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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, March 31, 2025
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. Recognition of the President of Palm Beach State College, Ava C. Parker, as a 2025 Heritage Honoree by Mayor Keith A. James.

Originating Department:
Mayor's Office

Background Information:
February 2025 was proclaimed as Black History Month. Proclamations were presented to the 2025 Heritage Honorees at the February 3, 2025, City Commission Meeting, at which Ms. Parker was unable to attend.

7. CONSENT CALENDAR

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

- 7.1. Minutes of the Regular City Commission Meeting of February 3, 2025.

Originating Department:
Mayor's Office

- 7.2. Minutes of the Regular City Commission Meeting of February 18, 2025.

Originating Department:
Mayor's Office

- 7.3. Resolution No. 76-25 authorizing contracts for master property insurance, water system property insurance, excess liability insurance, excess workers' compensation insurance, crime insurance, and miscellaneous insurance policies for policy year 2025-2026 (March 1, 2025 to February 28, 2026).

Originating Department:
Human Resources

Ordinance/Resolution:
RESOLUTION NO. 76-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING APPLICATION FOR AND EXECUTION OF ALL NECESSARY CONTRACTS FOR MASTER PROPERTY INSURANCE, WATER SYSTEM PROPERTY INSURANCE, EXCESS LIABILITY, EXCESS WORKERS' COMPENSATION, CRIME INSURANCE, ECR PROPERTY GENERAL LIABILITY AND OTHER INSURANCE, PUBLIC OFFICIALS BOND, CITY CENTER PROPERTY INSURANCE, FIDUCIARY LIABILITY, AND OTHER MISCELLANEOUS INSURANCE, FOR THE PERIODS OF MARCH 1, 2025 – FEBRUARY 28, 2026, AS RECOMMENDED BY THE CITY'S INSURANCE BROKER,

ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC;
AUTHORIZING PAYMENT OF ALL INSURANCE PREMIUMS;
PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER
PURPOSES.

Background Information:

The City, through its broker of record, Arthur J. Gallagher Risk Management Services, Inc., obtained master property, water systems property, excess liability, excess Workers' Compensation, crime, and other miscellaneous insurance coverages for the 2025-2026 policy year. The policy year is for the period of March 1, 2025 - February 28, 2026.

Section 66-94 of the City Code requires that the City Commission approve contracts for insurance.

Resolution No. 76-25 authorizes contracts and binders for the insurance coverages described below.

The City is self-insured for Workers' Compensation, automobile liability, and general liability up to various self-insured retention levels. The City purchases excess insurance policies for liability claims exceeding \$350,000 and Workers' Compensation claims exceeding \$500,000.

Master property, utility systems, excess liability, excess Workers' Compensation, and crime insurance coverages will be bound effective March 1, 2025.

Other miscellaneous insurance coverages will be renewed as they expire.

- 7.4. Resolution No. 71-25 approving a Sponsorship Agreement between the City of West Palm Beach and the Historical Society of Palm Beach County to produce "Evening on Antique Row" on April 5, 2025, from 6:00 p.m. to 10:00 p.m.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 71-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING SPONSORSHIP OF THE HISTORICAL SOCIETY OF PALM BEACH COUNTY'S "EVENING ON ANTIQUE ROW" TO BE HELD ON APRIL 5, 2025; WAIVING CERTAIN FEES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Historical Society of Palm Beach County will host Evening on Antique Row on April 5, 2025, from 6:00 p.m. to 10:00 p.m. on South Dixie Highway between Southern Boulevard and Monroe Drive. The general

admission ticket price is \$100 in advance and \$125 at the door. VIP, including after-party admission, is \$200 in advance and \$225 at the door. There will also be live entertainment, access to evening shopping, and food trucks along the street. This event is to raise awareness of and benefit educational programs of the Historical Society of Palm Beach County. Additionally, this event will provide exposure to the Antique Row shops on South Dixie Highway.

Resolution No. 71-25 approves a Sponsorship Agreement between the City and the Historical Society of Palm Beach County. The Historical Society of Palm Beach County will provide the City with a sponsorship valued at \$5,000; which includes marketing, public relations and admission benefits associated with "Evening on Antique Row". The Historical Society of Palm Beach County will provide the City with \$1 million general liability insurance policy and a \$1 million liquor liability insurance policy naming the City as additionally insured. In return, the City will waive the Special Event Permit Fee of \$2,640 and dumpster fees of \$587.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 7.5. Resolution No. 83-25(F) authorizing the use of the 2020 General Obligation Parks Bond and Capital Acquisition Reserve for Future Projects budgets in the amount of \$96,710. The projects include a change order for \$60,400 for Howard Park Tennis Center and \$36,310 for the Gaines Park concession building roof replacement and restroom renovations.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 83-25(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 CAPITAL ACQUISITION FUND BUDGET AND THE SERIES 2020 GENERAL OBLIGATION BOND FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR IMPROVEMENTS AT GAINES PARK CONCESSION STAND AND RESTROOMS AND THE HOWARD PARK TENNIS CENTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Howard Park Tennis Center renovation project was funded through the 2020 Park Bond Fund, and the Gaines Park Concession Stand Roof Replacement and Restroom Renovation project was funded by on-time Capital Acquisition General Fund dollars. In order to complete both projects, \$96,710 in additional funding is needed.

