



401 Clematis Street  
West Palm Beach, Florida 33401  
(561) 822-2222 (TTY) 800-955-8771  
[www.wpb.org](http://www.wpb.org)

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**  
**Pass/Fail Agenda**  
**Tuesday, January 21, 2025**  
**5:00 PM**

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

**1. CALL TO ORDER**

**2. MOMENT OF SILENCE**

**3. PLEDGE OF ALLEGIANCE**

**4. CIVILITY AND DECORUM**

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

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

**5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA-**

**Request for Continuance: Items 9.1 and 9.4.**

**6. PRESENTATION- Presented.**

- 6.1. Recap presentation of the African American Mayors Association Event.

**Originating Department:**

Mayor's Office

**Background Information:**

City Administration will present a recap of the African American Mayors Association (AAMA) 4th Quarter Board of Trustees Meeting. The Mayor was asked to host the event, which was held on Friday and Saturday, December 6 - 7, 2024.

Four (4) sponsorships were secured to cover all expenses related to the two-day AAMA event, and no taxpayer dollars or City funds were used. Florida Power & Light, Related Ross, Frisbie Group, and Holland & Knight were the four sponsors. In recognition of their support of the AAMA event, Mayor James will present a "Sponsorship Appreciation Award" to the four organizations.

**7. CONSENT CALENDAR- All items were approved; Item 7.3- Commissioner Peduzzi was recused.**

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. 291-24(F) recognition of sponsorship for the African American Mayors Association event.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 291-24(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 2024/2025 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO RECOGNIZE DONATION PROCEEDS TO PROVIDE APPROPRIATIONS FOR THE AFRICAN AMERICAN MAYORS ASSOCIATION FOURTH QUARTER BOARD OF TRUSTEES MEETING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The African American Mayors Association (AAMA) selected the City to host their December 6 - 7, 2024, 4th Quarter Board of Trustees Meeting. This provided an opportunity to highlight our City to participating African

American Mayors from across the country. As part of this initiative, the City provided tours of one of the largest construction projects in the downtown area, the Heart & Soul Park, Sunset Lounge, and the Historic Northwest Neighborhood. The City also hosted Fireside Chats on Leadership and the redevelopment of our African American Neighborhoods through inclusivity. We also held panel discussions on Building an African American Entrepreneur Ecosystem and the City's redevelopment initiatives. Welcome and departure receptions were also held for the visiting dignitaries.

Four (4) organizations (Florida Power & Light, Related Ross, Frisbie Group, and Holland & Knight) provided sponsorship funds to cover all costs associated with this event. Thus, no City or taxpayer funds were utilized in hosting the AAMA event.

Resolution No. 291-24(F) recognizes the receipt of the sponsorship funds.

**Fiscal Note:**

All costs of the AAMA event were covered by sponsors. No taxpayer funds were utilized for the event.

- 7.2. Resolution No. 28-25 approving a license agreement between the City of West Palm Beach and PNC Bank National Association for use of a portion of City-owned property located at 723 39th Street for a pop-up retail bank branch facility.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

RESOLUTION NO. 28-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LICENSE AGREEMENT WITH PNC BANK NATIONAL ASSOCIATION FOR USE OF A PORTION OF THE PROPERTY LOCATED AT 723 39TH STREET FOR THE PLACEMENT OF A POP-UP RETAIL BANK BRANCH FACILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City of West Palm Beach is the owner of the property located at 723 39th Street in West Palm Beach, Florida. Resolution No. 115-24 approved a lease agreement between the City and Esperanza Community Center, dated May 30, 2024, for use of the property.

PNC Bank National Association (PNC) partners with Esperanza Community Center to provide onsite financial services for the individuals and families served by the organization as well as other community members to achieve their financial goals.

PNC requested to use a portion of the property, specifically the parking lot on the west side of the property, for a pop-up, mobile retail bank branch facility (Mobile Branch). The Licensed Property is depicted as Exhibit A of the license agreement. The Mobile Branch will operate from 9:00 a.m. to 11:00 a.m. on Tuesdays and biweekly. The Mobile Branch is self-sufficient and equipped with its own Wi-Fi, generator, and ATM. The Esperanza Community Center has consented to this License Agreement between the City and PNC.

Upon review by the City and PNC, the City is willing to grant a license for use of the Licensed Property by PNC Bank for a period of three (3) years in accordance with the terms and conditions of the License Agreement.

City staff recommends approval of Resolution No. 28-25 approving a license agreement between the City of West Palm Beach and PNC Bank National Association for the use of City-owned property located at 723 39th Street.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

No fiscal impact.

- 7.3. Resolution No. 258-24 authorizing settlement of four (4) matters pending in the Circuit Court of the Fifteenth Judicial Circuit between the City of West Palm Beach, Leisure Resorts, and Waterview Towers Condominium Association and approving execution of a Settlement Agreement, Walkway Easement, and Non-Exclusive Riparian Rights Easement.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 258-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT AMONG WATERVIEW TOWERS CONDOMINIUM ASSOCIATION, INC.; LEISURE RESORTS, LLC; PALM HARBOR HOTEL, LLC, AND THE CITY OF WEST PALM BEACH FOR THE FOLLOWING CASES: I) LAURA BENNETT, ET AL. V. THE CITY OF WEST PALM BEACH AND PALM HARBOR HOTEL, LLC – CASE NO. 2014-CA-5009; (II) THE WATERVIEW TOWERS CONDOMINIUM ASSOCIATION, INC., ET AL. V. LEISURE RESORTS, LLC AND THE CITY OF WEST PALM BEACH – CASE NO. 2015-CA-10806; (III) THE WATERVIEW TOWERS CONDOMINIUM ASSOCIATION, INC., ET AL. V. THE CITY OF WEST PALM BEACH – CASE NO. 2015-CA-11999; AND (IV) THE WATERVIEW TOWER CONDOMINIUM ASSOCIATION, INC. V. THE CITY OF WEST PALM

BEACH, AND PALM HARBOR HOTEL – CASE NO. 2017 CA 6914; ALL OF WHICH WERE FILED IN THE CIRCUIT COURT IN THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY; AND APPROVING A WALKWAY EASEMENT AND NON-EXCLUSIVE RIPARIAN RIGHTS EASEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

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 over \$30,000 shall require the approval of the City Commission by formal resolution.

