



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  
DRAFT Agenda  
Tuesday, February 21, 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**

- 6.1. Proclaiming February 2023 as Black History Month.

**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. Resolution No. 296-22 accepting a Cooperative Funding grant from the South Florida Water Management District in the amount of \$31,250 to be used to fund a Community Water Conservation Program related to water efficient fixtures (High Efficiency Toilet Voucher); and

Resolution No. 297-22(F) providing budget appropriations in the Water and Sewage Systems Revenue Fund.

**Originating Department:**  
Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 296-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A COOPERATIVE FUNDING PROGRAM WATER CONSERVATION GRANT IN THE AMOUNT OF THIRTY-ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$31,250) FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE COMMUNITY WATER CONSERVATION MEASURES PROJECT - PHASE VIII (HIGH EFFICIENCY TOILET VOUCHER); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 297-22(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 WATER AND SEWAGE SYSTEMS REVENUE FUND BUDGET TO RECOGNIZE A GRANT FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND TO PROVIDE APPROPRIATIONS FOR THE COMMUNITY WATER CONSERVATION MEASURES PROJECT - PHASE IX (HIGH EFFICIENCY TOILET VOUCHER); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

This is the eighth (8th) grant that the City of West Palm Beach Office of Sustainability has partnered with South Florida Water Management District (SFWMD) to provide water conservation opportunities to City of West Palm Beach Water Utility customers. The HET (High Efficiency Toilet Voucher) program has been very successful and positive as it not only provides for

demand side management of water conservation for the Public Utilities Department, but also saves participants money now, and in the long term, with the water use reductions. The Community Water Conservation Measures Project - Phase VIII HETs agreement provides \$31,250 in matching funds from SFWMD for the distribution of a minimum of 400 residential and 100 commercial high efficiency toilets. The funding covers project implementation costs incurred and expended during the period of July 1, 2021 to October 31, 2024.

Application for the grant was authorized by Resolution No. 33-21.

Resolution No. 296-22 accepts the grant and authorizes execution of the grant agreement.

Resolution No. 297-22(F) amends the Water and Sewage Systems Revenue Fund Budget to recognize a grant from South Florida Water Management District and provides appropriations for the Community Water Conservation Program. The Fiscal Year 2023 Water and Sewage Systems Revenue Fund Sustainability budget includes the \$31,250 City match.

**Fiscal Note:**

Matching funds of \$31,250 required. Revenue Account: 450-097225-000-337306-92474008.

- 7.2. Resolution No. 48-23 ratifying the submittal of an application to the Department of Homeland Security, Federal Emergency Management Agency for a grant under the Assistance to Firefighters Grant Program 2022 requesting funding in the amount of \$398,877 to be used to provide a wellness/fitness program for Firefighters.

**Originating Department:**

Fire

**Ordinance/Resolution:**

RESOLUTION NO. 48-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY FOR A GRANT UNDER THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM 2022 REQUESTING FUNDING IN THE AMOUNT OF \$398,877 TO BE USED TO PROVIDE A WELLNESS/FITNESS PROGRAM FOR FIREFIGHTERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City of West of Palm Beach Fire Department is seeking ratification of its submittal of an application to the Department of Homeland Security for a grant under the Assistance to Firefighters Grant Program (AFG). These

grants are given to support and enhance the fire safety of the public and responding firefighters.

The West Palm Beach Fire Department intends to utilize the funds from this grant to provide a formal wellness / fitness program for firefighters to reduce injury and illness. This comprehensive program seeks to improve fitness, reduce injury, and improve the mental health of our firefighters.

There is a 10% match required for this grant that will come from the Fire Assessment Fee Fund. The grant funding requested is \$398,877 with a match of \$39,887 for a total project cost of \$438,764.

Resolution No. 48-23 ratifies the submittal of the grant application to the Department of Homeland Security. If awarded, the grant agreement and a financial resolution will be brought back to the Commission for approval.

**Fiscal Note:**

The federal share of the grant is \$398,877 with a required match of \$39,887.

- 7.3. Resolution No. 49-23 granting a footer easement within Chase Street to RUD 1 Flagler, LLC for the One Flagler project.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 49-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A FOOTER EASEMENT AGREEMENT BY AND BETWEEN RUD 1 FLAGLER LLC AND THE CITY OF WEST PALM BEACH RELATED TO THE "ONE FLAGLER" PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On May 12, 2021, Related Urban Development L.P. received DAC Final Order of Approval for their "One Flagler" project at Flagler Drive between Okeechobee Boulevard and Lakeview Avenue.

In order to excavate for below grade foundations, support pilings were required around the perimeter, and a portion of the support pilings will encroach into the right-of-way of Chase Street.

Approval of Resolution No. 49-23 will allow for the construction, repair, and maintenance of the footers.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

**8. RESOLUTIONS**

- 8.1. Resolution No. 36-23(F) amending the Fiscal Year 2022/2023 General Fund budget to recognize parking meter donation of \$6,180 for Martin Luther King Jr. Day, January 16, 2023, and appropriating the funds for a donation to the Martin Luther King Jr. Caregivers.

**Originating Department:**

Parking

**Ordinance/Resolution:**

RESOLUTION NO. 36-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN THE 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 RECOGNIZE PARKING METER REVENUES AND PROVIDE APPROPRIATIONS FOR A DONATION TO MARTIN LUTHER KING JR. CAREGIVERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 36-23(F).