The funding needed for the Howard Park Tennis Center change order is \$60,400. This includes additional fencing, gates, walkways, and court preparation. For the Gaines Park Concession Stand Roof Replacement and Restroom Renovation project, the work authorization request to complete the work came in at \$286,310; with a funded amount of \$250,000 requiring an additional \$36,310 to move forward with all needed improvements.

The Series 2020 GO Parks Bond has a Reserves balance of \$1,140,456. Upon approval, the GO Parks Bond Fund Reserve balance will be \$1,080,056.

The Capital Acquisition Fund has a Reserves balance of \$1,009,515. Upon approval, the Capital Acquisition Fund Reserve balance will be \$973,205.

Resolution No. 83-25(F) authorizes the use of Reserves from the Series 2020 GO Park Bond Fund and the Capital Acquisition Fund to complete improvement projects at Howard Park and Gaines Park.

Commission District 1: Commissioner Cathleen Ward.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Approval will provide funding in the amount \$96,710 for improvements to Gaines Park Concession Stand and Howard Park Tennis Center.

- 7.6. Resolution No. 88-25 approving a License Agreement from Florida Power and Light Company to allow the City to construct pedestrian and vehicle access improvements for Village Paws Park on Saratoga Road.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 88-25: 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 FLORIDA POWER AND LIGHT COMPANY FOR THE CITY'S USE AND IMPROVEMENT OF THE LICENSED PREMISES TO PROVIDE ACCESS TO VILLAGE PAWS PARK;

PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach created Village Paws Park across from the Saratoga Bay community to accommodate the many dog owners in the area. The park consists of three (3) separate fenced areas to accommodate large and small dogs and provides conveniences such as a doggie water station, clean-up bags, trash can, and covered benches.

The City would like to make improvements to provide sidewalk ADA access to the various entrances as well as create a parking area for vehicles.

Florida Power and Light Company (FPL) is the owner of the property adjacent to Village Paws Park. FPL has agreed to grant the City a license to allow the City to construct a sidewalk and vehicle access to the parking area on FPL property for a term of five (5) years. The City shall pay FPL a license fee for use of the licensed premises.

License Fees Due:

- Year One: \$ 0.00
- Year Two: \$2,500
- Year Three: \$3,000
- Year Four: \$3,000
- Year Five: \$3,500

Resolution No. 88-25 approves the execution of the License Agreement.

Commission District 2: Commissioner Shalonda Warren.

Fiscal Note:

A yearly license fee will be paid to FPL from the Park's general fund account.

- 7.7. Resolution No. 77-25 will correct Resolution No. 259-24 due to a scrivener's error within Section 3 of the original resolution, adjusting the value of compensation to the City for abandoning the right-of-way.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 77-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CORRECTING RESOLUTION NO. 259-24, ADJUSTING THE VALUE OF COMPENSATION TO THE CITY FOR ABANDONING THE RIGHT-OF-

WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On October 4, 2024, Resolution No. 259-24 was presented to the City Commission amending the conditions set forth in Resolution No. 23-23 for vacating and abandoning an alley generally located at 515 Fern Street, in addition to granting an extension of time to comply with the conditions for the abandonment.

Within Section 3 of the approved Resolution No. 259-24, the value that the City is compensated for abandoning the alley was incorrectly shown as the original \$725,000 appraised value. The true value that is to be paid to the City and is subject to this revision and resolution is \$552,500.

- 7.8. Resolution No. 79-25 approving the Second Amendment to amend the Guaranteed Maximum Price for the design-build contract with All-Site Construction Services for the Coleman Park Gymnasium project.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 79-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE CONTRACT FOR DESIGN-BUILD SERVICES FOR THE COLEMAN PARK GYMNASIUM BUILDING PROJECT BETWEEN THE CITY OF WEST PALM BEACH AND ALL-SITE CONSTRUCTION SERVICES, INC., TO ADJUST THE GUARANTEED MAXIMUM PRICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Coleman Park Community Center is currently under contract for renovations and the construction of a new gymnasium.

The City of West Palm Beach and All-Site Construction Services, Inc., executed a Contract for Design-Build Services for Coleman Park Gymnasium Building Project, dated January 4, 2021, which authorized design and construction services for the Coleman Park Gymnasium Building Project for a Guaranteed Maximum Price ("GMP") of Three Million Four Hundred Ninety-Eight Thousand Eight Hundred Eighty-Six and 00/100 Dollars (\$3,498,886).