The City of West Palm Beach is the owner of property located at 400 North Flagler Drive and leases that property as provided in the Consolidated and Amended Lease executed as authorized by the Commission through adopted Ordinance No. 1455-79 on June 11, 1979, as amended.

Beginning in 2014, the Waterview Towers Condominium Association Inc. (hereinafter “Association”) became involved in several lawsuits with Leisure Resorts, LLC and its affiliate Palm Harbor Hotel, LLC (hereinafter “Leisure”) and the City, including: (i) Laura Bennett, et al. v. the City of West Palm Beach and Palm Harbor Hotel, LLC – Case No. 2014-CA-5009; (ii) The Waterview Towers Condominium Association, Inc., et al. v. Leisure Resorts, LLC and the City of West Palm Beach – Case No. 2015-CA-10806; (iii) The Waterview Towers Condominium Association, Inc., et al. v. the City of West Palm Beach – Case No. 2015-CA-11999; and (iv) The Waterview Tower Condominium Association, Inc. v. the City of West Palm Beach, and Palm Harbor Hotel – Case No. 2017 CA 6914.

In an effort to amicably resolve the Litigation, the parties participated in mediation, and a Non-Binding Mediation Agreement was reached between The Waterview Towers Condominium Association, Inc. A Final Settlement Agreement was drafted based on the Mediation Agreement. In summary, under the terms of the Final Settlement Agreement, all litigation will be dismissed with prejudice and mutual releases executed if the following conditions are met: (i) the term of the Consolidated and Amended Lease is extended through May 9, 2123 and includes a rent credit in the amount of \$2,500,000 to be applied with the rent payment due on October 1, 2025; (ii) the term of the Sovereign Submerged Land Lease being considered on Second Reading of Ordinance No. 5120-24 is extended to May 9, 2123; (iii) the City is granted a Non-Exclusive Riparian Rights Easement and a Walkway Easement (iv) City will pay costs not to exceed \$100,000 for implementation of security measures necessary for public use of the walkway; (v) City is permitted to expand the walkway in the future provided it relocate the existing dog park; (vi) the City reimburse the Association up to \$25,000 for landscaping needs

to replace landscape damaged; (vii) City support in its proprietary capacity a future expansion of the Association garage and future curb cuts necessitated by future development.

Approval of Resolution No. 258-24 authorizes execution of the Settlement Agreement and the Non-Exclusive Riparian Rights Easement and the Walkway Easement.

**Fiscal Note:**

Per the terms of this settlement the City will advance the actual cost in a sum not to exceed \$100,000, for the purpose of installing two gates and reimburse landscaping damages up to \$25,000.

Additionally, in lieu of an upfront payment, the City will forgo its annual residential rent of up to \$2,500,000. The Fiscal 2024/2025 residential rent due to the City is \$56,575, in the Waterfront Fund #133. This will result in the General Fund needing to increase its funding contributions to assist in supporting Waterfront obligations.

- 7.4. Resolution No. 289-24 authorizing the assessment of City liens in the total amount of \$111,705.50 for unpaid water service, sewer service, and stormwater charges for the month of September 2024.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 289-24: 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 SEPTEMBER 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. 289-24 are for unpaid water service, sewer service, and stormwater service charges for the month of September 2024.

The list of properties to be assessed and the associated charges totaling \$111,705.50 are provided in Resolution No. 289-24 as EXHIBIT A - Utility Lien List - September 2024.

**Fiscal Note:**

No fiscal impact.

- 7.5. Resolution No. 31-25 waiving a potential conflict of interest relating to Akerman LLP's representation of The Diocese of Southeast Florida, Inc. in connection with resolving code enforcement issues involving the Holy Spirit Episcopal Church and its representation of the City in unrelated matters.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 31-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, WAIVING A POTENTIAL CONFLICT OF INTEREST RELATING TO AKERMAN LLP'S REPRESENTATION OF THE DIOCESE OF SOUTHEAST FLORIDA, INC. IN CONNECTION WITH RESOLVING CODE ENFORCEMENT ISSUES INVOLVING THE HOLY SPIRIT EPISCOPAL CHURCH AND ITS REPRESENTATION OF THE CITY IN UNRELATED MATTERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City of West Palm Beach ("City") is represented by Akerman LLP. (the "firm") in a fee dispute from litigation involving bidding on the Sunset Lounge.

The firm desires to represent The Diocese of Southeast Florida ("Diocese") in connection with resolving code enforcement issues regarding the Holy Spirit Episcopal Church through the municipal regulatory process where the City is one of the adverse parties ("New Matter") and such other unrelated matters for which Diocese or its affiliates may request the firm's assistance from time to time.

The firm requests that the City waive any potential conflict and states that it is able to provide competent and diligent representation to both the City in unrelated matters and the Diocese in the matters described.

The firm agrees that in the event any dispute arises in the future between the Diocese and the City in connection with the New Matter, it will continue to represent the Diocese in any appeals or other challenges to City regulatory decisions related to the New Matter, but will not otherwise represent the Diocese in a dispute with the City in connection with the New Matter.

The firm has also sought consent and obtained a waiver from the Diocese who has agreed to waive this potential conflict under the conditions

outlined.

Chapter 2 (Administration), Section 2-222 (Qualifications, Term) of the Code of Ordinances of the City of West Palm Beach (the "Code") allows the City Commission to waive a potential conflict of interest in matters or transactions which will not adversely affect the counsel's representation of the City.

