. 231-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA,

APPROVING AND ADOPTING THE 2024 PALM BEACH COUNTY LOCAL MITIGATION STRATEGY (LMS PLAN); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 231-24.

**Background Information:**

(THE INFORMATION PROVIDED BELOW IS A GENERAL SUMMARY. THE FULL DETAILS OF THE LMS ARE PROVIDED IN THE ATTACHMENTS)

The purpose of the Local Mitigation Strategy (LMS) is to develop and execute an ongoing strategy for reducing the community's vulnerability to identified natural, technological, and human-caused hazards. The strategy provides a rational, managed basis for considering and prioritizing hazard-specific mitigation options and for developing and executing sound, cost-effective mitigation projects. The LMS also provides a basis for justifying the solicitation and use of local, state, federal, and other funding to support hazard mitigation projects and initiatives.

FEMA requires state, local, tribal and territorial governments to have approved and adopted hazard mitigation plans to be eligible for certain types of non-emergency disaster assistance, including funding for mitigation projects. Jurisdictions must update their hazard mitigation plans and resubmit them for FEMA approval every five (5) years to remain eligible.

The Local Mitigation Planning Policy Guide details the process to complete an approved mitigation plan under applicable laws and regulations (see 44 Code of Federal Regulations (CFR) Part 201 Mitigation Planning).

In Palm Beach County (PBC), the LMS is supported by the LMS Steering Committee, various subcommittees, and the LMS Working Group as a whole. Currently, there are forty-four (44) municipalities and/or jurisdictions that are participants and adopters of the LMS.

FEMA requires that the LMS be updated every five (5) years. The PBC LMS 2024 is the current update of the plan and must be adopted by each jurisdiction on or before August 6, 2025. The PBC Board of County Commissioners officially adopted the plan on September 17, 2024.

## 10. PUBLIC HEARING

- 10.1. Public Hearing and Second 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 Second Reading

**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.

- 10.2. Public Hearing of 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.

**Staff Recommended Motion:**

Approve Resolution No. 234-24.

**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. Florida Statutes Sec. 163.387 requires a noticed public hearing for approval of the interlocal agreement granting the exemption.

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

The CRA approved the this interlocal Agreement by CRA Resolution No. 24-59 on October 15, 2024.

Commission District 3: Commissioner Christy Fox.

## 11. PUBLIC HEARING - QUASI-JUDICIAL

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

- 11.1. Resolution No. 203-24: A request by Joni Brinkman and Shayne Broadnix of Urban Design Studio, on behalf of USREC Banyan Cay Resort & Golf LLC and Banyan Cay Community Development District, for a Major Amendment to the Banyan Cay Resort Residential Planned Development (RPD) / Commercial Planned Development (CPD) to modify the Structured/Covered Parking within PBAs #4 and #6 and Sign Regulations sections of the Banyan Cay Design Guidelines & Development Regulations.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 203-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE BANYAN CAY RESORT RESIDENTIAL PLANNED DEVELOPMENT / COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED EAST OF NORTH CONGRESS AVENUE, WEST OF EMBASSY DRIVE, AND SOUTH OF WHITEHALL DRIVE, TO MODIFY THE BANYAN CAY DESIGN GUIDELINES AND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 203-24 based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, the findings that the request complies with the Comprehensive Plan, and the standards in Section 94-32(a) of the City's Zoning and Land Development Regulations.

**Background Information:**

The Banyan Cay Resort Residential Planned Development (RPD) / Commercial Planned Development (CPD) encompasses approximately 123.68 acres of land generally located east of North Congress Avenue, west of Embassy Drive, and south of Whitehall Drive.

The applicant is requesting approval of a Major Amendment to the Banyan Cay Resort RPD/CPD to modify the Structured/Covered Parking within PBAs #4 and #6 and Sign Regulations sections of the Banyan Cay Design Guidelines & Development Regulations, specifically regarding the screening of parking spaces located on the top level of the hotel parking garage facility and the content displayed on the permanent identification signs located at the main entrance of the development. In order to provide a more structurally sound screening system, the applicant requests a reconsideration of the previously approved trellis structure option. The applicant has informed staff that re-branding is anticipated for the associated development.

Staff finds the overall Banyan Cay Resort RPD/CPD remains unchanged with the proposed modifications to the Banyan Cay Design Guidelines & Development Regulations.

The Planning Board recommended approval with conditions (6-0) of this request to the City Commission after a Public Hearing on September 17, 2024, based on the testimony presented at the hearing, along with the



application submitted and the Staff Report, that the request does comply with the standards for the Planned Development Major Amendment.

### NOTICES

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

Commission District 3: Commissioner Christy Fox.

- 11.2. Resolution No. 223-24: A request by William Schmitt, for a Class A Special Use permit (with a waiver) for a dock and boat lift to be located outside the middle one-third of the subject property located at 184 Arlington Road.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 223-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A DOCK ON THE PROPERTY LOCATED AT 184 ARLINGTON ROAD; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 223-24.

