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Mayor Keith A. James
Commission President Shalonda Warren (District 2)
Commissioner Cathleen Ward (District 1)
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, April 15, 2024
5:00 PM

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three days prior to any proceeding, contact the City Clerk's Office, 401 Clematis Street, West Palm Beach, FL 33401, (561) 822-1210.

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. CIVILITY AND DECORUM

The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

6. PROCLAMATIONS

- 6.1. Proclaiming April 27, 2024 as: Pleasant City Day. Proclamation to be accepted by Dr. Asia Taylor, President of the Pleasant City First Neighborhood Association; and Ms. Bernita Banks and Mr. William M. Holland, members of the Pleasant City First Neighborhood Association.

Originating Department:

Mayor's Office

- 6.2. Proclaiming April 2024 as: Water Conservation Month. Proclamation to be accepted by Victor Carosi, Director of Public Utilities; Sarah Burke, Sustainability Supervisor; Sherry McCorkle, Senior External Affairs Specialist, SFWMD.

Originating Department:

Mayor's Office

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 March 18, 2024.

Originating Department:

Mayor's Office

- 7.2. Resolution No. 48-24 approving a donation in the amount of \$7,315 by the West Palm Beach Police Department of forfeited property seized during a criminal investigation to the not-for-profit 501C3 organization Little Smiles Inc.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 48-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A DONATION OF FORFIETED PROPERTY TO THE NOT-FOR-PROFIT ORGANIZATION LITTLE SMILES INC; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The West Palm Beach Police Department (WPBPD), as part of its mission, conducts criminal investigations involving various crimes in violation of Florida State Statutes (F.S.S). During the course of a criminal investigation, U. S. currency, real, and personal property can be seized as evidence. As part of criminal proceedings and upon the adjudication

of an investigative case, the items described above can be forfeited pursuant to *F.S.S 932.703 Forfeiture of Contraband article; exceptions.*

932.703 Forfeiture of contraband article; exceptions.—

(1)(a) A contraband article, vessel, motor vehicle, aircraft, other personal property, or real property used in violation of any provision of the Florida Contraband Forfeiture Act, or in, upon, or by means of which any violation of the Florida Contraband Forfeiture Act has taken or is taking place, may be seized and shall be forfeited subject to the Florida Contraband Forfeiture Act. A seizure may occur only if the owner of the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article under s. 932.701, or one or more of the following circumstances apply:

The WPBPD has both State and Federal Law Enforcement Trust Funds. Forfeited items are placed into the Trust Funds dependent upon the jurisdiction and charging venue where the criminal proceedings occur. The proceeds and funds in the Trust Fund accounts are disposed of and/or utilized pursuant to *F.S.S. 932.7055 – Disposition of liens and forfeited property.*

932.7055 Disposition of liens and forfeited property.—

(1) When a seizing agency obtains a final judgment granting forfeiture of real property or personal property, it may elect to:

(a) Retain the property for the agency's use;

(b) Sell the property at public auction or by sealed bid to the highest bidder, except for real property which should be sold in a commercially reasonable manner after appraisal by listing on the market; or

(c) Salvage, trade, or transfer the property to any public or nonprofit organization.

At the direction, and with the authority of the Chief of Police, the WPBPD seeks to donate the below listed items with the final approval by City Commission to the not-for-profit organization Little Smiles Inc. The authorization is for donating forfeited personal property (jewelry) seized during a criminal investigation (Case # 2022-0017531) conducted by the WPBPD - Special Investigations Division (SID).

The WPBPD has an ongoing philanthropic relationship with Little Smiles Inc, a community-based organization whose organizational mission is to assist children during times of illness, homelessness and tragedy.

Little Smiles Inc.
3569 91st Street North
Suite 4
Palm Beach Gardens, FL. 33403
561-899-4700
C/O Paul L. Donohue - Founder

The donated property consists of twelve (12) individual pieces of jewelry that have been appraised by:

Nash Jewelry Co. Inc
2250 Palm Beach Lakes Boulevard
Suite 108
West Palm Beach, FL. 33409
561-655-1658
C/O Gregory S. Nash – G.I.A Gemologist – License No. 103471

The jewelry has an appraised total value of: \$7,315.