The City of West Palm Beach desires to waive the potential conflict of interest between the City of West Palm Beach and the firm.

**Fiscal Note:**

No fiscal impact.

- 7.6. Resolution No. 32-25 approving an amendment to the Conveyance and Development Agreement between the City of West Palm Beach and Vanderbilt Education Florida, LLC, to extend the acceptance date to April 20, 2025.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 32-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE AGREEMENT FOR CONVEYANCE AND DEVELOPMENT OF REAL PROPERTY BETWEEN VANDERBILT EDUCATION FLORIDA, LLC, AND THE CITY OF WEST PALM BEACH REGARDING CONVEYANCE OF CITY OWNED PROPERTY WHICH EXTENDS THE DUE DILIGENCE PERIOD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City is the owner of property located at 386 S. Tamarind Avenue, 810, 818, 826, 860 and 910 Evernia Street, and 913 Fern Street (the Property). City Commission adopted Ordinance No. 5104-24 on September 3, 2024 approving an Agreement between Vanderbilt Education Florida, LLC (Vanderbilt), and the City of West Palm Beach (City) regarding conveyance and development of the Property. The Conveyance and Development of Real Property Agreement was executed October 7, 2024 (Contract No. 33002)(the "Agreement"). Vanderbilt also entered into an Agreement with Palm Beach County to acquire County Property which provides for a due diligence period that terminates on April 20, 2025 and seeks to amend the City Agreement so that both due diligence periods terminate at the same time.

The proposed amendment revises the definition of the acceptance date, so that the City's due diligence period will expire no later than April 20,



2025 or the date that Vanderbilt notifies the City that the property is acceptable to it after it has completed its inspection and due diligence, whichever is sooner. Approval of Resolution No. 32-25 authorizes execution of the Amendment.

**Fiscal Note:**

No fiscal impact.

- 7.7. Resolution No. 5-25 accepting the grant award of \$600,000 from the U. S. Department of Justice – COPS Office – Technology and Equipment Program to be used for the purchase of two (2) bomb robots and one (1) X-ray machine; and

Resolution No. 6-25(F) appropriating the U. S. Department of Justice – COPS Office – Technology and Equipment Program funds.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 5-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A U. S. DEPARTMENT OF JUSTICE - COMMUNITY ORIENTED POLICE SERVICES OFFICE GRANT IN THE AMOUNT OF \$600,000 TO BE USED BY THE POLICE DEPARTMENT TO PURCHASE TWO (2) BOMB ROBOTS AND AN X-RAY MACHINE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 6-25(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF THE CITY FUNDS IN FISCAL YEAR 2024-2025 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA FOR THE PURPOSE OF AMENDING THE GRANT CAPITAL PROJECT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF THE DOJ-COPS-FY2024 TECHNOLOGY AND EQUIPMENT PROGRAM PROCEEDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The West Palm Beach Police Department (WPBPD) operates a certified Bomb Squad in accordance with standards established by the U.S. Department of Justice – Federal Bureau of Investigation – Critical Incident Response Group. The standards are referenced in the National Guidelines for Bomb Squads and have been adopted in the WPBPD Standard Operating Procedure.

The WPBPD is requesting funding for capital purchases for the

replacement of specialty equipment utilized by the Police Department Bomb Squad. The requested funds will be used to purchase capital assets to include a portable radiography device (X-Ray machine) and two (2) robotic devices (robots).

Members of the WPBPD Bomb Unit assist other investigators of the agency by providing technical expertise during investigations or operations. Additionally, the WPBPD Bomb Unit assists the Florida Department of Law Enforcement (FDLE) and all Federal Investigative Agencies deliver public safety services with a common purpose and effort. Working together is a priority of the Bomb Unit to maintain professional relationships with other state and local bomb squads, explosive detecting canine units, military EOD units, federal agencies, and professional associations.

The X-Ray systems are utilized to obtain X-ray images of suspected IEDs. The SmartRayVision system will replace the existing "panel" system. The panel system permits an unlimited image size and resolution, but requires the panels to be brought to a command vehicle for processing. The portable SmartRayVision system is a standalone system limited in size by the dimensions of the scanner, but does not require the processing system. Each system has its own unique advantages, with the panel providing large, detailed images but taking more time. The portable system may be used in a dynamic environment where multiple rapid images are needed on scene.

The identified equipment is integrated into every bomb squad operation. The robot is the primary tool to eliminate the need to introduce a technician into a hazardous scene. The X-Ray is used to evaluate suspected explosive items, identify bomb components, and establish render safe or disruption procedures.

The updated replacement equipment is required for the WPBPD to continue to provide the City and mutual aid partnerships with Explosive Ordnance Disposal (EOD) services and conduct operations. WPBPD is requesting grant funding to replace an existing eighteen-year-old robot and two (2) approximately twenty-year-old X-ray scanners/devices.

The WPBPD, Mayor James, City Administration, and City Commission are committed to making public safety the utmost priority and are committed to future funding to maintain all aspects of public safety services, including the services provided by the WPBPD Bomb Unit. The federal funding award of \$600,000 and the City of West Palm Beach's commitment to future funding will maintain the operational readiness and certification of the Bomb Unit. Future annual funding requirements for maintenance and upgrades will be supported through the City's budgetary process until the end of the life of the acquired assets described above.

The large Telex EVO robot and all accessories' total cost is \$449,183.60.

The small Mini-Caliber Robot and all accessories' total cost is \$81,830.

The SmartRay X-Ray system with all accessories' total cost is \$63,975.

The grand total cost for the required items is \$594,988.60.

In May 2024, the WPBPD made application to the U. S. Department of Justice (DOJ) - Office of Community Oriented Policing Services (COPS) for the FY2024 COPS Technology and Equipment Program Solicitation (#O-COPS-2024-172089).

