



401 Clematis Street  
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[www.wpb.org](http://www.wpb.org)

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

City Administrator Faye W. Johnson  
City Attorney Kimberly Rothenburg  
City Clerk (Interim) Jacqueline Mobley

**City of West Palm Beach  
City Commission  
PASS/FAIL Agenda  
Monday, February 6, 2023  
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.

## 5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

### 6. PROCLAMATION - PRESENTED

- 6.1. Proclaiming February 11-17, 2023 as 211 Awareness Week. The Proclamation is to be accepted by Sharon L'Herrou, President/CEO of 211 Palm Beach and Treasure Coast.

**Originating Department:**  
Mayor's Office

### 7. PRESENTATION - PRESENTED

- 7.1. Update on school activities in District 4 and District 7.

**Originating Department:**  
Mayor's Office

### 8. CONSENT CALENDAR - ALL APPROVED

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

- 8.1. Minutes of the Regular City Commission Meeting of January 9, 2023.

**Originating Department:**  
Mayor's Office

- 8.2. Minutes of the Regular City Commission Meeting of January 23, 2023.

**Originating Department:**  
Mayor's Office

- 8.3. Resolution No. 20-23 accepting a donation from The Fund for West Palm Beach Police in the amount of \$35,500 to fund the purchase and operation of one (1) replacement police narcotics detection canine and one (1) new police explosives National Integrated Ballistic Information Network (NIBIN) detection canine, including vehicle upfitting expenses; and

Resolution No. 21-23(F) accepting a donation of \$35,500 from The Fund for West Palm Beach Police in Fiscal Year 2022-2023 for Police Canine replacement, additions and vehicle upfitting.

**Originating Department:**  
Police

**Ordinance/Resolution:**

RESOLUTION NO. 20-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A DONATION IN THE AMOUNT OF \$35,500 FROM THE FUND FOR WEST

PALM BEACH POLICE, FOR THE REPLACEMENT OF A NARCOTICS DETECTION CANINE AND THE ADDITION OF AN EXPLOSIVES DETECTION CANINE, ALONG WITH VEHICLE UPFITTING FOR THE CANINES AND ASSOCIATED COSTS, FOR USE BY THE WEST PALM BEACH POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 21-23(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 2022/2023 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 PROVIDE APPROPRIATIONS FOR THE RECEIPT OF A DONATION FROM THE FUND FOR WEST PALM BEACH POLICE, FOR THE PURCHASE OF REPLACEMENT AND NEW POLICE CANINES, INCLUDING VEHICLE UPFITTING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

There is an existing collaborative mutual aid effort led by the Palm Beach County Sheriff's Office (PBSO) to collect, analyze, and disseminate ballistic intelligence. The intelligence is centered around the National Integrated Ballistic Information Network (NIBIN). The ballistic intelligence creates investigative leads that are used to combat violent firearms related crimes by the West Palm Beach Police Department (WPBPD), Riviera Beach Police Department (RBPD), Bureau of Alcohol Tobacco and Firearms (BATF), and other surrounding participating law enforcement agencies.

When a firearm is discharged, it leaves a "ballistic fingerprint" on the spent shell casing(s). When the spent shell casing(s) is recovered at a shooting scene, they are placed into evidence for further examination. The shell casing(s) recovered are subsequently entered into NIBIN. The casing(s) is compared against all existing firearm data in the NIBIN database. The NIBIN technology allows a crime lab to match spent shell casing(s) to each other with the goal to identify a specific firearm used to discharge the casing(s) to a firearm. By comparing shell casings from crime scene "A" and casings from crime scene "B", the crime lab can figure out whether these casings came from the same gun. If there is not a match with existing data, the information remains on file in the system for future comparisons.

A team of WPBPD investigators have coordinated a review and follow-up for linked cases contained in a monthly NIBIN leads report within the participating agencies. To enhance evidence collection, a single purpose canine (K-9) has the ability not only to find firearms, but also the shell casings. The WPBPD seeks to acquire a specialized canine for this purpose.

To advance current efforts in violent crime investigations involving firearms, the addition of the single purpose K-9 will greatly enhance the likelihood of recovering valuable evidence. The specialized K-9 will arrive at any shooting scene, canvass the area, and locate not only firearms, but small casings that could be hard to locate by human eyesight. There are numerous challenges to locating spent casings, including but not limited to: darkness, lighting conditions, terrain, or any other circumstance where a casing may be missed by criminal investigators and/or crime scene investigators.

