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Mayor Keith A. James
Commission President Christina Lambert (District 5)
Commissioner Cathleen Ward (District 1)
Commissioner Shalonda Warren (District 2)
Commissioner Christy Fox (District 3)
Commissioner Joseph A. Peduzzi (District 4)

City Administrator Faye W. Johnson
City Attorney Kimberly Rothenburg
City Clerk Shaquita Edwards

**City of West Palm Beach
City Commission
Agenda
Monday, July 7, 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. Proclaiming July 2025 as: Recreation and Parks Month. Proclamation to be accepted by: Leah Rockwell, Director of Parks and Recreation; Todd Snyder, Assistant Director of Parks and Recreation; Sherry Wilson, Assistant Director of Parks and Recreation; Angela Poco, Marketing and Events Manager.

Originating Department:

Mayor's Office

7. APPOINTMENTS

- 7.1. City Commission approval is requested for the Mayor's reappointment of Samantha R. Bratter to the Downtown Development Authority for a term of three (3) years to expire on July 1, 2028. It is required that the City Commission confirm Ms. Bratter's reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Approve the reappointment of Samantha R. Bratter to the Downtown Development Authority for a term of three (3) years to expire on July 1, 2028.

Background Information:

Appointments and/or reappointments to the Downtown Development Authority require Commission confirmation.

- 7.2. City Commission approval is requested for the Mayor's reappointment of Everett C. Fennell to the Construction Board of Adjustment and Appeals for a term of three (3) years to expire on August 24, 2028. Mr. Fennell has served over the maximum allowed number of terms (3), and it is required that the City Commission confirm his reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Approve the reappointment of Everett C. Fennell for a term of three (3) years to expire on August 24, 2028.

Background Information:

Mr. Fennell has been a diligent board member with technical knowledge and expertise.

- 7.3. City Commission approval is requested for the Mayor's reappointment of Jonathan "Jack" Frost to the Police Pension Board of Trustees for a term of four (4) years to expire on October 1, 2029. It is required that the City Commission confirm Mr. Frost's reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Approve the reappointment of Jonathan "Jack" Frost to the Police Pension Board of Trustees for a term of four (4) years to expire on October 1, 2029.

Background Information:

Mr. Frost has institutional knowledge and commitment to the Board.

- 7.4. City Commission approval is requested for the Mayor's reappointment of Nicholas "Nick" Mihelich to the Downtown Action Committee for a term of three (3) years to expire on August 21, 2028. Mr. Mihelich has served over the maximum allowed number of terms (3), and it is required that the City Commission confirm his reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Approve the reappointment of Nicholas "Nick" Mihelich to the Downtown Action Committee for a term of three (3) years to expire on August 21, 2028.

Background Information:

As a landscape architect, Mr. Mihelich has brought valuable insight and judgment to the Board.

- 7.5. City Commission approval is requested for the Mayor's reappointment of Myles Schack to the Water Advisory Board for a term of two (2) years to expire on August 7, 2027. It is required that the City Commission confirm Mr. Schack's reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Approve the reappointment of Myles Schack to the Water Advisory Board for a term of two (2) years to expire on August 7, 2027.

Background Information:

Mr. Schack has shown technical expertise and understanding of the issues with which the Board deals.

8. CONSENT CALENDAR

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

- 8.1. Resolution No. 143-25(F) accepting and appropriating funds in the amount of \$5,500 from Prime Time of Palm Beach County funded by the Children Services Council in recognition of the after-school programs at Gaines Park, Vedado Park, Pleasant City, and South Olive Park completing the Quality Improvement System (QIS) core quality practices.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 143-25(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 DONATION FUND TO PROVIDE FOR THE RECEIPT AND APPROPRIATION OF THE GRANT AWARD FROM PRIME TIME OF PALM BEACH COUNTY TO PROVIDE AFTER SCHOOL PROGRAM SUPPLIES, PROFESSIONAL DEVELOPMENT, FIELD TRIPS, SPECIAL YOUTH/FAMILY EVENTS, OTHER PROGRAM EXPENDITURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Quality Improvement System (QIS) incentive program is a Prime Time of Palm Beach County strategy designed to further increase after-school program quality for their participants' activities/programs. The QIS is a performance-based recognition program that awards financial incentives to out-of-school time programs that go above and beyond in their QIS work. The award amount is based upon a tiered process through which a program demonstrates the implementation of advanced youth development and program management practices. These practices are in concert and direct relationship with a program's voluntary participation and work in Prime Time's QIS incentive program. Funding is provided by the Children's Services Council of Palm Beach County and is based upon the availability of funds and performance.