Based on the findings that the petition meets the required standards in Section 94-36(e)(3) through (5), Sections 94-313(a)(3), and Section 94-273(a)(2), of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs).

**Background Information:**

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

The subject property is located at 184 Arlington Road and is 0.19 acres in size. The rear of the property (south side of the property) has access to non-contiguous riparian rights to the C-51 Canal. Contiguous access to the canal is separated by a strip of grassy upland/right-of-way owned by the South Florida Water Management District (SFWMD).

Per Section 94-313(a)(3)(h) of the Zoning and Land Development

Regulations (ZLDRs), a dock and all mooring-related structures associated with the dock must be placed within the middle one-third of the lot. Since the subject property is a 75-foot wide lot, all components of the dock structure (including the boatlifts, pilings, etc.) must be placed within the center 25-foot portion of the lot.

The applicant proposes to construct and locate a 25-foot by 21.9-foot L-shaped dock with a 32K boatlift. The applicant states that a dock designed in compliance with the ZLDRs would be impractical and prevent the applicant from having an adequate dock to enjoy and provide for their mooring-related needs. To address this, the applicant is seeking a waiver to locate the dock and boatlift outside the middle one-third of the lot. The waiver request is summarized below:

**Waiver Requested: Section 94-313(a)(3)(h)  
Location and Setback (Middle 1/3 of the Lot)**

Location	Required Setback	Proposed Setback	Waiver Requested
East Property Line	25 Feet	35 Feet	In Compliance
West Property Line	25 Feet	15 Feet	10 Feet

\*Docks, “tees,” dolphins, pilings, boatlifts, and other mooring-related facilities shall be constructed within the middle one-third of the lot on which a dock is constructed, as extended into the waterway.

\*\*The Applicant initially requested a 10-foot setback from the west property line; the applicant has since increased the setback to 15 feet.

Per the ZLDRs, accessory docks are permitted by right on properties possessing riparian rights, provided the construction of the dock (and all mooring-related structures associated with the dock) conform to the standards in Section 94-313(a)(3) for dimensional and locational requirements. In the event the applicant cannot meet all the standards set forth in the ZLDRs, the applicant may request waivers from the standards with a Class A Special Use Permit to be reviewed and considered by the City Commission.

The Planning Board recommended approval (6-0) of this request to the City Commission after a Public Hearing on September 17, 2024, based on the testimony presented at the hearing, along with the application submitted and the Staff Report, that the request does comply with the standards for the Class A Special Use Permit.

**NOTICES**

Pursuant to the requirements of Section 94-39(i)(5) and 94-39(j)(2) of the City’s Zoning and Land Development Regulations, the site was posted, individual notices were mailed to property owners within 500 feet of the subject property, and the resolution was advertised in the Palm Beach Post.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

- 11.3. Resolution No. 229-24 approving the replat of approximately 2.38 acres (103,758 square feet) of real property generally located at 180 Lakeview Avenue and 809 South Flagler Drive, as is associated with the One Flagler office and First Church of Christ Scientist developments.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 229-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONSOLIDATION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "ONE FLAGLER" CONSISTING OF TWO (2) DEVELOPMENT TRACTS "A" AND "B" TOTALING APPROXIMATELY 2.38 ACRES (103,758 SQUARE FEET) GENERALLY LOCATED AT 180 LAKEVIEW AVENUE AND 809 SOUTH FLAGLER DRIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 229-24 creating the plat entitled "One Flagler".

This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with all applicable provisions of Chapter 177, Florida Statutes, the Comprehensive Plan, and the standards in Section 94-342 of the City's Zoning and Land Development Regulations.

**Background Information:**

The subject property and project entitled: "One Flagler" received site plan approval on October 27, 2021. The project consists of approximately 276,245 square feet of office space, 6,274 square feet of restaurant, a 239-space parking structure, and the renovation of the existing 16,368 square foot landmarked building of the First Church of Christ, Scientist. The project is generally located at 180 Lakeview Avenue and 809 South Flagler Drive.

The development approval for "One Flagler" provided that prior to the issuance of the final Certificate of Occupancy (CO), the property shall be re-platted in accordance with the City's policies and procedures.

The owners, RUD 1 Flagler LLC and First Church of Christ, Scientist, West Palm Beach Inc. wish to aggregate the site into two (2) development tracts and detail all necessary easements associated with

the "One Flagler" development for regulatory consistency and to consolidate the property.

All of the public hearings were advertised in the Palm Beach Post. Proof of publication is housed in the Planning and Zoning Division records, along with evidence that individual public hearing notices were mailed to all property owners within 500 feet of the subject property.

The Planning Division has determined that the request is consistent with the Comprehensive Plan and complies with all applicable criteria in Chapter 177 Florida Statutes, and all of the subdivision general design standards located in Section 94-342 in the Zoning and Land Development Regulations.

Commission District 3: Commissioner Christy Fox.

## **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.