Currently, the WPBPD is reliant on the specialized service as described by utilizing the services of the BATF.

The WPBPD has secured a donation of Thirty-Five Thousand Five Hundred Dollars (\$35,500) from The Fund for West Palm Beach Police to cover the initial costs of acquiring the specialized NIBIN K-9, specialized training, and upfitting/conversion for canine usage of an existing WPBPD vehicle. The donation also includes funds for a replacement narcotic detection K-9 for a current retiring WPBPD canine.

Resolution No. 20-23 accepts the donation and authorizes use for the indicated purposes.

Resolution No. 21-23(F) will recognize the receipt of funds and provide appropriations for canine replacements, additions, and vehicle upfitting.

**Fiscal Note:**

Approval will recognize the receipt of funds and provide appropriations for canine replacements, additions, and vehicle upfitting. FY 2024 budget increase of approximately \$6,021 for new canine expenses.

- 8.4. Resolution No. 16-23 approving submittal of an application to the U.S. Department of Transportation for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) capital grant in the amount of approximately \$8.1 million to fund roadway, sidewalk, and stormwater improvement projects for the Carver, Twin Lakes, and Roosevelt Estates neighborhoods.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 16-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING SUBMITTAL OF AN APPLICATION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR A REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) CAPITAL GRANT IN THE AMOUNT OF APPROXIMATELY \$8.1

MILLION TO FUND THREE (3) ROADWAY, SIDEWALK, AND STORMWATER IMPROVEMENT PROJECTS FOR THE CARVER, TWIN LAKES, AND ROOSEVELT ESTATES NEIGHBORHOODS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City of West Palm Beach is committed to enhancing the quality of life in our neighborhoods by repairing and modernizing the infrastructure and making our roadways safer. The United States Department of Transportation is accepting applications for grants under the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Capital Grant Program. The RAISE program helps communities large and small fix and modernize their infrastructure; and helps with making the transportation systems safer, more accessible, and more sustainable.

The City desires to submit an application for a RAISE capital grant in the amount of approximately \$8.1 million to fund the following projects:

- Carver Neighborhood Improvements: This project consists of sidewalk construction, signage and pavement markings, pedestrian lighting, utility work, minor signal work, widening, minor landscaping, stormwater improvements, as well as milling and resurfacing to incorporate conventional bicycle lanes and construct nine (9) speed humps on 7th Street, 8th Street, 9th Street, 10th Street, 11th Street, and Windsor Avenue, as well as a raised-table intersection by Carver Avenue and 7th Street.
- Twin Lakes Neighborhood Improvements: This project consists of sidewalk reconstruction, signage and pavement markings, utility work, stormwater improvements, minor landscaping improvements (root pruning), milling and resurfacing as well as constructing five (5) speed humps on Abraham Avenue, 10th Street, and Booker Avenue.
- Roosevelt Estates Neighborhood Improvements: This project consists of sidewalk reconstruction, signage and pavement markings, utility work, stormwater improvements, road reconstruction, as well as milling and resurfacing to construct nine (9) speed humps on 8th Street, 9th Street, 9th Court, 10th Street, 11th Street, 11th Court, and Handy Avenue. Additionally, repurposing Palm Beach Lakes Service Road to be a "complete street" from the Golf Canal to N. Australian Avenue is also part of the enhancements for this area, including stormwater, sanitary sewer, and incidental water improvements.
- Golf Avenue Pedestrian Improvements: This project proposes the construction of ADA compliant ramps and sidewalks and improvements to the existing pedestrian bridge over the Golf Canal

(Westward Park). The intersection improvements will include enhanced pedestrian crosswalks (colored textured asphalt) and the appropriate stripping; as well as roadway reconstruction of Golf Avenue and utility work as needed (drainage, sanitary sewer replacement/lining, and water main replacement).

The RAISE capital grant provides 80/20 funding, where USDOT would provide 80% of the funding, and the City would provide 20%. Total project cost is: \$10,169,884. Requested grant amount is: \$8,135,907. City match total is: \$2,033,977. Breakdown of City match that is already budgeted: \$500,000 from One-Cent Sales Tax Capital Improvements; \$500,000 from Stormwater R&R Improvement Fund; \$1,033,977 from Capital Acquisition fund.