On September 30, 2024, the WPBPD was awarded Six Hundred Thousand Dollars (\$600,000). The award is one of twenty (20) grant awards in the State of Florida for the stated solicitation.

Resolution No. 5-25 accepts the grant.

Resolution No. 6-25(F) appropriates the funds.

**Fiscal Note:**

Approval of this item accepts and appropriates the US DOJ COPS Office Technology and Equipment Program award in the amount of \$600,000 to purchase two (2) bomb robots and one (1) X-Ray machine for the WPBPD Bomb Squad.

- 7.8. Resolution No. 10-25 approving a Special Event License Agreement with Annual Sportsman's Duck Dinner, LLC for the "Annual Sportsman's Duck Dinner" at Dreher Park on Wednesday, February 12, 2025, and authorizing the issuance of a permit for the sale, possession, and consumption of alcoholic beverages at the event.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 10-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND ANNUAL SPORTSMAN'S DUCK DINNER, LLC FOR THE PURPOSE OF CONDUCTING THE ANNUAL SPORTSMAN'S DUCK DINNER AT DREHER PARK ON FEBRUARY 12, 2025, FROM 5:00 PM TO 9:00 PM; AUTHORIZING THE ISSUANCE OF A PERMIT TO THE ANNUAL SPORTSMAN'S DUCK DINNER, LLC FOR THE SALE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE ANNUAL SPORTSMAN'S DUCK DINNER

SPECIAL EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Annual Sportsman's Duck Dinner, LLC. has submitted an application to produce the "Annual Sportsman's Duck Dinner" event on Wednesday, February 12, 2025, from 5:00 PM to 9:00 PM at Dreher Park. During this event, the Annual Sportsman's Duck Dinner will serve food, alcoholic and non-alcoholic beverages.

Pursuant to Article Section 78-152 of the City Code of Ordinances, a special event permit is required to host a special event in a City park, and Section 58-85 of the Code of Ordinances requires approval of the City Commission, subject to conditions, for the sale, possession, and consumption of alcoholic beverages in a City park during a hosted special event.

Annual Sportsman's Duck Dinner, LLC. will pay the City of West Palm Beach a \$1,138.30 special event permit fee, a \$500.00 special event security deposit, and provide the City of West Palm Beach general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Resolution No. 10-25 approves a Special Events License Agreement between the City and Annual Sportsman's Duck Dinner, LLC. and authorizes the issuance of a permit for the sale, consumption, and possession of alcoholic beverages at the event.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No expenses. Permit revenues will be received as stated.

- 7.9. Resolution No. 14-25 approving a Special Event License Agreement with Flamingo Park Neighborhood Association for the "Flamingo Park Neighborhood Association Party" at Howard Park on Saturday, February 1, 2025, and authorizing the issuance of a permit for the sale, possession, and consumption of alcoholic beverages at the event.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 14-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND FLAMINGO PARK NEIGHBORHOOD ASSOCIATION FOR THE PURPOSE OF CONDUCTING THE FLAMINGO PARK NEIGHBORHOOD ASSOCIATION PARTY AT HOWARD PARK ON

FEBRUARY 1, 2025, FROM 5:00 PM TO 8:00 PM; AUTHORIZING THE ISSUANCE OF A PERMIT TO FLAMINGO PARK NEIGHBORHOOD ASSOCIATION FOR THE SALE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE FLAMINGO PARK NEIGHBORHOOD ASSOCIATION PARTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Flamingo Park Neighborhood Association submitted an application to produce the "Flamingo Park Neighborhood Association Party" event on Saturday, February 1, 2025, from 5:00 PM to 8:00 PM at Howard Park. During this event, the Flamingo Park Neighborhood Party will serve food, alcoholic and non-alcoholic beverages.

Pursuant to Article Section 78-152 of the City Code of Ordinances, a special event permit is required to host a special event in a City park, and Section 58-85 of the Code of Ordinances requires approval of the City Commission, subject to conditions, for the sale, possession, and consumption of alcoholic beverages in a City park during a hosted special event.

Flamingo Park Neighborhood Association will pay the City of West Palm Beach a \$299.30 special event permit fee, a \$500 special event security deposit, and provide the City of West Palm Beach general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Resolution No. 14-25 approves a Special Events License Agreement between the City and Flamingo Park Neighborhood Association and authorizes the issuance of a permit for the sale, consumption, and possession of alcoholic beverages at the event.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No expenses. Permit revenues will be received as stated.

- 7.10. Resolution No. 19-25 approving an Ad Valorem Tax Exemption, Completed Work Application for the property located at 213 Greymon Drive.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 19-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 213 GREYMON DRIVE, 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 18, 2024, meeting, the Historic Preservation Board (HPB) reviewed and recommended approval of the Completed Work Application for the property located at 213 Greymon Drive. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved, and new features were determined to be compatible.

This property, built in 1925, is located in the Prospect Park/Southland Park Historic District and is an example of Mission Revival Architecture.

Section 94-51 of the Code or Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten-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 Register 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 property value due to the improvements.

The improvements to 213 Greymon Drive include:

- Main House: Replacements of windows and exterior doors, added covered rear patio and balcony and interior improvements.
- Accessory structure: Replacement of window and exterior doors. added second story with exterior stair and interior alterations.

The total cost of the improvements is estimated at \$1 million.

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, commencing on January 1, 2025, and expiring December 31, 2034.

Commission District No. 5: Commissioner Christina Lambert.

- 7.11. Resolution No. 23-25 approving a Utility Work by Highway Contractor Agreement with the State of Florida Department of Transportation for City utility work in conjunction with State Road No. 5/US-1 Dixie Highway Milling & Resurfacing project (Belvedere Road to State Road No. 704/Okeechobee Boulevard).

