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

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

City of West Palm Beach
City Commission
DRAFT Agenda
Monday, June 24, 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. PRESENTATION

- 6.1. Palm Beach County Commission on Ethics overview presentation by S. Lizabeth Martin.

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. 125-24(F) appropriating \$150,000 from the Art in Public Places (AIPP) Reserves for Future Projects to implement The Commons project, a local artists initiative.

Originating Department:
Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 125-24(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 ARTLIFE WPB CAPITAL PROJECT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE COMMONS, A LOCAL ARTISTS INITIATIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On May 1, 2024, the ArtLife Committee voted unanimously to recommend to the City Commission the allocation of \$150,000 to initiate The Commons project, which is a local artists initiative that provides an opportunity for artists who reside in Palm Beach County to create new artworks in the public realm.

The third iteration of The Commons project will provide selected local artists to take their art practice from their studio and create original works in our "common" spaces. Five (5) multi-disciplinary artists will be commissioned to create temporary artworks for The Commons: 5 Artists 5 Spaces 2025 project.

The total budget is \$150,000.

The ArtLife Committee will review all qualifying submissions and select

ten (10) artists to create conceptual proposals for the ArtLife Committee's review. Compensation will be \$500 per selected artist for their completed proposals.

Of the ten (10) artists, the Committee will select five (5) final artists for The Commons. Each selected artist will receive up to \$25,000 each to realize their project. Each commission will include a not-to-exceed \$5,000 artist fee with the remaining balance for design, materials, build, installation, insurance, etc. The remaining funds from the total project budget will cover any necessary incidentals.

Resolution No. 125-24(F) allocates \$150,000 for the third iteration of The Commons: 5 Artists 5 Spaces: A local artists initiative.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Approval of this item appropriates funding in the amount of \$150,000 to implement The Commons project, a local artists initiative.

- 7.2. Resolution No. 113-24 approves a Conditional Settlement totaling \$185,000 in the matter of Frank Grant, Jr. vs. the City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 113-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$185,000 IN THE MATTER OF FRANK GRANT, JR. VS. THE CITY OF WEST PALM BEACH, FILED IN THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA, CASE NO. 50-2023-CA-000217-XXXXMB AH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Frank Grant, Jr. filed a complaint in the Fifteenth Judicial Circuit of Florida for damages stemming from an accident which occurred on January 13, 2022, to wit: FRANK GRANT, JR. vs. CITY OF WEST PALM BEACH in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Case No. 50-2023-CA-000217-XXXXMB AH.

The City has reached a settlement agreement with Frank Grant, Jr. and his attorney to resolve the matter for a total of \$185,000. The plaintiff signed a general release that releases the City from all claims arising from this accident, which resolves all of the claims for damages, including

attorneys' fees and costs, against the City of West Palm Beach.

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

Resolution No. 113-24 approves the Conditional Settlement Agreement.

- 7.3. Resolution No. 134-24 authorizing the assessment of City liens in the total amount of \$92,839.60 for unpaid water service, sewer service, and stormwater charges for the month of March 2024.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 134-24: 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 MARCH 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. 134-24 are for unpaid water service, sewer service, and stormwater service charges for the month of March 2024.

The list of properties to be assessed and the associated charges totaling \$92,839.60 are provided in Resolution No. 134-24 as EXHIBIT A - Utility Lien List - March 2024.

Fiscal Note:

No fiscal impact.

- 7.4. Resolution No. 136-24 approving an Interlocal Agreement with Palm Beach County allowing the West Palm Beach Police Department to access CCTV security cameras at the Palm Beach County Convention Center.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 136-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY TO PROVIDE THAT THE COUNTY WILL SHARE WITH THE CITY VIDEO FEEDS FROM THE COUNTY'S SECURITY CAMERAS AT THE CONVENTION CENTER; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Background Information:

The Palm Beach County Convention Center is owned by the Palm Beach County Government and operated by the Oak View Group also known as OVG 360. The convention center is approximately 350 thousand square feet of exhibit and meeting space with an additional 8-story parking facility with approximately 2,000 parking spaces. The convention center is located within the West Palm Beach city limits in the downtown area. The convention center, being in the city limits, enjoys the public safety services of the West Palm Beach Police Department (WPBPD) and the West Palm Beach Fire Rescue (WPBFR).