The WPBPD is the lawful possessor of the jewelry so ordered in an Ex-Parte Order Granting Application For Probable Cause Pursuant To The Florida Contraband Forfeiture Act by the Circuit Court of the Fifteenth Judicial Circuit In and For Palm Beach County, Florida signed and executed by the Honorable Frank S. Castor – County Court Judge on November 17, 2022.

The listed items are in compliance with the guidelines set forth in the U.S. Department of Justice and U.S. Department of the Treasury – Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies and FSS 932.7055 – Disposition of Items and Forfeited Property.

Fiscal Note:

The donation has a value of \$7,315.

- 7.3. Resolution No. 82-24 granting a Temporary Construction Easement to Southern Underground Industries for construction staging and storage on City-owned property located adjacent to 1101 Charles Street for the City's Pineapple Park Group II Stormwater Improvements Project.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 82-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA GRANTING A TEMPORARY CONSTRUCTION EASEMENT TO SOUTHERN UNDERGROUND INDUSTRIES, INC., ON CITY-OWNED

PROPERTY ALONG THE STUB CANAL FOR CONSTRUCTION STAGING AND STORAGE RELATED TO THE PINEAPPLE PARK GROUP II STORMWATER IMPROVEMENTS PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Southern Underground Industries is currently providing construction services to the City for the Pineapple Park Group II, Stormwater Improvements Project. In order to facilitate a staging area, they have requested use of a portion of the Stub Canal right-of-way in the area of the project.

The temporary construction easement will be used through December 2024 for the construction staging and storage of materials and equipment for the project.

Resolution No. 82-24 grants the temporary construction easement.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 7.4. Resolution No. 83-24 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 2024-2025.

Originating Department:

Human Resources

Ordinance/Resolution:

RESOLUTION NO. 83-24: 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, 2024 – FEBRUARY 28, 2025, 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 2024-2025 policy year.

Section 66-94 of the City Code requires that contracts for insurance be approved by the City Commission.

Resolution No. 83-24 authorizes contracts and binders for the below described insurance coverages.

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 for 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, 2024.

Other miscellaneous insurance coverages will be renewed as they expire.

- 7.5. Resolution No. 84-24 approves a Conditional Settlement Agreement totaling \$100,000 in the matter of Olga Cusell vs. City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 84-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$100,000 IN THE MATTER OF OLGA CUSELL V. CITY OF WEST PALM BEACH, FILED IN THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA, CASE NO. 50-2023-CA-008133-XXXX-MB AH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Olga Cusell brought a claim for damages by way of a complaint in the Fifteenth Judicial Circuit in the case of Olga Cusell vs. City of West Palm Beach for an accident that occurred on December 7, 2022. The City has reached a settlement agreement with Olga Cusell and her attorney to resolve the matter for a total of \$100,000. The Plaintiff has 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. 84-24 approves the Conditional Settlement Agreement.

- 7.6. Resolution No. 85-24 authorizing the assessment of City liens in the total amount of \$41,724.39 for unpaid water service, sewer service, and storm water charges for the month of January 2024.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 85-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE CHARGES FOR THE MONTH OF JANUARY 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. 85-24 are for unpaid water service, sewer service, and stormwater service charges for the month of January 2024.

The list of properties to be assessed and the associated charges totaling \$41,724.39 are provided in Resolution No. 85-24 as EXHIBIT A - Utility Lien List - January 2024.

Fiscal Note:

No fiscal impact.

- 7.7. Resolution No. 92-24(F) authorizing the use of Building Permitting discretionary fund balance in FY2023-2024 to provide appropriations in the amount of \$1,500,000 for the continuing Tyler EPL implementation and other functional related needs.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 92-24(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2023/2024 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE BUILDING PERMITTING FUND BUDGET TO PROVIDE ADDITIONAL APPROPRIATIONS FOR THE TYLER TECHNOLOGIES PERMITTING AND LICENSING (EPL) SOFTWARE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Development Services Department is the sixth (6th) year of the Tyler EPL Land Management System Implementation, which has brought many City Operations into one Integrated Digital Environment and greatly expanding Web Based Customer Services offered in the areas of Planning & Zoning, Building Permits, Engineering, Code Enforcement, Public Works, and soon Business Tax.