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 23-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO FDOT'S RESURFACING OF STATE ROAD 5 – DIXIE HIGHWAY, FROM BELVEDERE ROAD TO OKEECHOBEE BOULEVARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In September 2025, the Florida Department of Transportation (FDOT) will be soliciting bids for improvements to State Road No. 5/US-1 Dixie Highway from Belvedere Road to State Road No. 704/Okeechobee Boulevard ("FDOT Project"). The FDOT Project involves pavement milling and resurfacing, ADA improvements, and minor drainage improvements. Within the 1-mile length FDOT Project corridor, incidental improvements to the City's existing utilities will be required (Utility Work). The Utility Work involves the adjustment of water valve boxes and sanitary sewer manhole lids to meet the resurfaced roadway's finished grade. The construction by FDOT is anticipated to begin in January/February 2026 for a duration of approximately twelve (12) months.

FDOT and the City have determined that it is in the best interest of the public and to the economic advantage of both parties to enter into a Utility Work by Highway Contractor Agreement (UWHCA) to accomplish the City's utility improvements ("Agreement"). Accordingly, the City's related utility work will be competitively bid as part of the FDOT project and constructed by the FDOT Contractor. Under the terms of the Agreement, the City shall reimburse FDOT a total estimated amount of \$92,568 for the cost of the Utility Work. This amount includes the cost of utility items plus ten percent (10%) construction contingency and two percent (2%) for the CEI (Construction Engineering & Inspection).

Resolution No. 23-25 approves the UWHCA with FDOT for the City's incidental utility adjustments within State Road No.5/US-1 Dixie Highway Milling and Resurfacing project, from Belvedere Road to State Road No. 704/Okeechobee Boulevard.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Fully budgeted. The Water & Sewage System Revenue Fund Operational Expenses, Utility Relocation balance is approximately \$200,000. The portion of expense to Water is \$63,840. The portion of expense to Sanitary Sewer is \$28,728.

- 7.12. Resolution No. 25-25 approving a Federally Funded Public Assistance Grant Agreement between the City and the State of Florida, Division of Emergency Management to accept a grant for reimbursement of eligible costs resulting from Hurricane Milton.

**Originating Department:**

Finance

**Ordinance/Resolution:**

RESOLUTION NO: 25-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FEDERALLY FUNDED PUBLIC ASSISTANCE GRANT AGREEMENT BETWEEN THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT AND THE CITY OF WEST PALM BEACH TO ACCEPT A GRANT TO REIMBURSE THE CITY FOR ELIGIBLE EXPENSES FROM DR-4834-HURRICANE MILTON; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On October 12, 2024, President Biden issued a major disaster declaration (FEMA DR-4834) for the State of Florida as a result of Hurricane Milton. The declaration authorized public assistance and hazard mitigation grants for eligible states. The State of Florida received public assistance grant funds from the Federal Emergency Management Agency (FEMA) and is authorized to sub-grant a portion of such funds to the City of West Palm Beach pursuant to the requirements of federal and state law. This declaration identifies that under major disaster DR-4834, the City is declaring reimbursement of unbudgeted costs incurred as a result of Hurricane Milton response and recovery efforts, requesting direct federal assistance, under the Public Assistance program authorized at 100%.

The City desires to enter into a Federally-Funded Sub-Award and Grant Agreement with the State of Florida, Division of Emergency Management (FDEM) to receive grant funds and reimbursement for eligible costs and expenses resulting from Hurricane Milton. This agreement begins the reimbursement process.

The Finance Department completed a preliminary cost estimate in support of the initial City application requesting FEMA and State grant funds for eligible costs related to FEMA Category B, Emergency Protective Measures, which includes overtime, equipment usage, and



supplies costs.

The City's eligible unbudgeted expenses in FY 2024-2025 resulting from Hurricane Milton is estimated to be under \$250,000 and meets the requirements for small project status and expedited claims.

It is expected the City will be reimbursed by FEMA at 100% of eligible costs.

An additional amount up to 5% of the total approved expenditure is eligible for 100% reimbursement from FEMA for administrative costs identified as Category-Z.

Department expenditures in October 2024 reflect the additional unbudgeted expenses for overtime, benefits, and supplies. At a future date, before the end of FY2025, a resolution will be presented to recognize the amount of the approved grant reimbursement, and budget appropriations will be added at the department level to cover unbudgeted eligible expenses.

Resolution No. 25-25 accepts the grant funds and approves the grant agreement.

**Fiscal Note:**

This grant agreement will provide for unbudgeted expenses to be reimbursed by FEMA and the State of Florida for FY2025 expenses related to Hurricane Milton.

**8. PUBLIC HEARING-Approved; Commissioner Peduzzi was recused.**

- 8.1. Public Hearing and Second Reading of Ordinance No. 5119-24 approving a Third Amendment to the "Consolidated and Amended Lease between the City of West Palm Beach and West Palm Beach Marina, Inc.," (with The Waterview Towers Condominium Association) to extend the expiration date from May 10, 2073 to May 9, 2123; establishing rents for the extended period; and creating rent credits applicable to the lease; and

Public Hearing and Second Reading of Ordinance No. 5120-24 approving a Fifth Amendment of lease for the extended submerged marina premises.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

ORDINANCE NO. 5119-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A THIRD AMENDMENT TO THE CONSOLIDATED AND

AMENDED LEASE BETWEEN CITY OF WEST PALM BEACH AND WEST PALM BEACH MARINA, INC. (NOW THE WATERVIEW TOWERS CONDOMINIUM ASSOCIATION, INC.) TO EXTEND THE EXPIRATION DATE TO MAY 9, 2123, ESTABLISHING RENTS AND CREDITS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5120-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FIFTH AMENDMENT OF LEASE FOR EXTENDED SUBMERGED MARINA PREMISES BETWEEN THE CITY AND LEISURE RESORTS, LLC, TO ALLOW FOR A TERM EXTENSION UNDER CERTAIN CONDITIONS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5119-24 and Ordinance No. 5120-24 on Second Reading.