Should the City be awarded this RAISE grant, the match funding would come from the following budgeted Capital accounts:

- \$500,000 from 325.042100.541.500630.30846772 - Roosevelt Estates Sidewalks (One-Cent Sales Tax);
- \$500,000 from 485.041750.541.500630.92060813 - Palm Beach Lakes Service Road Improvements (Stormwater R&R); and
- \$1,033,977 from 304.042100.541.500630.20146719 - Palm Beach Lakes Service Roads (Capital Acquisition Fund).

The grant funding year is 2023; funds must be obligated by September 30, 2027 and expended by September 30, 2032.

Resolution No. 16-23 authorizes submittal of the grant application.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

Total project amount is \$10,169,884. Grant funding of \$8,135,907. City match of \$2,033,977 will be covered as follows: \$500,000 from One-Cent Sales a Tax Capital Improvements Budget; \$500,000 from Stormwater R&R Improvements budget, and \$1,033,977 from Capital Acquisition Fund budget.

- 8.5. Resolution No. 22-23 approving submittal of an application to the United States Department of Transportation for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) planning grant in the amount of approximately \$2.2 million to fund pre-construction and planning activities for the North Tamarind Corridor Revitalization Planning Project.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 22-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR A REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY PLANNING GRANT, REQUESTING APPROXIMATELY \$2,200,000 FOR THE NORTH TAMARIND CORRIDOR REVITALIZATION PLANNING PROJECT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City of West Palm Beach is committed to enhancing the quality of life in our neighborhoods by repairing and modernizing the infrastructure and making our roadways safer. The United States Department of Transportation is accepting applications for discretionary grants under the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program. The RAISE program helps communities large and small fix and modernize their infrastructure; and helps with making the transportation systems safer, more accessible, and more sustainable.

The City desires to submit an application for a RAISE planning grant in the amount of approximately \$2.2 million to fund the cost of procuring specialized consultant subject matter experts to perform necessary pre-construction and planning activities needed to address surface transportation, infrastructure improvements, and public safety needs for the North Tamarind Corridor Revitalization Planning Project.

The award will fund design and engineering expenses associated with the following activities: engineering plans to bury power and cable lines; design work to improve stormwater management and provide localized flooding relief; design work and corresponding engineering plans for a pedestrian bridge over an active railroad, as well as gates and corresponding safety measures at the 15th Street grade crossing; planning for the integration of the railroad operating systems with the traffic management systems; planning for installation and deployment of a broadband network concurrent with project construction; design work for a master plan of project area; green infrastructure planning to increase green spaces and use soils and vegetation to manage stormwater; design work to improve pedestrian and bicycle safety through shared bike lanes, sidewalks, clearly marked bicycle and pedestrian facilities, and improved intersection crossings; planning for traffic calming measures and smart traffic signals; and landscape design for green barriers to buffer sidewalks from existing railroad tracks.

Due to the project area's location designation, a hard match of twenty percent is not required.

The grant funding year is 2023; funds must be obligated by September 30, 2027 and expended by September 30, 2032.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

Grant application for approximately \$2.2 million in funding. The City may provide leveraged funds from Coleman Park funds 309.070600.572.500630.12338011 and 309.070600.572.500640.12338011.

- 8.6. Resolution No. 25-23(F) provides appropriations of \$250,000 in FY 2022/2023 from the ArtLife WPB Capital Project Fund Reserves account to fund the commission of Portals by Fred Eversley.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 25-23(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 2022/2023 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE ARTLIFE WPB CAPITAL PROJECT FUND TO PROVIDE APPROPRIATIONS OF \$250,000 FOR A PUBLIC ART PROJECT: PORTALS BY FRED EVERSLEY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City Commission approved Resolution No. 224-22 on December 12, 2022, which included an agreement with RUD 1 Flagler, LLC for the acceptance of a large scale Public Art installation "Portals" by Fred Eversley as an addition to the City's Public Art collection to be installed in the open public space at One Flagler.

Resolution No. 25-23(F) provides appropriations of \$250,000 in FY 2022/2023 from the ArtLife WPB Capital Project Fund Reserves account to fund the commission of Portals by Fred Eversley. This artwork will be included as part of the One Flagler development under construction at this time.

Commission District 3: Commissioner Christy Fox.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Approval will provide appropriations of \$250,000 in FY 2022/2023 from the ArtLife WPB Capital Project Fund Reserves account to fund the commission of Portals by Fred Eversley. The Reserve balance after approval will be \$2,583,806.