Given the complexities of implementing a software of this magnitude, staff thought it would be more prudent to delay the conversion and implementation of our Business Tax renewals to next fiscal year. Furthermore, additional services were added to the software from other departments that were beyond the original scope once a determination was made the software could better streamline their services. In an effort to not impact the General Fund, the Building Division Fund Balance will be used to fund these additional costs.

The Development Services/Building Division is requesting a one-time increase to the Fund 130 Cost Center 033300 Object Code 500340 for Other Contractual Services for the purposes of continuing to pay new obligations to Tyler Technologies (EPL software vendor) and other functional related needs. This increase will pay for retainage charges, ongoing EPL license charges, Bluebeam licenses, data report formulation and maintenance, and other services required by Tyler Technologies.

Fiscal Note:

Approval of this item will provide appropriations in the amount of \$1,500,000 from the Fund Balance toward the EPL Software project.

8. RESOLUTIONS

- 8.1. Resolution No. 61-24 authorizing a disparity analysis of the impact of the City's Minority and Woman-Owned Business Enterprise Program; and

Resolution No. 76-24(F) approving the use of General Fund Contingency in the amount of \$300,000 to fund a Disparity Analysis Study.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 61-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING A DISPARITY ANALYSIS OF THE IMPACT OF THE CITY'S MINORITY AND WOMAN-OWNED BUSINESS ENTERPRISE PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 76-24(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2023/2024 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO APPROVE THE USE OF GENERAL FUND CONTINGENCY TO PROVIDE APPROPRIATIONS FOR A DISPARITY ANALYSIS STUDY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Office of Small & Minority/Women Business Programs has submitted a five (5) year M/WBE Status Report to Mayor Keith A. James, City Administrator Faye Johnson, and Commissioners. This report documents the City's efforts to support the Minority/Women Business Enterprise community in obtaining contracts. According to City Code (Section 66-273), the Director of the Minority/Women Business Enterprise Program may perform a disparity analysis every five (5) to seven (7) years to determine any necessary revisions.

Several years ago, Mason Tillman Associates, Ltd., conducted a disparity study, which examined the equitability of all qualified businesses to do business with the City. The study was commissioned to determine if any disparities, or significant differences, existed in the City's methods of awarding contracts; and if so, what steps could be taken to eliminate those disparities. The study evaluated contracts that were awarded to the City's prime contractors and subcontractors over a four (4) year period. Study results provided statistical identified disparities that existed in the City's awarding of contracts to non-minority male evidence of the underutilization of certain available minority-owned and women-owned business enterprises for certain types of City procurements.

The United States Supreme Court affirmed, in *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (S. Ct. 1989), that pursuant to the Fourteenth Amendment, a local government may take action, in the form of a race conscious minority business program to rectify the effects of systemic

racial discrimination in awarding contracts, provided that the local government must first demonstrate statistically significant underutilization of available minority and woman-owned businesses. The Supreme Court also held that in certain circumstances, a gender-biased program can be justified if it intentionally and directly assists the members of that sex who are disproportionately burdened. The Supreme Court established that any race and gender conscious contracting program must be narrowly tailored to address the specific discrimination found to exist.

Based on the evidence of statistically significant underutilization of certain available minority and woman-owned businesses for certain types of procurement, the City created its Minority / Women Business Enterprise Ordinance, Ordinance No. 4679-18, passed December 17, 2019, effective April 1, 2019 ("MWBE Ordinance"), as amended by Ordinance No. 4887-19.

Under the M/WBE program, companies with a majority ownership held by a minority or women receive extra points in competitive bids for City contracts of specific types and sizes.