On May 31, 2022, City Commission approved an increase to the GMP in the amount of One Million, One Hundred Fifty-Four Thousand, Six Hundred Twenty-Six and 86/100 Dollars, \$1,154,626.86.

Additional funding is required due to some needed minor modifications to

the scope of work at the Existing Community Center and unforeseen conditions such as upgrading some of the fuses in the electrical panel to meet Building Code requirements.

This Resolution No. 79-25 will increase the Guaranteed Maximum Price by an additional \$112,519.13 to be added. This will result in a revised GMP of Four Million Seven Hundred Sixty-Six Thousand Thirty-One and 99/100 Dollars (\$4,766,031.99).

Coleman Park is located in Commission District 1: Commissioner Cathleen Ward.

- 7.9. Resolution No. 84-25 approving a Conditional Settlement Agreement totaling \$84,000 in the matter of Jenny-Flore Saintilme vs. the City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 84-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT TOTALING \$84,000 IN THE MATTER OF JENNY- FLORE SAINTILME VS. CITY OF WEST PALM BEACH, A GOVERNMENTAL ENTITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Jenny-Flore Saintilme filed a complaint alleging injuries stemming from a motor vehicle accident that occurred on or about March 13, 2021, at or near North Australian Avenue and Palm Beach Lakes Boulevard, West Palm Beach, Palm Beach County, Florida to wit: Jenny-Flore Saintilme vs. the City of West Palm Beach, a Governmental Entity filed in the Fifteenth Judicial Circuit, In and for Palm Beach County, Florida, Case No. 50-2023-CA-007516-XXXX-MB AN.

The City reached a settlement agreement with Jenny-Flore Saintilme and her attorney at mediation of the parties held on February 7, 2025, to resolve the matter for a total of \$84,000. The plaintiff signed a general release that releases the City from all claims arising from this accident, which resolves all of the claims for damages, including attorneys' fees and costs, against the City of West Palm Beach.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000 shall require the approval of the City Commission by formal resolution.

Resolution No. 84-25 approves the Conditional Settlement Agreement.

Fiscal Note:

Settlements are paid out of the Risk Annual Budget.

- 7.10. Resolution No. 85-25 authorizing the assessment of City liens in the total amount of \$85,142 for unpaid water service, sewer service, and stormwater service for the month of December 2024.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 85-25: 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 FOR THE MONTH OF DECEMBER 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. 85-25 are for unpaid water service, sewer service, and stormwater service charges for the month of December 2024.

The list of properties to be assessed and the associated charges totaling \$85,142 are provided in Resolution No. 85-25 as EXHIBIT A - Utility Lien List - December 2024.

Fiscal Note:

No fiscal impact.

- 7.11. Resolution No. 92-25 waiving a potential conflict of interest relating to Greenberg Traurig, P.A.'s representation of Huizenga Holdings, Inc. and related entities in connection with the financing of the Northwood Marina District Project and its representation of the City in unrelated matters.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 92-25: A RESOLUTION OF THE CITY

- 7.12. Resolution No. 93-25 waiving a potential conflict of interest relating to Greenberg Traurig, P.A.'s representation of The Cleveland Clinic Foundation and The Cleveland Clinic Florida Regional Health System Nonprofit Corporation in connection with land use matters and its representation of the City in unrelated matters.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 93-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, WAIVING A POTENTIAL CONFLICT OF INTEREST RELATING TO GREENBERG TRAUIG, P.A.'S REPRESENTATION OF THE CLEVELAND CLINIC FOUNDATION AND THE CLEVELAND CLINIC FLORIDA REGIONAL HEALTH SYSTEM NONPROFIT CORPORATION IN CONNECTION WITH LAND USE MATTERS AND ITS REPRESENTATION OF THE CITY IN UNRELATED MATTERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach ("City") is represented by Greenberg Traurig, P.A. (the "firm") as bond counsel on public finance matters.

The firm desires to represent The Cleveland Clinic Foundation and The Cleveland Clinic Florida Regional Health System Nonprofit Corporation and their related entities (collectively, "CCF") on land use matters in connection with: (i) the acquisition of certain parcels in the City for the contemplated construction and operation of a hospital licensed under Chapter 395, Florida Statutes, or the equivalent thereof; and (ii) the relocation within the City of certain health care services currently provided by CCF (collectively, "Land Use Matters").

The firm requests that the City waive any potential conflict and has stated that it is able to provide competent and diligent representation to both the City in unrelated matters and CCF in the matters described herein.

The firm agrees that should the Land Use Matters result in litigation between the City and CCF, the firm will not represent either party in any such litigation.

The firm has also sought consent and obtained a waiver from CCF who has agreed to waive this potential conflict under the conditions outlined herein.

Chapter 2 (Administration), Section 2-222 (Qualifications, Term), of the Code of Ordinances of the City of West Palm Beach (the "Code") allows

the City Commission to waive a potential conflict of interest in matters or transactions which will not adversely affect the counsel's representation of the City.