**Background Information:**

The City is fee simple owner of property generally located at 400 N. Flagler Drive and leased to the West Palm Beach Marina, Inc. by virtue of execution of the "Consolidated and Amended Lease between the City of West Palm Beach, Florida and West Palm Beach Marina, Inc." (Consolidated Lease), which interest transferred to the Unit Owners upon submission to condominium and who are represented in this transaction by The Waterview Towers Condominium Association, Inc., by virtue of the Declaration of Condominium as amended.

The upland portion of the property and the submerged land immediately adjacent to the uplands owned by the City was leased to West Palm Beach Marina Inc., on November 19, 1979, City executed and on December 10, 1979, Marina executed Amendment No. 1 to Consolidated and Amended Lease between the City of West Palm Beach, Florida, and West Palm Beach Marina, Inc., which was recorded in the public records of Palm Beach County on December 12, 1979, at Official Records Book 3192, Page 1944. The lease was amended a second time, which was signed by the City on August 17, 1981, and by Leisure Resorts, Inc., assignee of West Palm Beach Marina, Ind., on August 20, 1981.

The City leased its leasehold interest to the submerged land immediately adjacent to the uplands pursuant to a Lease for Extended Submerged Marina Premises made and executed on the first day of April 2009 and recorded in the Official Records of Palm Beach County, Florida, at Official Records Book 23173, Page 1778, which expires on March 31, 2109 (Extended Lease). This lease was amended in 2010, 2013, 2015, and 2016.

There is currently pending litigation relating to the leased property more specifically identified as follows: (i) The Waterview Towers Condominium Association, Inc., et al. v. Leisure Resorts, LLC and City of West Palm Beach, in the Circuit Court in the Fifteenth Judicial Circuit in and for Palm Beach County, Case No. 502015CA010806 XXX MB AE; (ii) The Waterview Towers Condominium Association, Inc., et al. v. City of West Palm Beach and Palm Harbor Hotel, LLC, in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Case No. 502014CA005009 XXXMB AG, and (iii) The Waterview Towers Condominium Association, Inc., et al. v. City of West Palm Beach, in the Circuit Court in the Fifteenth Judicial Circuit in and for Palm Beach County, Case No. 502015CA011999XXX MB AD.

To resolve the pending litigation and any issues that have or could be brought related to the pending litigation, the City, Leisure, and Waterview attended mediation, resulting in the execution of a Non-Binding Mediation Term Sheet wherein Waterview and City agreed to settle all claims and damages arising out of or that could have been raised in the pending litigation. The Term Sheet requires, among other things, that the City agree to a one-50-year extension of the term of the Consolidated Lease, which includes the uplands and a portion of the sovereign submerged land not included in the Extended Lease which will extend the term of the Consolidated Lease from May 10, 2073, to May 9, 2123.

Adoption of Ordinance No. 5119-24 approves The Third Amendment to the Consolidated Lease, which in summary, makes the following changes:

1. Amends the legal description to remove sovereign submerged land deemed by the Florida Supreme Court to be owned by the State of Florida;
2. Removes the first right of refusal to extend the lease;
3. Extends the expiration date from May 10, 2073, to May 9, 2123;
4. Establishes rent due commencing May 10, 2073, which will be equal to the rent due during the last full lease year of the original term and provides for an annual increase of 1.5% during the extended term; and
5. Grants a rent credit of \$2,500,000 applied annually beginning October 1, 2025, in exchange for Waterview granting the City a walkway easement so that the 10-foot walkway along the water is open for use by the public from dawn to dusk.

Adoption of Ordinance No. 5120-24 approves the Fifth Amendment to the

Lease for Extended Submerged Marina Premises between the City of West Palm Beach and Leisure Resorts, LLC, which amends the Extended Lease as follows:

1. Article I: Section 5 acknowledges that the term of the Consolidated Lease is longer than the Extended Lease, and the State Lease requires the City to use diligent efforts to amend the State Lease to expire on May 9, 2123;
2. Article II: Section 1 and Section 4 remove provisions related to merging the residential portion of the upland property into the Extended Lease upon expiration of the Consolidated Lease; and
3. Sections 6 and 7 remove the City's authority to terminate the lease on the 80th year.

Commission District 3: Commissioner Christy Fox.

**9. PUBLIC HEARING - QUASI-JUDICIAL- Items 9.2 and 9.3 were approved; Item 9.5 was continued to the February 3, 2025, Commission Meeting; Items 9.1, and 9.4, were continued to the February 18, 2025 Commission Meeting.**

Disclosure of ex-parte communications, if any\*

Swearing-in of witnesses.

9.1. **CONSIDER CONTINUATION OF ORDINANCE NO. 5121-24 AND ORDINANCE NO. 5122-24 TO THE FEBRUARY 18, 2025, CITY COMMISSION MEETING.**

Public Hearing and First Reading of Ordinance No. 5121-24: A City-initiated request for a Zoning Map amendment to rezone certain properties from Broadway Mixed-Use District Building Type I and Broadway Mixed-Use District Building Type II to Broadway Mixed-Use District (BMUD); and