- 8.7. Resolution No. 37-23 approving an interlocal funding agreement between the West Palm Beach Community Redevelopment Agency and the City of West Palm Beach for funding Phase 1 of the City's Banyan Parking Garage Redevelopment study, not to exceed \$76,500.

**Originating Department:**

Community Redevelopment Agency

**Ordinance/Resolution:**

RESOLUTION NO. 37-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH APPROVING A FUNDING INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE FUNDING OF CONSULTING SERVICES FOR THE REDEVELOPMENT OF THE BANYAN GARAGE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The Banyan Garage is located at 200 Banyan Boulevard and services approximately 400 public parking spots and storage for community events.

Amendment No. 17 to the Strategic Finance Plan for the Downtown/City Center CRA District identifies the redevelopment of the Banyan Garage as a project goal for the Downtown Core area.

On April 26, 2021, staff presented to the CRA Board a proposal to begin the necessary steps to investigate the redevelopment of the Banyan Garage (Garage). The Garage was built over thirty (30) years ago and is a candidate site for redevelopment.

After conducting a procurement for real estate consulting, three (3) firms were identified to assist the City with strategic real estate redevelopment initiatives in order to provide guidance to staff and the City Commission. The three (3) firms identified include: (1) Concourse Group, (2) JLL, and (3) BDO. Concourse group was selected for this Garage project.

Concourse Group's scope of work for the garage project is broken into three (3) phases should the City Commission choose to move forward. Phase 1 is the due diligence phase which includes options on the types of project that can be pursued. After review of the information, the City Commission can choose to move onto Phase 2, which would include the drafting of a formal public solicitation for redeveloping the garage.

Assuming the City Commission selects a developer at the conclusion of Phase 2, Phase 3 would include assisting staff in the negotiation of a development agreement. The City has requested that the redevelopment project for the garage be formed in a manner that utilizes private sector financing and expertise. Because a Public Private Partnership (P3) model may be desired for the garage project, it is critical to have a consulting firm familiar with P3's work with the City each step of the way to ensure a proper project, process and long-term agreement are conducted to maintain the interest of the City.

The Interlocal Agreement requires the approval of the City Commission to proceed with the next phase and the appropriation of sufficient funds by the CRA Board, before proceeding with each subsequent phase of consulting services.

The CRA has allocated \$76,500 for Phase 1 of this project. Should the City Commission desire to move onto Phase 2, the CRA will include the cost for in the Fiscal Year 2023-2024 budget, which will be presented in August 2023.

The CRA companion item is Resolution No. 23-4, which approves the Funding Interlocal Agreement.

Commission District 3: Commissioner Christy Fox.

- 8.8. Resolution No. 7-23 amending the restrictive covenant between SHP VI Datura West Palm Owner LLC (formerly IVY at Clematis, LLC) and the City of West Palm Beach for the property located at 445 Datura Street (formerly 401 Datura Street).

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 7-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FURTHER AMENDMENT TO THE AMENDED AND RESTATED RESTRICTIVE COVENANT BETWEEN SHP VI DATURA WEST PALM OWNER, LLC (FORMERLY IVY AT CLEMATIS, LLC) AND THE CITY OF WEST PALM BEACH, FOR THE PROPERTY LOCATED AT 445 DATURA STREET (FORMERLY 401 DATURA STREET); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On December 2, 2019, the City Commission approved Resolution No. 385-19 amending and restating a restrictive covenant between Ivy at Clematis, LLC and the City of West Palm Beach for a property located at 401 Datura Street (now 445 Datura Street). The amended and restated restrictive covenant required the Developer to:

- i. Construct a building a minimum of five (5) stories in height;
- i. All floors above the ground floor of the building shall be residential units;
- ii. Developer will provide a total of 31 public parking spaces on site (26 spaces inside the parking garage and 5 on-street). The City will be entitled to all the revenues from these spaces; and
- iii. Developer will design, construct, and maintain an access controlled and air-conditioned room for the City's trash compactors for the use of the businesses on the 400 block of Clematis.

The Developer is completing the 8-story residential project and is requesting an amendment to the parking provisions of the agreement. The proposed change includes a modification on the location of the public parking spaces by reducing the number of on-street parking spaces from five (5) to four (4), but increasing the number of parking spaces inside the parking garage from twenty-six (26) to twenty-seven (27).