The City of West Palm Beach desires to waive the potential conflict of interest between the City of West Palm Beach and the firm.

Fiscal Note:

No fiscal impact.

8. RESOLUTIONS

- 8.1. Resolution No. 54-25 declaring an approximately 55-acre site south of Roebuck Road to be surplus and not needed for City purposes; and approving a Term Sheet with Related Southeast, LLC (Related Ross) for development of the property for a school.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 54-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT PROPERTY LOCATED SOUTH OF ROEBUCK ROAD AND ADJACENT TO THE FLORIDA TURNPIKE IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; APPROVING A TERM SHEET WITH THE RELATED SOUTHEAST, LLC, FOR THE SALE OF THE PROPERTY FOR THE DEVELOPMENT OF A SCHOOL; WAIVING THE TIMING REQUIREMENT FOR THE APPRAISALS; AUTHORIZING ACCESS TO THE PROPERTY TO PERFORM DUE DILIGENCE INSPECTIONS; AUTHORIZING OWNER'S CONSENT FOR SUBMITTAL OF APPLICATIONS FOR LAND DEVELOPMENT APPROVALS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 54-25.

Background Information:

Related Southeast, LLC ("Developer"), desires to develop, construct, and contract for the operation of a school for students in Kindergarten through Grade 12 within the City.

The City owns approximately +/- 55-acres located in the south eastern portion of a large 316 acre undeveloped tract of land south of Roebuck Road and East of the Florida Turnpike, (the "Property"). The adjacent northern City property contains a well field utilized by the City's Public Utilities Department for water supply.

The Developer desires to purchase the Property from the City, and the City developed a Term Sheet establishing the material terms for the sale of the Property.

Section 2-31(27)(b) of the Code of the City of West Palm Beach, Florida, requires that prior to the disposition of City property, the City Commission shall: (i) make a legislative finding that the City property is not needed for City purposes and declaring the property surplus; and (ii) select the method of disposition.

Section 2-31(27)(c) of the Code of Ordinances requires that two (2) appraisals be obtained for the Property and that the price shall not be less than 85 percent (85%) of the average of the two (2) appraisals. Two (2) appraisals were obtained at \$9,550,000 and \$3,700,000 for an average value of \$6,625,000; which is proposed to be the Purchase Price for the Property in the Term Sheet.

Section 2-31(27)(c) of the Code of Ordinances further requires that the appraisals not be earlier than six (6) months before the first reading of the ordinance approving the conveyance agreement, yet allows waiver of this provision by unanimous vote of the membership of the City Commission.

Use of the Property will be restricted for educational purposes, as a school for students in levels pre-kindergarten through 12th grade. However, in the event the entire Property will not be needed for such educational purposes, the Developer may seek approvals for the development of multi-family affordable/workforce residential housing for faculty and students on the Property in accordance with statutory and City ordinances and zoning regulations.

The Term Sheet provides that the Developer may transfer all or a portion of the Property to an education-related entity for development of a school; and the Developer may retain a portion of the Property not needed for the school for the development of workforce housing.

The Term Sheet requires the Developer to provide the following community benefits:

Scholarships: Not less than ten (10) annual full scholarships shall be provided to eligible city residents.

Contractors & Subcontractors: The Developer shall engage contractors and subcontractors from small businesses and minority/women-owned businesses certified by the City at a value of not less than 18 percent (18%) of the total construction costs.

Water Pressure: The Developer shall contribute an amount not to exceed \$1,500,000 toward the costs of a pump station/water facility to enhance the water pressure to the intended school and surrounding community.

The Term Sheet will grant the Developer a six-month period to perform due-diligence investigations, including, but not limited to, physical condition, subsoil conditions, environmental site assessments, geotechnical analysis, and related engineering studies, surveys, and analyses to determine whether the Property is suitable for Developer's purposes. Additionally, if the Developer determines to proceed with the purchase, a Purchase and Sale agreement, with the terms established in the Term Sheet, will be negotiated for consideration by the City Commission.

The Term Sheet also provides that the City will not list, offer, or enter into any agreement regarding the Property for sale or lease during the due diligence period.

If the Developer decides to proceed with the Purchase, the City agrees to submit and process the application to re-zone the Property for school use.

Resolution No. 54-25:

- Declares the 55 acres to be surplus; authorizes negotiation of a purchase and sale agreement with Related Southeast based on the terms of the Term Sheet;
- Approves the terms of the Terms Sheet;
- Accepts the \$6,625,00 purchase price;
- Waives the requirement for further updates to the appraisals to be used for the purchase price;
- Grants to the Developer a license for six (6) months to carry out due diligence activities; and
- Agrees that during the 6-month due diligence period, the Property will not be listed or offered for sale or lease.