This past year, four (4) of the City's after-school programs were eligible to receive a QIS Core Practices Development Grant through Prime Time's QIS incentive program. They have each completed the QIS core quality practices that aim to increase and maintain positive youth development, which leads young people to develop skills necessary to be successful socially, emotionally, and academically. Prime Time requires that the grant be spent on professional development, program supplies, field trips, special youth and/or family events, and other program expenditures.

Gaines Park Community Center, South Olive Community Center, Pleasant City Community Center, and Vedado Park Community Center have each been recognized for going above and beyond in their QIS work. Pleasant City K-5th grade was awarded \$1,500; Gaines Park 6th-8th grade was awarded \$1,500; Vedado Park 6th-8th grade was awarded \$1,250; and South Olive K-5th grade was awarded \$1,250.

Resolution No. 143-25(F) accepts \$5,500 from Prime Time of Palm Beach County, funded by the Children Services Council, in recognition of the after-school programs completing the Quality Improvement System (QIS) core quality practices.

Commission District 1: Commissioner Cathleen Ward.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Approval will provide additional funds for after-school enhancements and staff development.

- 8.2. Resolution No. 163-25(F) authorizing the appropriation or transfer of City funds in the amount of \$36,211 from the 2024-2025 Fiscal Year 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 to re-appropriate project funding from Fire Station No. 4 to the fuel tank replacement project.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 163-25(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN THE AMOUNT OF \$36,211 FROM THE 2024/2025 FISCAL YEAR 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 TO RE-APPROPRIATE PROJECT FUNDING FROM FIRE STATION NO. 4 TO THE FUEL TANK REPLACEMENT PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The diesel Aboveground Storage Tank (AST) serves as a critical fuel source during power outages, such as those caused by hurricanes. It supplies fuel for the fire station's emergency generator and for refueling fire apparatus.

Fueling of the fire apparatus at the fire station offers several benefits. It ensures that each unit remains within its primary response zone while refueling, thereby enhancing unit availability and improving response times within its designated coverage area. The new tank also offers improved functionality, featuring double the capacity of the previous tank, compliance with current safety standards, and a cylindrical design that reduces maintenance costs.

Funds remaining from the design of Fire Station No. 4, located at 1718 Parker Avenue, in Account 304.032710.522.620, will be used to support this project. A total of \$36,211 will be transferred to Account 304.032710.522.5000640, which currently has a balance of \$148,250.

Gulfstream Petroleum Services Inc. was selected through the Invitation to Bid process (ITB 24.25.122) and was awarded the contract on May 29, 2025. The total contract amount is \$178,400.

Fiscal Note:

Approval of this item re-appropriates project funding from Fire Station No. 4 to fund the remaining Fuel Tank Replacement project.

- 8.3. Resolution No. 169-25 approves a Settlement Agreement totaling \$75,000 in the matter of Gregory Babcock, Employee/Claimant.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 169-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT FOR \$75,000 IN THE MATTER OF GREGORY BABCOCK EMPLOYEE/CLAIMANT V. THE CITY OF WEST PALM BEACH AND CORVEL ENTERPRISE COMP. INC., IN THE STATE OF FLORIDA, DIVISION OF ADMINISTRATIVE HEARINGS, OFFICE OF JUDGE OF COMPENSATION, CLAIM NO. 15-004775GJJ; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Gregory Babcock (employee/claimant) brought a workers' compensation claim that stems from an accident and/or occupational disease. The claimant contends he was injured in the course and scope of his employment on or about March 9, 2014.

The City has reached a settlement agreement at mediation held June 16, 2025, with Gregory Babcock (employee/claimant) and his attorney to resolve the matter for a total of \$75,000; in exchange for a general release of all workers' compensation claims, attorney's fees, and any and

all employment claims, and authorizes the appropriate officials to execute the necessary settlement documentation.

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 approval of the City Commission by formal resolution.

Resolution No. 169-25 approves the Settlement Agreement.

Fiscal Note:

Settlements are paid out of the Risk Annual Budget.

9. RESOLUTIONS

- 9.1. Resolution No. 167-25 approves, as Face of the City, the Revolutionary War Patriots Memorial Marker to honor the birth of the United States of America and to be installed at Monceaux Park, 2994 South Flagler Drive by the Daughters of the Revolution (DAR), Henry Morrison Flagler Chapter. Privately funded.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 167-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE REVOLUTIONARY WAR PATRIOTS MEMORIAL MARKER TO BE INSTALLED AT 2994 SOUTH FLAGLER DRIVE AT MONCEAUX PARK AND PRIVATELY FUNDED IN COMPLIANCE WITH THE PUBLIC ART ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 167-25.