The advantages of M/WBE Program were stated as providing:

- Opportunities for M/WBEs to work with prime contractors and large firms as subcontractors.
- Free marketing of their company to other City vendors and at networking events.
- Contract bids, or "sheltered markets", for M/WBEs only.

The Office of Small & Minority/Women Business Programs desires to retain a consultant to conduct another analysis to determine if disparities, or underutilization of available minority and women-owned business enterprises, continues to exist for certain types of City procurements and whether there is sufficient statistical evidence to continue the MWBE program, and if so, whether or how the City's MWBE Ordinance should be amended to address any specific disparity that continues to exist.

Resolution No. 61-24 approves the retention of a consultant to conduct a current disparity analysis of the utilization of available MWBEs in the award of City procurements.

Resolution No. 76-24(F) authorizes the use of the General Fund Contingency to provide appropriations in the amount of \$300,000 for the Disparity Analysis Study.

Fiscal Note:

Approval will recognize the use of General Fund Contingency to provide appropriations in the amount of \$300,000 to fund a Disparity Analysis Study.

9. PUBLIC HEARING

- 9.1. Public Hearing and First Reading of Ordinance No. 5094-24 amending the code of ordinances at Chapter 86 (Traffic and Parking) to add new definitions, amend the penalty provision, provide authority to the Mayor; to regulate construction management plans, parking permits for new developments and residences and traffic calming; to abolish the Traffic Calming Advisory Committee and to further regulate traffic calming.

Originating Department:

Mayor's Office

Ordinance/Resolution:

ORDINANCE NO. 5094-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 86 (TRAFFIC AND PARKING) BY AMENDING ARTICLE I (IN GENERAL), SECTION 86-1 (DEFINITIONS) TO ADD NEW DEFINITIONS AND SECTION 86-7 (RIDING OF ROLLER SKATES, ROLLER BLADES, SKATEBOARDS, COASTERS, SCOOTERS AND OTHER SIMILAR DEVICES) TO IDENTIFY THE TYPE OF DEVICES BEING REGULATED AND AMEND THE PENALTY PROVISION; AMENDING ARTICLE IV (STOPPING, STANDING AND PARKING) AT SECTION 86-231 (PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS) TO PROVIDE AUTHORITY TO THE MAYOR; SECTION 86-246 (CONSTRUCTION MANAGEMENT PLAN) TO REGULATE CONSTRUCTION MANAGEMENT PLANS; SECTION 86-247, (PARKING FOR NEW DEVELOPMENTS; USERS OF NUMEROUS SPACES) TO ADDRESS METERED SPACES; AND ADDING NEW SECTIONS 86-248 (RESIDENTIAL PARKING PERMITS) TO PROVIDE FOR AND REGULATE RESIDENTIAL PARKING PERMITS; AND SECTION 86-249 (ISSUANCE OF RESIDENTIAL PARKING PERMITS) TO PROVIDE FOR AND REGULATE ISSUANCE OF RESIDENTIAL PARKING PERMITS; AMENDING ARTICLE V (TRAFFIC CALMING), DIVISION 1 (GENERALLY), SECTION 86-350, TO ADD ADDITIONAL CRITERIA; DELETING DIVISION 2 (TRAFFIC CALMING ADVISORY COMMITTEE); AMENDING DIVISION 3 (PROCESS), SECTION 86-374 (APPLICATION; REVIEW CYCLES) TO REGULATE APPLICATIONS; AMENDING SECTION 86-375 (PROCEDURE) AND SECTION 86-376 (REMOVAL OF TRAFFIC CALMING MEASURES) TO AMEND THE REVIEW AUTHORITY; AND AMENDING SECTION 86-377 (LANDSCAPING) REGARDING LANDSCAPING IN TRAFFIC CALMED AREAS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE

DATE; AND FOR OTHER PURPOSES.

Background Information:

Staff has been meeting with and gathering feedback from constituents concerned with increased demand for on-street parking within residential neighborhoods, due to construction and commercial activities. Staff has also received feedback from the City Commission and constituents regarding increased traffic and the need for additional traffic calming measures.