Public Hearing and First Reading of Ordinance No. 5122-24: A City-initiated request for a text amendment to the Zoning and Land Development Regulations, Chapter 94, Article I Section 94-4 to delete the current zoning categories and replace with the new Broadway Mixed-Use District (BMUD) category; Article VII, Section 94-209 to amend the Mixed-Use District regulations to add BMUD definitions and regulations; Section 94-219 (Broadway Mixed-Use District), to delete the current development standards and incorporate new regulations relating to height standards, setback standards, buffer requirements, permitted uses; Section 94-220 to delete current text for BMUD Building Type I, which is replaced with BMUD Expanded regulations, which unifies proposed development in the adjoining district on the west side of Broadway; and Section 94-221 to delete the BMUD Building Type II regulations.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5121-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING THE PROPERTIES GENERALLY LOCATED BETWEEN 59TH STREET AND 25TH STREET, TO THE EAST AND WEST AND FACING THE FLORIDA STATE ROAD A1A, AND CONSISTING OF APPROXIMATELY 43.9 ACRES, FROM BROADWAY MIXED-USE DISTRICT BUILDING TYPE I AND BROADWAY MIXED-USE DISTRICT BUILDING TYPE II TO BROADWAY MIXED USE DISTRICT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5122-24: 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 94, ZONING AND LAND DEVELOPMENT REGULATIONS, AND APPLICABLE TO THE BROADWAY MIXED USE DISTRICT AS FOLLOWS: AMENDING ARTICLE I, SECTION 94-4 ZONING DISTRICTS TO DELETE THE CURRENT ZONING DISTRICT CATEGORIES AND REPLACE WITH THE NEW BROADWAY MIXED-USE DISTRICT CATEGORY; ARTICLE VII. SECTION 94-209-MIXED-USE DISTRICTS, TO ADD BMUD DEFINITIONS AND REGULATIONS; SECTION 94-219 (BROADWAY MIXED-USE DISTRICT), TO DELETE THE CURRENT DEVELOPMENT STANDARDS AND INCORPORATE NEW DEVELOPMENT STANDARDS FOR BMUD; SECTION 94-220 TO DELETE CURRENT DEVELOPMENT STANDARDS FOR BMUD BUILDING TYPE I AND CREATE THE BROADWAY MIXED-USE DISTRICT EXPANDED DEVELOPMENTS STANDARDS; AND SECTION 94-221 TO DELETE THE BMUD BUILDING TYPE II REGULATIONS; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

I move to continue consideration of Ordinance No. 5121-24 to the commission meeting scheduled to begin at 5:00 p.m. on February 18, 2025, at the City of West Palm Beach City Hall Commission Chambers, 401 Clematis Street, West Palm Beach, Florida 33401; and

I move to continue consideration of Ordinance No. 5122-24 to the commission meeting scheduled to begin at 5:00 p.m. on February 18,

2025, at the City of West Palm Beach City Hall Commission Chambers, 401 Clematis Street, West Palm Beach, Florida 33401.

- 9.2. Public Hearing and First Reading of Ordinance No. 5123-25: A City-initiated request for a text amendment to Chapter 94, the Zoning and Land Development Regulations, Article XVII, Affordable and workforce Housing, to increase the Broadway Mixed Use District (BMUD) incentives from three (3) to seven (7) floors, to provide clarification in cases where a property is requesting an up zoning that the 50 percent bonus units shall be taken from the original base zoning of the property, provide clarification of maximum Floor Area Ratio allowed and authorizing limited variance and waivers review for Live Local workforce housing developments by the City Commission.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5123-25: 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 94, ZONING AND LAND DEVELOPMENT REGULATIONS; ARTICLE XVII – AFFORDABLE AND WORKFORCE HOUSING; SECTION 94-551 (LIVE LOCAL WORKFORCE HOUSING DEVELOPMENT) TO PROVIDE FOR COMMISSION REVIEW OF VARIANCE OR WAIVER REQUESTS; SECTION 94-552 (AFFORDABLE AND WORKFORCE HOUSING OVERLAY (AWHO) DEVELOPMENT) TABLE XVII-1 TO INCREASE BMUD INCENTIVES FROM THREE ADDITIONAL FLOORS TO FIVE ADDITIONAL FLOORS AND AUTHORIZING LIMITED VARIANCE AND WAIVER REVIEW FOR LIVE LOCAL WORKFORCE HOUSING DEVELOPMENTS, TO PROVIDE CLARIFICATION FOR THE BONUS UNITS IN CASES OF UP ZONINGS AND PROVIDE CLARIFICATION OF THE MAXIMUM FLOOR AREA RATIO ALLOWED; DECLARING THESE AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5123-25 amending Chapter 94, Zoning and Development Regulations, Article XVII - Affordable and Workforce Housing. This motion is based upon the factual testimony presented, the staff report, the recommendation of the Planning Board, and the findings that the proposed amendment complies with all the amendment standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background Information:**

(The information provided below is a general summary of the proposed

text amendment. A full analysis is included in the Staff Report).

In December 2022, the City enacted Resolution No. 306-22, which approved interim standards for Commission review of residential projects which increased the supply of affordable and workforce housing by granting increases in density and expediting the review process as permitted under Section 166.0451, Florida Statute. In July 2023, the interim program established under Resolution 306-22 was pre-empted by further changes to 166.04151, F.S. known as the State's Live Local Act. On July 22, 2024, the City Commission approved Ordinance No. 5103-24 that adopted program provisions in the code to re-implement their workforce housing production program. Additionally, the City is also continuing to address the housing policy requirements of Section 166.04151 Florida, Statute as permitted under the current version of the Live Local Act.

The Live Local Act provides for administrative approval of projects meeting the statutory requirements and all City ZLDRs but does not prohibit the City from creating a process allowing for waivers and variances for projects that otherwise meet the statutory requirements. This amendment also adds a definition for transit stops and, in conjunction with the update of the Broadway Mixed Use District (BMUD) regulations, amends the additional floors allowed for affordable/workforce projects from three (3) floors to seven (7) floors and provides clarification for when a property is up zoned the percentage of bonus units is taken from the original base zoning district.

The Planning Board recommended approval with conditions (6-1) of this request to the City Commission after a Public Hearing on December 17, 2024, based on the testimony presented at the hearing, along with the application submitted and the Staff Report, that the request does comply with the standards for the Text Amendment.