The remaining provisions of the agreement are maintained in place.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 8.9. Resolution No. 12-23 approving an Historic Ad Valorem Tax Exemption, Completed Work Application for the property located at 3215 Vincent Road.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 12-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN HISTORIC AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 3215 VINCENT ROAD, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the December 21, 2022 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (6-0) of the Completed Work Application for the property at 3215 Vincent Road.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10)

year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within a historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include an approximately 143 square foot addition to the primary structure and an approximately 302 square foot addition to the accessory structure, plus all new windows and doors and interior rehabilitation. The owner estimates the project costs at \$650,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval, the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

Commission District 5: Commissioner Christina Lambert.

## 9. PUBLIC HEARING - ALL APPROVED

- 9.1. Public Hearing and Second Reading of Ordinance No. 5029-22 approving an Agreement for Purchase and Sale of 8111 South Dixie Highway to Woodfield-Flagler Venture, LLC, a joint venture entity created by Flagler Realty and Development, Inc., and Woodfield Development Company.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

ORDINANCE NO. 5029-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY WITH WOODFIELD-FLAGLER VENTURE, LLC, FOR THE SALE OF CITY PROPERTY LOCATED AT 8111 SOUTH DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5029-22 on Second Reading.

The Ordinance must be approved by four (4) Commissioners at either First or Second Reading. First Reading was held on Monday, January 23, 2023 and received unanimous approval by the City Commission.

**Background Information:**

By Resolution No. 220-20, the City Commission made a determination of surplus of property located at 8111 South Dixie Highway and authorized City staff to develop an invitation to negotiate proposals for the purchase or lease and development of 8111 South Dixie Highway for a development of significant impact and prominence that will maximize the development potential of the site and act as a catalyst for additional development and positive economic impact for the City's south end, as well as provide a noticeable gateway to the City.

In accordance with Invitation to Negotiate (ITN) 20-21-503, the City of West Palm Beach Commission selected Flagler Realty & Development, Inc., in joint partnership with Woodfield Development Company (as a joint venture, Woodfield-Flagler Venture LLC), as the developer with whom agreement(s) for the development and sale of City-owned property located at 8111 South Dixie Highway will be negotiated.

By way of Resolution No. 169-22, the City Commission authorized execution of a Term Sheet setting the material terms for the transaction.

City staff and the Developer have negotiated the following final terms and conditions for approval by the City Commission:

- Project: The development will be a mixed-use project that will incorporate residences, grocery store, retail, public space, and parking in accordance with a concept plan approved by the City and consisting of: residential - up to 210 dwelling units/32.27 units per acre; mix of studio and 1, 2, and 3 bedroom units; structured parking and amenity deck; grocery store tenant; retail – smaller businesses; and a gateway plaza.
- Workforce Housing: 25% of the residential units (52 units) shall be workforce housing, structured as follows: 25% (13 units) for qualified residents at 60% Area Median Income (AMI); 25% (13 units) for qualified residents at 80% AMI; and 50% (26 units) at 100% AMI. Workforce housing shall be restricted by restrictive covenant for a period equal to the useful life of the residential portion of the project commencing from occupancy by the first tenant, but not less than forty (40) years.
- Grocery Store: Within 120 days after execution of the agreement, the Developer will be required to provide the City with evidence of the commitment by a grocery store tenant. In the event that the Developer cannot obtain commitment from a grocery store tenant, the Developer would be permitted to divide the grocery store space into two (2) retail buildings.

- Purchase Price: Upon issuance of a temporary or final certificate of occupancy for the project, the Developer will purchase the Property from the City for the total sum of Ten Million Five Hundred Thousand Dollars (\$10,500,000). The purchase price offered by Flagler Realty complies with the requirements of the Code of Ordinances, and by Resolution No. 169-22. The City Commission has accepted the purchase price.
- Lease During Construction/Lease Payment: In order to ensure that the agreed Project is constructed, the Developer will lease the property from the City until completion of construction. Rent for the lease will be in the amount of Two Million Dollars (\$2,000,000) to be paid within ten (10) days of execution of the Purchase and Sale Agreement. The lease payment will be credited toward the purchase price. The lease payment shall be refunded should the Agreement be terminated due to factors not within the control of the Developer. Any refund of the lease payment shall be in full, but shall be made in installment payments of Five Hundred Thousand Dollars (\$500,000) each over four (4) fiscal years of the City.
- Concept Plan: No later than six (6) months after execution of the Agreement, the Developer shall submit to the City for approval by the City Commission, in its proprietary capacity as property owner (and not in its regulatory capacity), a final Concept Plan for the Project.
- Small and Minority Business Participation: The Developer shall engage no less than twenty-four percent (24%) of its contractors and subcontractors from small businesses and minority/women-owned businesses certified by the City.
- Local Workforce Plan: Developer shall obtain the City's written approval of its Local Workforce Plan detailing its plan to inform and hire at least fifteen percent (15%) of its on-site workforce from City residents.
- Construction Schedule: Completion of the project is projected for June 2026, subject to force majeure, with a one-time right to extend the time by six (6) months.
- Mineral Rights: Section 270.11, Florida Statutes, provides that unless the City chooses not to reserve its interest, deeds for the sale of land shall reserve to the City an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land; and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same. The City has no indication that any such