Chapter 86 (Traffic and Parking) governs activities related to these concerns, and as such, staff is proposing changes to Chapter 86 to help manage some of the parking and traffic concerns and to clean up outdated language within Chapter 86. Proposed changes include:

- Amending Section 86-246 to require a construction traffic management plan for projects with construction values in excess of \$2,000,000 or any construction project located within a single family residential and/or historic district where multiple vehicles shall be parked within the City's right of way during construction. Amendment would limit the number of construction vehicles to no more than five (5) at any given time within single family and/or historic neighborhoods. Upon issuance of three (3) violations a stop work order shall be issued by the Building Official.
- Amendment of Section 86-248 designating a residential parking permit zone program and criteria for issuance of residential parking permits.
- Amending Section 9 to eliminate the Traffic Calming Advisory Committee and providing for updated language and deletion of provisions within Section 10, Section 11, and Section 12 to better manage traffic calming review, approval and deployment.
- Amending violation and penalty language related to Section 86-7 to provide for higher administrative fees for violators.

Fiscal Note:

No fiscal impact.

- 9.2. Public Hearing and First Reading of Ordinance No. 5098-24 amending and restating the Code of Ordinances of the City of West Palm Beach, at Chapter 58 "Parks and Recreational Facilities and amending Chapter 78 "Streets, Sidewalks and Public Places" Article XVI "Public Places", in sections 78-466 and 78-467.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

ORDINANCE NO. 5098-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 26, ARTICLE III "CITATION PROCEDURE", SECTION 26-66, TO ADD CHAPTER 58, ARTICLE III TO THE LIST OF CHAPTERS ENFORCEABLE BY CITATION; AMENDING CHAPTER 58 "PARKS AND RECREATIONAL FACILITIES", ARTICLE III "CONDUCT IN PARKS AND RECREATIONAL FACILITIES", BY AMENDING, RESTATING AND ADDING SECTIONS 58-81 THROUGH 58-91; AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 78 "STREETS, SIDEWALKS AND PUBLIC PLACES", ARTICLE XVI "PUBLIC PLACES", BY AMENDING SECTIONS 78-466 AND 78-467; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Background Information:

During the Mayor/Commission Work Session held on March 11, 2024, staff presented proposed revisions for City Ordinance Chapter 58 - Parks and Recreation Facilities and Chapter 78- Streets, Sidewalks and Public Places.

Section 58-81 through 58-91 proposed revisions restates ordinances to provide a more user-friendly format, removes ordinances due to redundancy, and proposes new ordinances.

SECTION 58-81. CONDUCT IN PARKS, RECREATIONAL AREAS, AND PUBLIC PROPERTY

Below are proposed additions of prohibited activities based on trends and issues currently occurring in parks and public spaces.

(a) Prohibited activities.

- beaching a dinghy or other vessels in an area not designated for vessels.
- using city water or city electricity when not authorized to do so.
- tampering with or destroying a fire department connection or fire control equipment such as extinguishers.
- hanging or otherwise placing laundry or any other items from trees, signs or on other public property.
- anchoring or mooring in an underwater lease area.

- drones in parks and recreation areas.
- leaving a vessel, dinghy, kayak, paddleboard, or other form of water transportation unattended in a park.
- chaining or locking of personal property to trees, seawall, poles, signs, fences, or other structures prohibited, except in designated areas.

(c) Bicycles (including electric), golf carts, motorcycles and ATV's.

These regulations originally only addressed bicycles but now include electric bicycles, golf carts, motorcycles, and ATV's.

(e) Playgrounds and Splashpads.

No person 18 years or older shall enter or remain in a designated playground or splashpad area unless that person is supervising or accompanying a child.

For prohibited activities a definition of "public parks", "recreation areas" and "public property", as set forth in Section 94-611 of the Code for "public place" has been provided so all ordinances which apply to parks shall now be enforceable on public property. This would include areas like the Waterfront Great Lawn and others not specified as parks.

SECTION 58-82. CITY DOCKS

These regulations are not currently codified. By adding, they will provide a tool for the Police Department, Code Enforcement and parks and recreation staff to protect the safety of the public and integrity of the docks.