This interlocal agreement will provide the WPBPD Real Time Crime Center (RTCC) access to the internal and external security cameras at the convention center. Access to the camera system will increase the ability to deliver public safety services to patrons, guests, and employees of the convention center. Additionally, access to the camera system will increase officer safety to first responders in the event of a call for service and allow real time monitoring of the property. This access will facilitate public safety response to incidents at the convention center. In the event of an emergency at the center, the RTCC will be able to review activity at the convention center, as officers are responding, increasing safety, and helping to quickly locate the source of an incident.

The convention center hosts numerous events during the year, including several high-security events involving VIP guests.

Fiscal Note:

No fiscal impact.

- 7.5. Resolution No. 137-24 approving a monthly parking pass agreement between SHP VI Datura West Palm Owner LLC and the City of West Palm Beach for twenty-seven (27) public parking spaces in the private parking garage at 445 Datura Street.

Originating Department:

Parking

Ordinance/Resolution:

RESOLUTION NO. 137-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MONTHLY PARKING PASS AGREEMENT BETWEEN SHP VI DATURA WEST PALM OWNER LLC AND THE CITY OF WEST PALM BEACH FOR TWENTY-SEVEN (27) PUBLIC PARKING SPACES IN THE PRIVATE PARKING GARAGE AT 445 DATURA STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On August 19, 2002, pursuant to Resolution No. 424-02, the City Commission of the City of West Palm Beach declared the parcel known as Parking Lot "B" (now known as 445 Datura Street) (the "Property") as surplus and authorized the issuance of a Request for Proposal (RFP) for the purchase and development of the parcel. In November 2002, the City issued RFP # 02/03-102 entitled: "Housing, Pharmacy and Parking Garage Redevelopment of Parking Lot "B" in Downtown West Palm Beach" seeking proposals for development of the property. As a result of the RFP, the City executed an agreement with Cypress Realty of Florida for the purchase and development of a mixed-use project containing residential units, public parking, cultural space, and a pharmacy on the Property.

Pursuant to the development agreement, the City conveyed Transfer Development Rights ("TDRs") to the property to allow additional height for the proposed project. Consideration for the TDRs was an agreement by the Developer to provide public parking spaces in the parking garage to be developed as part of the mixed-use project, evidenced by a restrictive covenant recorded against the Property.

The original project was not developed, and the Property has since been conveyed several times. Over time, the needs of the City and the proposed development plan for the Property changed.

SHP VI Datura West Palm Owner LLC d/b/a ZOM Living & ZOM Senior Living ("Owner") has developed a senior residential project on the Property, utilizing the TDRs, and such project includes a parking garage. The Owner has agreed to comply with the restrictive covenant by providing twenty-seven (27) public parking spaces within the Owner's Garage to be administered by the City's Parking Administration Division. The Owner will purchase monthly parking passes for the parking spaces for use by its employees.

Resolution No. 137-24 approves a Monthly Parking Pass Agreement with SHP VI Datura West Palm Owner LLC for the twenty-seven (27) parking spaces.

Commission District 3: Commissioner Christy Fox.

- 7.6. Resolution No.143-24 authorizing the removal of the bollards restricting traffic in the alley in the southern 300 block of Clematis Street.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 143-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE REMOVAL OF THE BOLLARDS RESTRICTING TRAFFIC IN THE ALLEY IN THE SOUTHERN 300 BLOCK OF CLEMATIS STREET; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach and the West Palm Beach Community Redevelopment Agency (“CRA”) worked together on the design and construction of the Clematis Alleyway project on the south side of the 300 block of Clematis Street in 2019. The design included the installation of bollards to prevent vehicular traffic within the alley as an incentive for businesses along the alley to activate the alley. No businesses have made efforts to activate the alleyway.

A joint venture of Brand Atlantic Real Estate Partners and Blue Water Advisors LP are proposing to purchase 314 Clematis Street from the CRA, with the intention to redevelop the property as a family entertainment venue. The concept plans presented to the CRA Board include seven (7) parking spaces for employees on the property, with ingress and egress to and from the southern alleyway of the 300 block of Clematis Street.