Should the Developer decide to proceed, the proposed Purchase and Sale Agreement for the Property shall be presented to the City Commission for consideration in accordance with the Code of Ordinances.

Provided the City Commission approves a Purchase and Sale Agreement

for the Property, and provided the City Commission does not direct otherwise in the ordinance approving such sale, the proceeds from the sale of the Property shall be designated and appropriated for the purposes of enhancing educational opportunities at Roosevelt Elementary School.

Fiscal Note:

No immediate fiscal impact.

9. PUBLIC HEARING

- 9.1. Public Hearing and First Reading of Ordinance No. 5126-25: A City-initiated text amendment to Chapter 94 - Zoning and Land Development Regulations - Article III. – Residential Districts, Section 94-85. - Special Exception Standards for Historic Residential Districts and Section 94-86. - Historic residential district definitions, to modify the language giving the historic preservation board additional authority to grant special dimensional standard exemptions for contributing shotgun houses within the Historic Northwest Neighborhood.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5126-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 94 – ZONING AND LAND DEVELOPMENT REGULATIONS - ARTICLE III. – RESIDENTIAL DISTRICTS, SECTION 94-85. - SPECIAL EXCEPTION STANDARDS FOR HISTORIC RESIDENTIAL DISTRICTS; AND SECTION 94-86. - HISTORIC RESIDENTIAL DISTRICT DEFINITIONS; TO MODIFY THE LANGUAGE TO GIVE THE HISTORIC PRESERVATION BOARD THE AUTHORITY TO GRANT ADDITIONAL SPECIAL DIMENSIONAL STANDARD EXEMPTIONS FOR SHOTGUN HOUSES ON PARCELS CONTAINING MULTIPLE CONTRIBUTING HISTORIC STRUCTURES WITHIN THE HISTORIC NORTHWEST NEIGHBORHOOD; DECLARING THESE PROPOSED ZONING TEXT AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE ZONING AND LAND DEVELOPMENT REGULATIONS OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5126-25 amending Chapter 94 - Zoning and Land Development Regulations - Article III. – Residential Districts, Section 94-85. - Special Exception Standards for Historic Residential Districts and Sec. 94-86. - Historic residential district definitions.

Background Information:

In September and October of 2024, the City of West Palm Beach Community Redevelopment Agency (CRA) and District Planning Group approached City Planning staff with the proposal to renovate six (6) shotgun house structures within the Northwest Neighborhood Residential Context 1 (NWD-R-C1) located at 610 Douglass Avenue. The CRA acquired the single parcel with the intent of renovating the structures to uphold and restore their historic charm while providing an opportunity to adaptively reuse the structures for affordable housing. The CRA, in partnership with Neighborhood Renaissance, Inc. (a nonprofit community-based organization with an emphasis on real estate development, preservation, and property management for affordable homes), further proposed the prospect of providing fee-simple sale and homeownership of each of the Douglass Avenue contributing structures.

610 Douglass Avenue, generally located at the intersection of 6th Street and Douglass Avenue within the Northwest Neighborhood Residential Context 1 (NWD-R-C1) zoning sub-district, is approximately 0.16 acres in size (or 7,000 square feet) and contains a total of six (6) individual shotgun house structures (approximately 560 square feet each, including the porch). Each structure consists of a single residential unit. These shotgun houses were built in 1924 and retain most of their character-defining features. As it stands, this property is considered a legal nonconformity under Chapter 94 - Zoning and Land Development Regulations due to its existing density, lot coverage, lack of parking, and setbacks.

Shotgun houses are typically narrow (10 - 15 feet wide) linear structures, where all rooms are connected in a sequential fashion and oriented from front to back. Gabled porches are common along the front façade, and access is provided from both the front and back of the structures. The shotgun house style was popularized within the Southern United States and was prevalent from the American Civil War through the 1920s. While its exact origin as a building style or typology is debated, the general consensus is that the building architecture is of African, Haitian, and Creole influence. The shotgun buildings were historically an affordable housing alternative to lower income and working-class tenants, and this form allowed many small structures to be built on the often narrower or constrained plots of land within cities.

Understanding that the goal was to provide an alternative affordable housing typology within the Northwest and Downtown, the Zoning staff's initial suggestion was to convert the lot into a condominium. Thus maintaining the already existing nonconforming lot conditions but allowing the single parcel to be divvied up by each structure. Essentially, under this configuration, a single entity would act as a Home Owners Association (HOA) and own the lot while the individual homeowners would own the structures. However, it was brought to staff's attention that a condominium option would present new costs associated with the HOA,

continued governance, insurances, and restrict funding sources (preservation, HUD, redevelopment, other grants) needed to complete the renovations or support the prospective tenants. The ultimate desire of the proposed language is to promote affordable housing and homeownership.

Understanding these constraints, the subject code amendment was proposed as an alternative to provide the Historic Preservation Board the authority to permit subdivision and dimensional flexibility through a special exception in light of the historic context and pursuit for more affordable housing. In addition to the 610 Douglass Avenue property, there are at least five (5) other properties identified within the Historic Northwest District that could benefit or utilize this code language should they so choose to.