minerals exist on the property and has no intent to enter the property to mine for minerals.

The Purchase and Sale Agreement is provided with this agenda item, which provides a detailed description of the terms and conditions that were negotiated among all parties.

Section 2-31 of the City Code of Ordinances provides that the Purchase and Sale Agreement is subject to approval of the City Commission by Ordinance, which requires approval at two (2) readings of the approving Ordinance. One such vote must be by super majority of the City Commission.

First Reading was held on Monday, January 23, 2023 and received unanimous approval by the City Commission.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Anticipated revenue of \$10,500,000 upon closing of the property sale.

- 9.2. Public Hearing and Second Reading of Ordinance No. 5034-23: A City initiated renaming of "Iris Street" to "Alexander W. Dreyfoos Way" located east of South Tamarind Avenue and west of South Sapodilla Avenue, between Okeechobee Boulevard and Fern Street.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

ORDINANCE NO. 5034-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RENAMING A STREET, KNOWN AS "IRIS STREET" TO "ALEXANDER W. DREYFOOS WAY"; WHICH IS LOCATED EAST OF SOUTH TAMARIND AVENUE AND WEST OF SOUTH SAPODILLA AVENUE, AND BETWEEN OKEECHOBEE BOULEVARD AND FERN STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5034-23 pursuant to Section 177.142, Florida Statutes.

**Background Information:**

The Alexander W. Dreyfoos School of the Arts Foundation, Raymond F. Kravis Center for the Performing Arts, West Palm Beach City Commission and the Mayor recognize the extraordinary contributions that Alexander W. Dreyfoos has made to the local community.

The City of West Palm Beach Mayor and City Commission initiate this name change of "Iris Street" to "Alexander W. Dreyfoos Way", which is located east of South Tamarind Avenue and west of South Sapodilla Avenue, between Okeechobee Boulevard and Fern Street, in recognition of the extraordinary contributions of Alexander W. Dreyfoos.

Alexander W. Dreyfoos (hereinafter "Mr. Dreyfoos") born in 1932 and holding a Bachelor of Science degree from the Massachusetts Institute of Technology (MIT, 1954) and a Master of Business Administration degree from Harvard Business School (1958), is a resident of West Palm Beach, Academy Award winner, inventor, cultural catalyst, philanthropist, husband, and father. From 1973 to 1996, Mr. Dreyfoos owned WPEC TV-12, the CBS television affiliate in West Palm Beach. From 1977 until its sale in 2004, Mr. Dreyfoos, as Chairman and owner of "The Dreyfoos Group", owned and operated The Sailfish Marina, a marina-restaurant-motel in Palm Beach Shores, docking one of the largest charter fishing fleets in South Florida.

Mr. Dreyfoos was the driving force behind Palm Beach County's cultural jewel and world-class performing arts center, The Raymond F. Kravis Center for the Performing Arts, a \$67 million, 2,189-seat multipurpose facility that opened fully funded in September 1992 with the Concert Hall named in his honor. Mr. Dreyfoos was also instrumental in the formation of the Cultural Council, Scripps Research Institute, and Max Planck Institute of Neuroscience in Palm Beach County.

In 1997, Mr. Dreyfoos made the largest private contribution ever made to a public school in Florida, when he pledged \$1,000,000 to support Palm Beach County's public arts magnet high school, which was subsequently named for him. Mr. Dreyfoos has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's wellbeing and long-term quality of life.