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping, referred to as the “Face of the City”.

Authorization is sought to remove the bollards, which prevent vehicular traffic in this alleyway, so that it can be used for employee vehicle access for the intended businesses located at 314 Clematis Street upon the sale by the CRA of the property.

Approval of Resolution No. 143-24 provides this authorization to remove the bollards.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

8. RESOLUTIONS

- 8.1. Resolution No. 132-24: A request by Harvey E. Oyer, III of Shutts & Bowen LLP on behalf of WPB Fern Holdings, LLC to abandon and vacate a 5,689 square foot (0.13 acre) alleyway located South Dixie Highway to the east, South Quadrille Boulevard to the west, Gardenia Street to the south, and Fern Street to the north for the revised appraisal value of \$1,650,000.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 132-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A 5,689 SQUARE FOOT (0.13 ACRE) OF AN ALLEYWAY LOCATED BETWEEN SOUTH DIXIE HIGHWAY, SOUTH QUADRILLE BOULEVARD, GARDENIA STREET AND FERN STREET; AUTHORIZING THE MAYOR TO EXECUTE A DISCLAIMER OF INTEREST IN THE AFORESAID ALLEYWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 132-24 based upon the findings that the right-of-way is no longer needed for any public purpose, and that the abandonment complies with the criteria set forth in Section 78-217 of the City's Code of Ordinances.

Background Information:

WPB Fern Holdings, LLC proposed and received Downtown Action Committee (DAC) approval on June 12, 2024 for a new 8-story, mixed-use residential project at 460 Fern Street, which will consist of 340 residential units and 19,474 square feet of commercial space.

The proposed development site is currently bisected by an east-west alleyway located between Fern Street and Gardenia Street. The total square footage of the alleyway requested to be abandoned is approximately 5,689 square feet (0.13 acres).

In accordance with the Code of Ordinances, Planning staff asserts that the alleyway is not needed for any public purpose, and that the abandonment will comply with the criteria set forth in Section 78-217 of the Code of Ordinances.

Resolution No. 132-24 vacates and abandons the 5,689 square feet of the right-of-way upon receipt of a revised appraisal fee of \$1,650,000 as compensation for the value of the right-of-way. The appraisal was

conducted by Anderson & Carr, Inc.

CONCLUSION

It is staff's professional opinion that the alleyway proposed to be abandoned is no longer needed and that adding the square footage to the development project would allow them to proceed forward and provide new construction within the Quadrille Business District and along the Fern Street corridor.

PUBLIC NOTICE

In accordance with Section 78-215 of the City's Code of Ordinances, individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject alley right-of-way.

Commission District 3: Commissioner Christy Fox.

- 8.2. Resolution No. 133-24: A request by Zach Young, of Young Capital Ventures, LLC, on behalf of NORA HOTEL OWNER LLC and NDT Development LLC to abandon and vacate the 6,333 square foot terminus portion of 11th Street generally located south of Palm Beach Lakes Boulevard, west of Spruce Avenue, north of North Railroad Avenue, and east of the Florida East Coast (FEC) for the revised appraisal value of \$170,979.07.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 133-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING THE 6,333 SQUARE FOOT TERMINUS PORTION OF THE 11TH STREET RIGHT-OF-WAY GENERALLY LOCATED SOUTH OF PALM BEACH LAKES BOULEVARD, WEST OF SPRUCE AVENUE, NORTH OF NORTH RAILROAD AVENUE, AND EAST OF THE FLORIDA EAST COAST (FEC) RAILWAY; AUTHORIZING THE MAYOR TO EXECUTE A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 133-24 based upon the findings that the right-of-way is no longer needed for any public purpose, and that the abandonment complies with the criteria set forth in Section 78-217 of the City's Code of Ordinances.

Background Information:

On July 12, 2023, Zach Young, of Young Capital Ventures, LLC, on

behalf of NORA HOTEL OWNER LLC and NDT Development LLC, submitted a formal site plan application for the construction of a new five-story Hotel project on the 1.14-acre (49,702 square feet) property generally located at 1021 and 1135 North Railroad Avenue bounded by 11th Street, North Railroad Avenue, and the FEC railroad. The proposed project includes a new 134,304 square foot five-story hotel with approximately 201 keys, 9,270 square feet of ground floor restaurant space, 7,466 square feet of private open space, and a single-level internal parking garage totaling eighty (80) parking spaces.