The Historic Preservation Board recommended approval (7-0) of this request to the City Commission after a Public Hearing on January 28, 2025.

The Planning Board recommended approval (6-0) of this request to the City Commission after a Public Hearing on February 19, 2025.

Notices for all public hearings were advertised in the Palm Beach Post. Proof of publication is housed in the Planning and Zoning Division records.

The subject code changes and language updates will specifically affect properties within the Northwest Neighborhood District Residential Context 1 Sub-district (NWD-R-C1) within the Downtown Master Plan Area within Commission District 3: Commissioner Christy Fox.

10. PUBLIC HEARING - QUASI-JUDICIAL

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

- 10.1. Public Hearing and Second Reading of Ordinance No. 5125-25 regarding a Rezoning to change the Zoning designation of approximately 1.45 acres located at 4906 North Flagler Drive from Multifamily High Density Residential to Residential Planned Development; and

Resolution No. 51-25 regarding the development regulations and conditions for the Apogee Residential Planned Development, and granting waivers of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Brian M. Seymour, Esq. and John P. Roach, AICP of Gunster, on behalf of 4906 N. FLAGLER DRIVE LLC, to create the Apogee Residential Planned

Development.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5125-25: 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 ONE PARCEL LOCATED AT 4906 NORTH FLAGLER DRIVE, APPROXIMATELY 1.45 ACRES, FROM MULTIFAMILY HIGH DENSITY RESIDENTIAL (MF32) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO CREATE THE APOGEE RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 51-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE APOGEE RESIDENTIAL PLANNED DEVELOPMENT LOCATED AT 4906 NORTH FLAGLER DRIVE; GRANTING WAIVERS 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. 5125-25, a rezoning to change the Zoning designation of approximately 1.45 acres located at 4906 North Flagler Drive from Multifamily High Density Residential to Residential Planned Development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 51-25, establishing the development regulations for the Apogee Residential Planned Development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Sections 94-32, 94-35, and 94-207 and of the City's Zoning and Land Development Regulations.

Background Information:

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

The subject property is comprised of one (1) parcel, with the address of 4906 North Flagler Drive, consisting of approximately 1.45 acres. Specifically, the subject property is located on the east side of North Flagler Drive, between 48th Street and 49th Street. The subject property has frontage along North Flagler Drive. The subject property contains an existing single-family dwelling, two (2) accessory dwellings, and a boat dock.

The applicant proposes constructing a 39-unit multifamily residential development on the subject property. To effectuate the plans and to allow the request of the waivers from the City's Zoning and Land Development Regulations (ZLDRs), an application was submitted to change the zoning designation of one (1) parcel from Multifamily High Density Residential (MF32) to Residential Planned Development (RPD).

The applicant is requesting an 8.55-acre waiver from the minimum area requirement for a RPD per Section 94-207(c)(2) of the ZLDRs (which is described and analyzed in the Staff Report). It is staff's professional opinion that with the finding that particular circumstances justify the reduction of the planned development acreage to less than ten (10) acres and that the requirements for the planned development district zoning and the benefits to be derived from the planned development district zoning can be derived in such a lesser area. The proposed RPD complies with the City's Comprehensive Plan, and that the proposed development, with the waivers granted, will comply with the standards required by the ZLDRs. Planning staff, therefore, is recommending approval, subject to the conditions contained in Resolution No. 51-25.

PLANNING BOARD

After a Public Hearing on January 22, 2025, the Planning Board recommended approval (6-0).

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 5125-25 and Resolution No. 51-25 were advertised in the Palm Beach Post.

Commission District 1: Commissioner Cathleen Ward.

- 10.2. Public Hearing of Resolution No. 74-25 regarding a Major Amendment to the Palm Beach Atlantic University Community Service Planned Development (CSPD) to increase the maximum student enrollment cap, amend the Master Plan to increase building height north of Acacia Road, and to provide for the construction of a 25-story dormitory building and 11-level parking garage structure.

The above-reference request is being made by Joni Brinkman of Urban Design Studio, on behalf of Palm Beach Atlantic University, Inc.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 74-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PALM BEACH ATLANTIC UNIVERSITY COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD) GENERALLY LOCATED BETWEEN SOUTH DIXIE HIGHWAY AND SOUTH FLAGLER DRIVE, AND SOUTH OF OKEECHOBEE BOULEVARD, TO INCREASE THE MAXIMUM STUDENT ENROLLMENT CAP, AMEND THE MASTER PLAN TO RAISE THE BUILDING HEIGHT NORTH OF ACACIA ROAD, TO PROVIDE FOR THE CONSTRUCTION OF A DORMITORY BUILDING AND PARKING GARAGE STRUCTURE; GRANTING CERTAIN WAIVERS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 74-25 for a Major Amendment to the Palm Beach Atlantic University Community Service Planned Development to increase the maximum student enrollment cap to 5,000 students, amend the Master Plan to raise the maximum building height to 300 feet north of Acacia Road, and to provide for the construction of a dormitory building and parking garage structure to be located between Wallingford Place and South Dixie Highway, and between Gruber Place and Acacia Road, within the boundaries of the planned development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the Zoning and Land Development Regulations.