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

Background Information:

On June 4, 2025, at the regular scheduled meeting, the ArtLife Committee reviewed the Monument and Memorial Applications submitted by the Henry Morrison Flagler Chapter of the Daughters of the Revolution (DAR) under Section 78-10 - Article 1 General.

The National Society Daughters of the American Revolution (NSDAR) was founded in 1890 to promote Historic Preservation, education, and patriotism across the United States. The NSDAR's volunteer work is

accomplished through the grassroots efforts of its chapters at the local level. The Henry Morrison Flagler Chapter is comprised of eighty (80) members living in West Palm Beach and eastern Palm Beach County.

In honor of our nation's 250th anniversary, the DAR local chapter is requesting to place a historic marker in the City of West Palm Beach to commemorate our Nation's Revolutionary War Patriots. This effort is part of a larger national activity to honor those who paved the way to create the United States of America. The local chapter states, " West Palm Beach is a city that honors its' past and present Patriots for all National holidays, and this marker would become a permanent reminder to the community of West Palm of the Patriots who fought for the freedoms we enjoy today."

The bronze marker is a stand-alone 30" x 30" to be installed at Monceaux Park, 2994 S. Flagler Drive. The marker, delivery, installation, and maintenance of the memorial marker will be privately funded.

Resolution No. 167-25 approves, as Face of the City, the "Revolutionary War Patriots" memorial marker to be installed at Monceaux Park, 2994 S. Flagler Drive.

Commission District 5: Commissioner Christina Lambert.

10. PUBLIC HEARING

- 10.1. Public Hearing and First Reading of Ordinance No. 5136-25 amending the Code of Ordinances at Chapter 86 to aid in parking enforcement of oversized vehicles.

Originating Department:

Mayor's Office

Ordinance/Resolution:

ORDINANCE NO. 5136-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 86 (TRAFFIC AND PARKING), ARTICLE I (IN GENERAL), SECTION 86-1 (DEFINITIONS) TO ADD NEW DEFINITIONS; AMENDING ARTICLE IV (STOPPING, STANDING, AND PARKING), SECTION 86-229 TO STREAMLINE THE ENFORCEMENT OF PARKING VIOLATIONS INVOLVING CERTAIN VEHICLES WITHIN RESIDENTIAL DISTRICTS AND AMENDING THE PENALTY PROVISION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLASE, A CODIFICATION CLAUSE AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5136-25 on First Reading and schedule Second Reading for July 21, 2025.

Background Information:

Pursuant to Article VIII, Section (2)(b) of the Florida Constitution and Chapter 166, Florida Statutes, the City of West Palm Beach has broad home rule powers to adopt ordinances to regulate parking on City public rights-of-way, to establish and operate a parking system and a transit system, and to require permits and establish fees related to such systems and regulations.

The development of comprehensive transportation mobility strategies, plans, and policies, including parking and related mobility strategies, will help the City of West Palm Beach grow while becoming a safer, healthier, resilient, connected, and welcoming community.

Well-designed parking systems and policies ensure the continued health and vibrancy of residential districts.

The regulation of parking on City public rights-of-way is a valid municipal purpose and serves the public welfare.

Chapter 86 of the City Code of Ordinances regulates, among other things, the types of vehicles that may be parked in residential districts.

The City desires to amend Chapter 86 as set forth to prohibit and restrict the parking of certain types of vehicles in residential areas.

Fiscal Note:

No fiscal impact.

11. PUBLIC HEARING - QUASI-JUDICIAL

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

11.1. CONSIDER CONTINUATION OF RESOLUTION NO. 141-25 TO THE JULY 21, 2025, CITY COMMISSION MEETING.

Public Hearing of Resolution No. 141-25: A request by Brian Chegus, of iPlan & Design, LLC, on behalf of Brady Flagler Management, LLC, to amend a previously approved Class A Special Use Permit, to allow for the construction of a 200-foot-long private dock with two (2) boat lifts, where a total of 136 feet and 9 inches in length is currently permitted on a property located at 7405 S. Flagler Drive, within the Single-Family Low Density (SF7) residential zoning district.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 141-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING A PREVIOUSLY APPROVED CLASS A SPECIAL USE PERMIT, TO CONSTRUCT A DOCK AT 7405 SOUTH FLAGLER DRIVE; 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:

I move to continue consideration of Resolution No. 141-25 to the commission meeting scheduled to begin at 5:00 p.m. on July 21, 2025, at the City of West Palm Beach City Hall Commission Chambers, 401 Clematis Street, West Palm Beach, Florida 33401.

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.