The proposed project was subject to the Downtown Action Committee (DAC) Special Review provisions of Section 94-54, due to the proposed development including the request to abandon a portion of the City right-of-way.

The applicant is proposing the abandonment of the 6,333 square foot terminus portion of 11th Street generally located south of Palm Beach Lakes Boulevard, west of Spruce Avenue, north of North Railroad Avenue, and east of the Florida East Coast (FEC) railway.

At the request of the City, a formal appraisal of the real property has been conducted by Anderson Carr Inc. for the portion of the 11th Street right-of-way. The appraised value for the entire right-of-way portion amounted to: \$284,966. Due to the area encumbered by the City's utility and drainage easement, the value was revised to \$170,979.07. The applicant agreed to pay the adjusted appraised value for the 11th Street right-of-way portion.

In accordance with the Code of Ordinances, Planning staff asserts that the alleyway is not needed for any public purpose, and that the abandonment will comply with the criteria set forth in Section 78-217 of the Code of Ordinances.

On June 12, 2024, DAC unanimously recommended an approval of the right-of-way proposal with a final vote of 6-0 in favor.

In accordance with Section 78-215 of the City's Code of Ordinances, individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject alley right-of-way.

Resolution No. 133-24 approves the abandonment of the 11th Street terminus conditioned upon the reservation of a utility and drainage easement and payment of the adjusted value.

Commission District 3: Commissioner Christy Fox.

9. PUBLIC HEARING - QUASI-JUDICIAL

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

- 9.1. Resolution No. 127-24: A request by Perry & Taylor, P.A on behalf of Jeffery P. Jacobs for an abandonment of a portion of the cul-de-sac right-of-way, generally located north of Flagler Drive at Flagler Lane, consisting of approximately 0.156 acres.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 127-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A PORTION OF AN APPROXIMATELY 0.156 ACRE (6,806 SQUARE FOOT) OF FLAGLER LANE, RESERVING A STORMWATER UTILITY EASEMENT; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID PORTION OF FLAGLER LANE RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 127-24.

Background Information:

The subject portion of the public cul-de-sac right-of-away is located approximately 150 feet east of the intersection of North Flagler Drive and Flagler Lane, being a portion of Flagler Lane containing approximately 6,806 square feet, or 0.156 acres of land. This circular parcel measures approximately 100 feet in diameter. A location map of the subject area is provided in Exhibit B.

Due to the current location and existing condition, the subject cul-de-sac right-of-way has very little development potential or use to anyone other than the adjacent property owners. The abandonment of the subject portion of the public cul-de-sac right-of-away will not result in any negative impact to the surrounding area, since the cul-de-sac right-of-away considered for abandonment is incorporated in the "Flagler Lane Vistas" subdivision replat.

An appraisal for the abandonment of the subject property was prepared by Anderson and Carr Inc. on November 28, 2023. According to the appraisal report, the market value for the subject area is \$1.7 million with the ingress/egress access and utility easements reservation. Given the City needs to reserve a stormwater easement (778.4 square feet) over this property, the final cost has been adjusted to \$1,604,200.

The abandonment will be conditioned up: 1) the granting of a stormwater

utility easement for the existing stormwater facilities; 2) the re-plat of the abandoned right-of-way to provide an L-turn at the terminus of Flagler Lane and the dedication of a utility easement for the existing utilities; and 3) payment of the appraised cost.

STANDARDS

Staff found the requested abandonment complies with the abandonment criteria as established in Section 78-217 of the City's Code of Ordinances.

NOTICES

Pursuant to the requirements of Section 78-215(b) of the City's Code of Ordinances and Section 94-39(j)(2), individual notices were mailed to property owners within 500 feet of the subject property, a sign was posted on May 23, 2024, all owners of the land abutting the subject right-of-way have been noticed of the time and place of the public hearing, and the resolution as advertised in the Palm Beach Post.

Commission District 1: Commissioner Cathleen Ward.

10. 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.

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.