- 9.3. Public Hearing of Resolution No. 229-24 approving the replat of approximately 2.38-acres (103,758 square feet) of real property generally located at 180 Lakeview Avenue and 809 South Flagler Drive, as is associated with the One Flagler office and First Church of Christ Scientist developments.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 229-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONSOLIDATION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "ONE FLAGLER" CONSISTING OF TWO (2) DEVELOPMENT TRACTS "A" AND "B"

TOTALING APPROXIMATELY 2.38 ACRES (103,758 SQUARE FEET) GENERALLY LOCATED AT 180 LAKEVIEW AVENUE AND 809 SOUTH FLAGLER DRIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 229-24 creating the plat entitled "One Flagler."

This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with all applicable provisions of Chapter 177, Florida Statutes, the Comprehensive Plan, and the standards in Section 94-342 of the City's Zoning and Land Development Regulations.

**Background Information:**

The subject property and project entitled: "One Flagler" received site plan approval on October 27, 2021. The project consists of approximately 276,245 square feet of office space, 6,274 square feet of restaurant, a 239-space parking structure, and the renovation of the existing 16,368 square foot landmarked building of the First Church of Christ, Scientist. The project is generally located at 180 Lakeview Avenue and 809 South Flagler Drive.

The development approval for "One Flagler" provided that prior to the issuance of the final Certificate of Occupancy (CO), the property shall be re-platted in accordance with the City's policies and procedures.

The owners, RUD 1 Flagler LLC and First Church of Christ, Scientist, West Palm Beach Inc., wish to aggregate the site into two (2) development tracts and detail all necessary easements associated with the "One Flagler" development for regulatory consistency and to consolidate the property.

All of the public hearings were advertised in the Palm Beach Post. Proof of publication is housed in the Planning and Zoning Division records, along with evidence that individual public hearing notices were mailed to all property owners within 500 feet of the subject property.

The Planning Division has determined that the request is consistent with the Comprehensive Plan and complies with all applicable criteria in Chapter 177 Florida Statutes, and all of the subdivision general design standards located in Section 94-342 in the Zoning and Land Development Regulations.

Commission District 3: Commissioner Christy Fox.



9.4. **CONSIDER CONTINUATION OF RESOLUTION NO. 270-24 TO THE FEBRUARY 18, 2025, CITY COMMISSION MEETING.**

Public Hearing of Resolution No. 270-24 regarding a Major Amendment to the West Palm Commerce Park Industrial Planned Development located on the west side of Haverhill Road, approximately one quarter (1/4) mile south of 45th Street, to allow church and accessory daycare uses on Lot 6.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 270-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE WEST PALM COMMERCE PARK INDUSTRIAL PLANNED DEVELOPMENT (IPD), LOCATED ON THE WEST SIDE OF HAVERHILL ROAD, APPROXIMATELY ONE QUARTER (1/4) MILE SOUTH OF 45TH STREET, TO ALLOW CHURCH AND ACCESSORY CHILD DAYCARE USES ON LOT 6; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

I move to continue consideration of Resolution No. 270-24 to the commission meeting scheduled to begin at 5:00 p.m. on February 18, 2025, at the City of West Palm Beach City Hall Commission Chambers, 401 Clematis Street, West Palm Beach, Florida 33401

- 9.5. Public Hearing of Resolution No. 284-24: A request by Docks & More Construction Co. on behalf of Joe Marx for a Class A Special Use Permit (with a waiver) for a dock and boat lift to have a length greater than 100 feet located at the subject property 8002 Flagler Court.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 284-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A DOCK ON THE PROPERTY LOCATED AT 8002 FLAGLER COURT; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 284-24.

Based on the findings that the petition meets the required standards in Section 94-36(e)(3) through (5), Sections 94-313(a)(3), and Section 94-273(a)(2) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs).

**Background Information:**

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

The subject property is located at 8002 Flagler Court and is 0.26 acres in size. The rear of the property (south side of the property) has access to non-contiguous riparian rights to the Intracoastal Waterway.

Per Section 94-313(a)(3) (i.) of the ZLDRs, the length of the proposed dock shall be measured from the seawall to the furthest point of the dock, finger pier, or terminal platform (excluding dolphins, pilings, and other mooring-related facilities). The maximum dock length cannot exceed 100 feet in length. As noted above, the applicant is seeking the approval of a Class A Special Use Permit to allow the dock to extend beyond the maximum allowable length of 100 feet.

The applicant stated in their justification statement that additional length is needed in order to reach safe water depths to properly moor vessels at low tide and rough tidal conditions. If the dock were designed in compliance with the ZLDRs, it would prevent the applicant from having an adequate dock to enjoy and be unable to provide proper mooring-related needs. The waiver request is summarized below:

**WAIVER REQUESTED: SECTION 94-313(A)(3)(I.) – DOCK LENGTH**

<u>Length Allowed</u>	<u>Proposed Length</u>	<u>Waiver Requested</u>
100 Feet	131 Feet	31 Feet

Per the ZLDRs, accessory docks are permitted by right on properties possessing riparian rights, provided the construction of the dock (and all mooring-related structures associated with the dock) conform to the standards in Section 94-313(a)(3) for dimensional and locational requirements. In the event the applicant cannot meet all the standards set forth in the ZLDRs, the applicant may request waivers from the standards with a Class A Special Use Permit to be reviewed and considered by the City Commission.

The Planning Board recommended approval (7-0) of this request to the City Commission after a Public Hearing on November 19, 2024, based on the testimony presented at the hearing, along with the application submitted and the Staff Report, that the request does comply with the standards for the Class A Special Use Permit.

## NOTICES

Pursuant to the requirements of Section 94-39(i)(5) and 94-39(j)(2) of the City's Zoning and Land Development Regulations, the site was posted, individual notices were mailed to property owners within 500 feet of the subject property, and the resolution was advertised in the Palm Beach Post.

Commission District 5: Commissioner Christina Lambert.

### **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- 6:00 P.M.**

\*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.