Background Information:

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

The Palm Beach Atlantic University (PBAU) Community Service Planned Development (CSPD) is comprised of ±19.4 acres and is generally located between Okeechobee Boulevard to the north and Jefferson Road

to the south, and between South Flagler Drive to the east and South Dixie Highway to the west (the “University”). The University lies just south of the city’s Downtown Master Plan (DMP) area.

According to the application provided to staff, a demand study for the University was recently conducted, revealing a strong desire by students living off-campus to live in student housing on-campus. The study found that students living on campus are more likely to perform better academically and be more active in supporting the University and the surrounding community. The University also envisions a greater demand for education and culture associated with its growth, as the University has seen substantial growth in recent years, resulting in the expansion of its campus facilities.

To address the needs of its students and future growth, the University is seeking a Major Amendment to the PBAU CSPD for the following:

1. Increase the maximum student enrollment cap from 3,000 students to 5,000 students.
2. Amend the PBAU CSPD Master Plan to increase the maximum building height to 300 feet north of Acacia Road and to amend the uses permitted within the affected area of the proposed dormitory building and parking garage structure to enable its construction.
3. To provide for the construction of a 25-story dormitory building and an 11-level parking garage structure between Wallingford Place to the east and South Dixie Highway to the west and between Gruber Place to the north and Acacia Road to the south.

The amendment also seeks the approval of four (4) waivers from the requirements of the Zoning and Land Development Regulations (ZLDRs) to enable the changes listed above:

- Sec. 94-207(a)(1) – Maximum building height.
- Sec. 94-312(2)(a) – Corner clearance distance.
- Sec. 94-312(2)(a) – Separation of access points.
- Sec. 94-305(e) – Visibility triangle setback.

ANALYSIS

The following analyses are provided by staff for the Major Amendment:

Traffic Analysis:

The applicant’s traffic impact assessment provides that the proposed increase in the student population cap is expected to generate significant

traffic impacts that will degrade the level of service for the roadway network in the area. To address the potential impacts, it is the University's goal to reduce the number of commuter students by increasing the number of students living on campus. The University's goal is to effectively reduce the number of trips generated by the students and minimize the anticipated traffic impacts on the surrounding roadway network. The assessment states that the identified roadway deficiencies would not require the construction of capacity improvements, but can be mitigated through other improvements, such as the implementation of Transportation Demand Management (TDM) strategies to reduce the number of vehicular trips on the roadway network. Furthermore, the applicant provides that the student enrollment varies on an annual basis and that the proposed maximum enrollment capacity of 5,000 students will not likely be achieved immediately but overtime, which could delay the anticipated roadway deficiencies noted in the impact assessment.

Staff is conditionally supporting the increase in student enrollment cap, provided that PBAU continues to work with Staff on monitoring the enrollment numbers, traffic trends and roadway impacts generated by the University's CPSD. Traffic monitoring conditions have been included in Resolution No. 74-25. The conditions are critical to ensure the proper monitoring of annual student enrollment numbers and the impact of those numbers on traffic trends and roadway impacts with the increase in student enrollment cap over time. The purpose of the conditions is to minimize and mitigate those anticipated negative traffic impacts before any roadway level-of-service failures occur in the area, as noted in the impact assessment report provided by the applicant.

Proposed Building Height Increase (North of Acacia Road Only):

The Palm Beach Atlantic University CSPD was previously granted a height waiver to allow the buildings within the CSPD to achieve a maximum height of 125 feet (Reference: Ordinance No. 3319-00). The applicant is now seeking another waiver to the existing building height waiver so that buildings north of Acacia Road can achieve a maximum building height of 300 feet (increase of 175 feet). The purpose of the request is to enable the future planning and construction of campus facilities to accommodate the growing needs of the PBAU CSPD.

The waiver request is not out of character with the building heights near the University. The Downtown Master Plan (DMP) area, which is located just north of PBAU allows a maximum building height of 380 feet. Furthermore, the city has granted building height waivers in recent years for projects within the vicinity outside of the DMP and in proximity to the PBAU CSPD. These projects are identified in Table 1 below:

Table 1
Approved Building Heights near the PBAU CSPD

Project	Address	Approved Building Height
Family Church	1111 South Flagler Dr.	348'
Forte	1309 South Flagler Dr.	300'
Bristol	1100 South Flagler Dr.	291'
La Clara	1515 South Flagler Dr.	284'

Proposed Dormitory Building and Parking Garage Structure:

The site plan for the proposed development of the 25-story (300-foot tall) dormitory building and 11-level (127-foot tall) parking garage shows two separate buildings separated by a 24-foot-wide private service alley. The parking garage structure will be on South Dixie Highway, and the dormitory building will be located behind the garage structure and fronting on Wallingford Place. To enable the proposed development, the applicant is also seeking the waivers requested with this application. If approved, the proposed parking garage will be the tallest parking garage structure in the City.