- No vessel shall remain tied to a loading zone in excess of 15 minutes.
- Unattended vessels, dingy or other watercraft at city docks or boat ramps may be removed and disposed of pursuant to city policy and federal, state, and local law.
- Chaining or otherwise locking bicycles, carts, or scooters anywhere on a city dock is prohibited and such items shall be disposed of pursuant to city policy and federal, state and local law.
- Use of city water or city electric at city docks is prohibited.

- City docks are open from dawn to dusk and closed from dusk to dawn, unless there is signage indicating otherwise.

NOTE: Ordinance 78-466. – Regulations of conduct in public places, currently states City docks are open from 5:00 a.m. – 12:00 a.m. Staff are proposing as stated above: City docks are open from dawn to dusk and closed dusk to dawn unless there is signage indicating otherwise. This will allow the city to set dock hours based on appropriate operational conditions. The Police and Parks and Recreation Departments are recommending 7 a.m. – 11:00 p.m.

SECTION 58-84. COMMERCIAL USE

The proposed regulation would assist staff with enforcement.

No person shall operate a commercial business in a park, recreational area, city dock or on public property without a permit from the city parks and recreation department. This prohibition shall include the commercial offering of dog training, pickleball, tennis or any other sport or physical activity.

SECTION 58-91. ENFORCEMENT

This language was restated and clarified the method of enforcement and penalties.

- (a) Generally. This Chapter shall be enforced as set forth in City Code Section 1-13; Chapter 26, Code Enforcement, of this Code; Florida Statutes, Section 810.09; and Chapters 162 and 166 of the Florida Statutes.
- (b) Ejectment. The director of parks and recreation, park attendant, parks and recreation department personnel or any law enforcement officer of the city shall have the authority to eject from a park or public property any person acting in violation of this article and is an authorized person pursuant to F.S. § 810.09, to ask an owner, operator, or occupant of a boat in violation of the city code to leave city property.

Fiscal Note:

No fiscal impact.

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. 5092-24 designating the Karl Riddle House, 432 Ardmore Road on the West Palm Beach Register of Historic Places.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5092-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 432 ARDMORE ROAD AS AN HISTORIC SITE ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On May 22, 2022, the Historic Preservation Board approved relocation of this building from 464 Fern Street to 432 Ardmore Road under HPB Case Number 22-34. One condition was that the building be redesignated at its new location in the Sunshine Park neighborhood.

This application is for the designation of the site at 432 Ardmore Road in the Sunshine Park neighborhood. The property has a primary two-story Mediterranean Revival structure built in 1925 that historically served as a single-family home. While it was used as the City of West Palm Beach's Health Clinic in its former location, the current owners are planning to rehabilitate it back into a single-family house.

The Karl Riddle House, historically known as 1000 Belmont Place, is a two story Mediterranean Revival style house with a rectangular plan, frame and hollow tile construction with a stucco exterior. The structure features a gable roof surfaced with barrel clay tile. The asymmetrical fenestration pattern features single-hung and casement multi-light windows. The front (west) elevation features vigas, semicircular fanlights over the windows and doors on the first floor, and a colonnaded loggia on the second floor, which has been enclosed. The original had been replaced at some point with aluminum awning windows, which have since been replaced with wood multi-light sash windows. The original barrel tile roof was replaced with asbestos shingles, which were then replaced with clay barrel tile as part of the Riddle House Restoration Project which took place in the mid-1990s. The Karl Riddle House was designed during the Land Boom period (1920-1928) by Mizner associate Lester Geisler.

The structure was originally located at 1000 Belmont Place in the Hillcrest section of West Palm Beach, where it was constructed for Karl Riddle in

1925. Riddle was significant to local history as the first City Manager for the City of West Palm Beach, a position he served in from 1920-1922. Riddle and his brother Kenyon, formed the prominent engineering firm the Riddle Engineering Company which operated in West Palm Beach.

On January 23, 2024, the Historic Preservation Board unanimously recommended approval (7 - 0) to designate this building.

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.