**Background Information:**

Resolution No. 36-23(F) appropriates the Parking Meter Donations from the Martin Luther King Jr. (MLK) holiday to the Martin Luther King Jr. Caregivers. The Martin Luther King Jr. Caregivers are volunteers who provide assistance to the frail, elderly, and homebound in the inner City of West Palm Beach. This program began in 1996 and continues to provide much needed assistance.

A donation of \$6,180 is awarded to the Martin Luther King Jr. Caregivers program for the 2023 MLK Jr. holiday.

**Fiscal Note:**

Approval recognizes donation proceeds and provides appropriations for Martin Luther King Jr Caregiver programming.

## 9. PUBLIC HEARING

- 9.1. Public Hearing and Second 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.

The Ordinance must be approved by four (4) Commissioners at either First or Second Reading. First Reading was approved unanimously on Monday, February 6, 2023.

**Background Information:**

On Tuesday, September 6, 2022, the City of West Palm Beach Commission approved Resolution No. 240-22, which determined that a 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. First Reading was approved unanimously on Monday, February 6, 2023.

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. PUBLIC HEARING - QUASI-JUDICIAL**

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

- 10.1. Resolution No. 18-23: A request by Brian M. Seymour, Esq., of Gunster, on behalf of Flagler Assemblage for the abandonment of an approximately 0.07-acre (3,225 square feet) portion of a 15-foot wide platted alley generally located north of Pine Street, between North Flagler Drive and North Dixie Highway in the amount of \$575,000; and

Resolution No. 52-23(F) authorizes the amendment of the General Fund budget to recognize abandonment proceeds of \$575,000 and provide appropriations for City Hall sealing, building repairs, and contingency.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 18-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING AN APPROXIMATELY 0.07 ACRE (3,225 SQUARE FEET) PORTION OF A 15-FOOT WIDE PLATTED ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 11, BLOCK 1, PINWOOD TERRACE; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY; ACCEPTING AN ACCESS EASEMENT TO PROVIDE CONNECTION TO THE STREET NETWORK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 52-23(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 RECOGNIZE ABANDONMENT PROCEEDS AND PROVIDE APPROPRIATIONS FOR CITY HALL SEALING, BUILDING REPAIRS, AND CONTINGENCY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 18-23 and Resolution No. 52-23(F).

**Background Information:**

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

On December 20, 2022, the Planning Board approved the Special Review for the first major redevelopment project under the new development regulations for the Currie Mixed Use District (CMUD), pursuant to Section 94-31(b)(3)(p) and (r) of the City's Zoning and Land Development Regulations (ZLDRs). The redevelopment project, generally located on the west side of North Flagler Drive, between Butler Street and Pine Street, and comprised of 458 residential units and 31,570 square feet of ground level commercial, is known as the Olara project.

Since the approval of the Special Review by the Planning Board, the Developer has proceeded with other applications that are necessary components of the Olara project. This particular application is for the partial abandonment of an existing 15-foot wide platted alley generally located on the north side of Pine Street, between North Flagler Drive and North Dixie Highway. The partial abandonment of the existing alley is necessary to assemble the parcels that make up the ±3.32-acre site for the Olara project. The portion of the alley considered for the abandonment consists of 3,225 square feet (0.07 acres) and is located adjacent to Lot 11, Block 1 in the Plat of Pinewood Terrace, as recorded in Plat Book 2, Page 3 of the public records of Palm Beach County.

Although the existing alley provides a continuous connection to the surrounding street network, the alley has limited function, as it operates as an alternative route for waste collection services and provides access to parking in the rear for some abutting properties. The portion of alley considered for the abandonment directly abuts only the properties owned by the applicant and does not negatively impact the service route or access for the properties requiring rear access through the alley. Additionally, existing utilities within the portion of the alley considered for the abandonment will be relocated with the development of the Olara project. To compensate for the proposed abandonment and to maintain a continuous connection to the street network, the applicant will provide an access easement through the Olara project site.

**COMPENSATION TO THE CITY:** The applicant has agreed to compensate the City in the amount of \$575,000 as the value for partial alley abandonment, as estimated by an appraisal conducted by Anderson & Carr, Inc., dated September 20, 2022.

**STANDARDS:** Staff has found the requested abandonment complies with the abandonment criteria of Section 78-217 of the City's Code of Ordinances.

**PLANNING BOARD:** Per Section 94-31(b)(3)(s) of the ZLDRs, the Planning Board is required to review and provide a recommendation for the abandonment of any proposed City-owned rights-of-way or alleys located within a mixed-use district to the City Commission. The Planning Board unanimously recommended approval (6-0) of the proposed abandonment to the City Commission after a Public Hearing on December 20, 2022.

**PUBLIC NOTICE:** Pursuant to the requirements of Section 78-215(b) of the Code of Ordinances, individual notices were mailed to all property owners within 400 feet of the subject right-of-way and signs were also posted in the vicinity of the subject right-of-way on January 13, 2023.

Resolution No. 18-23 approves the abandonment of the subject alley conditioned upon receipt, within twelve (12) months of: (1) an executed Access Easement; and (2) the \$575,000 compensation.

Resolution No. 52-23(F) authorizes the amendment of the General Fund budget to recognize abandonment proceeds of \$575,000 and provide appropriations for City Hall sealing, building repairs, and contingency.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

Approval authorizes the amendment of the General Fund budget to recognize abandonment proceeds of \$575,000 and provide appropriations for City Hall sealing, building repairs, and contingency.

## 11. 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.

## **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.