The City Commission of the City of West Palm Beach, Florida is the governing body of the City and has plenary authority of the roads, alleys, and rights-of-way within the City street system. Pursuant to Sec. 177.142, Florida Statutes, allowing a local governing body to rename a platted street by Ordinance, the City desires to rename "Iris Street" to "Alexander W. Dreyfoos Way" in recognition of the extraordinary contributions by Mr. Dreyfoos.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 9.3. Public Hearing and First Reading of Ordinance No. 5031-23 authorizing the conveyance of the 25-foot strip portion of 500 Clematis to NL 512 LLC and approving the Agreement for Purchase and Sale of a Portion of 500 Clematis Street for Workforce Housing among NL 512, LLC, the West Palm Beach Community Redevelopment Agency, and the City of West Palm Beach.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

ORDINANCE NO. 5031-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SALE OF A PORTION OF 500 CLEMATIS STREET; APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF A PORTION OF 500 CLEMATIS STREET FOR WORKFORCE HOUSING AMONG NL 512 LLC, THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY, AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5031-23 on First Reading.

The Ordinance must be approved by four (4) Commissioners at either First or Second Reading.

Second Reading is scheduled for Tuesday, February 21, 2023.

**Background Information:**

On Tuesday, September 6, 2022, the City of West Palm Beach Commission approved Resolution No. 240-22, which determined that portion of City property located at the corner of Quadrille Plaza Drive and Clematis Street was not needed for City purposes, declared the property as surplus, and authorized the conveyance of the property through negotiation of the sale with NL 512, LLC.

As directed by the resolution, the Developer, and City and Community Redevelopment Agency (CRA) staff have negotiated conveyance of the 25-foot wide strip of land to the Developer, along with a tax increment refund from the CRA, as incentives for designating 15% of the project residential units as workforce housing. Specifically, City staff and the Developer have negotiated a Purchase and Sale Agreement with the following material terms:

- Project: The Developer will design, develop, and construct a mixed-use project at 512 Clematis Street utilizing the property, including: Eighty-eight (88) residential units and approximately 4,280 square feet of retail space.

- Workforce Housing: The Developer has agreed that fifteen percent (15%) of the residential units (a total of 13 units) shall be restricted as workforce housing for qualified residents at 100% AMI or less. The workforce housing units will remain subject to occupancy only by eligible households for twenty (20) years.
- Purchase Price: In consideration of the creation of workforce housing, the purchase price is Ten Dollars (\$10); however, in the event that Developer does not construct the workforce housing Project in accordance with the terms and conditions of this Agreement, or fails to Commence Vertical Construction of the Project within nine (9) months of the issuance of the building permit, the Developer agrees to pay to City the appraised value of the Property at Five Hundred Thousand Dollars (\$500,000).
- Mineral Rights: Section 270.11, Florida Statutes, provides that unless the City chooses not to reserve its interest, deeds for the sale of land shall reserve to the City an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals and metals that are or may be in, on or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on or under said land with the privilege to mine and develop the same. The City has no indication that any such minerals exist on the property and has no intent to enter the property to mine for minerals.
- Tax Refund: The CRA agrees to pay or refund to the Developer, on an annual basis, from Legally Available Funds, a TIF Refund incentive equal to Fifty Percent (50%) of the tax increment revenue generated by the Project for a term of fifteen (15) years, not to exceed One Million Two Hundred Thousand Dollars (\$1,200,000).
- Community Benefits: The Developer will utilize best commercial efforts to pre-market the Project's Restricted Units to employees of the City of West Palm Beach no later than sixty (60) days prior to marketing the Project's rental units to the general public. The Developer shall utilize best efforts to work with the City to distribute the marketing materials to the prospective tenants.

The Purchase and Sale Agreement is provided with this agenda item, which provides a detailed description of the terms and conditions that were negotiated among all parties.

Section 2-31 of the City Code of Ordinances provides that the Purchase and Sale Agreement is subject to approval of the City Commission by Ordinance, which requires approval at two (2) readings of the approving

Ordinance. One such vote must be by super majority of the City Commission

The CRA companion item is Resolution No. 23-1.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

Purchase price is Ten Dollars (\$10); however, in the event that the Developer does not construct the workforce housing project in accordance with the terms and conditions of this Agreement, or fails to Commence Vertical Construction of the Project within nine (9) months of the issuance of the building permit, the Developer agrees to pay to the City the appraised value of the Property at Five Hundred Thousand Dollars (\$500,000).

**10. COMMENTS FROM THE PUBLIC**

Public comments are limited to 3 (three) 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.

**11. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS**

**12. 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.