During the initial application submittal process, Staff suggested design improvements that would soften the building's mass and mask the appearance of the parking garage structure along the South Dixie Highway frontage, a prominent commercial and mixed-use corridor. Design suggestions included: combining the dormitory and parking garage as a single building, switching the placement of the garage and dormitory buildings so that the dormitory building faces South Dixie Highway, and providing an active use liner along the South Dixie Highway building façade of the parking garage structure. Although the applicant did consider staff's design suggestions, the applicant has determined that the proposed site plan layout and design of the proposed buildings as presented, was the most economical and efficient for the needs of the PBAU CSPD.

The applicant has worked with staff to make some improvements to the South Dixie Highway frontage of the parking garage structure. These improvements, which are shown in the architectural plan set and site and landscape plans, include decorative artistic screen panels on the west and a portion along the north and south façade of the parking garage structure to mask the use, a ground-level active use liner (fitness center) with pedestrian access along South Dixie Highway, and streetscape improvements along the frontage to draw pedestrian activity and to provide for a safer and more attractive walking environment for students/pedestrians.

Waiver Requests:

The waivers are not anticipated to cause any detrimental impacts to the PBAU CSPD or surrounding area. Therefore, staff supports the requested waivers with the conditions provided in Resolution No. 74-25.

CONCLUSION

Although the City's traffic engineer has raised concerns regarding the potential future traffic impacts on the surrounding roadway network with the increase in student enrollment cap, the impacts can be mitigated with proper monitoring of the University's traffic trends and the implementation of strategies that will help alleviate congestion and prevent level-of-service failures on the surrounding roadway network (i.e. TDM strategies). The proposed traffic conditions in Resolution No. 74-25 are provided to address these concerns.

Regarding the proposed building height, as mentioned above, the height is not out of character with the building heights permitted in the DMP or the approved building height for projects in proximity to the PBAU CSPD.

STANDARDS FOR CODE COMPLIANCE

Staff have determined that the Major Amendment with the requested waivers complies with the required standards of Sec. 94-32(a) of the ZLDRs. Therefore, staff do not have any issues with the requests with the conditions provided in Resolution No. 74-25.

PLANNING BOARD

After a Public Hearing on February 19, 2025, the Planning Board recommended approval 5-1, with Staff's recommended conditions and the following two additional conditions by the Board:

1. Lighten the color of the vertical elements of the garage on the north and south side of the parking garage structure to diminish the appearance of mass. (Added Condition #1)
2. Provide landscaping on the rooftop of the parking garage structure to provide an additional amenity for the University. (Added Condition #2)

The Board raised concerns regarding the height and mass of the proposed parking garage structure. The additional conditions of the Board are intended to further soften the mass and improve the quality of design for the proposed dormitory building and parking garage structure.

In response to the added conditions, the applicant has stated that there are no issues with Planning Board Added Condition #1 and can agree with the condition. (This condition was added to Resolution No. 74-25.)

Regarding Planning Board Added Condition #2, the applicant stated that they will not commit to this added condition. Providing a landscape amenity on the rooftop of the garage structure will require the removal of planned critical parking spaces for the University. The applicant has also stated that the project is not a residential project where amenities are more appropriate on the rooftop of structures.

Staff can agree with the applicant on the explanation for the addition of landscaping on the rooftop of the parking garage structure; however, it was suggested by staff that as a compromise, the rooftop of the garage structure, which could potentially be visible to taller buildings in proximity to the development site as an additional building facade (i.e. the adjacent dormitory building, other highrise buildings, etc.), should be painted with a mural on the rooftop to provide an aesthetic visual appeal to the structure from afar. Several existing parking garage structures within the City, such as the Palm Beach Convention Center, Fourth District Court of Appeal have applied a mural to the rooftop of their parking garage, and the application has made an attractive visual impact from above and afar. Staff believes that applying a mural to the rooftop is an economical and reasonable request and, therefore, has been added as a condition to Resolution No. 74-25.

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the Palm Beach Atlantic University CSPD boundary, and signs were also posted along the boundaries of the CSPD per the requirements of Sec. 94-398(j) of the Zoning and Land Development Regulations. In accordance with the advertising requirements of Section 94-39(j) of the ZLDRs, Resolution No. 74-25 was advertised in the Palm Beach Post on March 21, 2025.

Commission District 5: Commissioner Christina Lambert.

11. COMMENTS FROM THE PUBLIC

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

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. ADJOURNMENT

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

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