City of West Palm Beach
City Commission

AGENDA

April 24, 2017
5:00 P.M.

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, FLORIDA 33401, {(561) 822-1210}

MAYOR
GERALDINE MUOIO

CITY COMMISSION
PRESIDENT CORY NEERING

COMMISSIONER SYLVIA MOFFETT  COMMISSIONER PAULA RYAN
COMMISSIONER KEITH JAMES  COMMISSIONER SHANON MATERIO

ADMINISTRATION
CITY ADMINISTRATOR, JEFFREY GREEN
CITY ATTORNEY, KIMBERLY ROTENBURG
CITY CLERK, HAZELINE CARSON

CALL TO ORDER:

INVOCATION:

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.

PRESENTATION AND AWARDS OF MERIT (1 – 3):

1. Proclaiming April 28, 2017 as: Arbor Day. Proclamation to be accepted by Elaine Christian and Michael Rittenhouse, City's Sustainability Program Coordinators.  
   Agenda Cover Memorandum No.: 21345

2. Proclaiming April 2017 as Landscape Architecture Month. Proclamation to be accepted by Landscape Architect Nicole Plunkett, on behalf the Florida ASLA for Palm Beach.  
   Agenda Cover Memorandum No.: 21346

3. Proclaiming April 23-29, 2017 as Offender Reentry Week. Proclamation to be accepted by Commissioner Sylvia Moffett and the Palm Beach County Reentry Task Force.  
   Agenda Cover Memorandum No.: 21371

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED (4):

4. Submittal of the following three (3) reports from the Internal Auditor's Office:  
   1. City's Lease and Contract Revenue Audit Report No. AUD16-02 and the Executive Summary of the City's Lease and Contract Revenue Audit;  
   2. Commercial Refuse Audit Report No. AUD16-03 and the Executive Summary of the Commercial Refuse Audit;  
   3. Finance, Cash, Banking, and Investments Post Audit Review No. PAR17-01.  
   Agenda Cover Memorandum No.: 21347

   Staff Recommended Motion:  
   Receive and file.

   Background:  
   The three reports were presented to the Audit Committee in February 2017 and March 2017, where they were approved by the Audit Committee Members. Copies of the reports have been provided to the Mayor and the City Commissioners.
CONSENT CALENDAR (5 – 21):

5. Minutes of the Regular City Commission Meeting of March 27, 2017.
   Agenda Cover Memorandum No.: 21348
   Staff Recommended Motion:
   Approve the Minutes of the Regular City Commission Meeting held on March 27, 2017.

6. Minutes of the Special City Commission Meeting of April 6, 2017.
   Agenda Cover Memorandum No.: 21349
   Staff Recommended Motion:
   Approve the Minutes of the Special City Commission Meeting held on April 6, 2017.

7. Appointment of Erik Ferguson as a member to the Palm Beach Metropolitan Planning Organization's (MPO) Technical Advisory Committee (TAC). It is required that this appointment be confirmed by the City Commission.
   Agenda Cover Memorandum No.: 21350
   Staff Recommended Motion:
   Approve appointment.

   Background:
   The Metropolitan Planning Organization's (MPO) Bicycle, Trailways, Pedestrian Advisory Committee (BTPAC) is responsible for advising and informing the MPO Board regarding bicycle and pedestrian issues in Palm Beach County. The MPO's Technical Advisory Committee (TAC) is made up of technical staff representing the various local governments within Palm Beach County, primarily planners and engineers. The TAC is responsible for reviewing and evaluating transportation-related plans and programs before these items are presented to the MPO Board.

   The City of West Palm Beach Transportation Engineer, Khanh Uyen Dang, is currently serving as a member of the TAC Committee. Mrs. Dang is delegating her sit as an active member on the MPO’s TAC Committee to Erik Ferguson, Senior Project Engineer. Mr. Ferguson will be serving as an active member for the TAC Committee and Ms. Dang as an alternate member.

   The City's appointment of Mr. Ferguson to the TAC will be forwarded to the MPO for approval by their board.

   Fiscal Note:
   No fiscal impact.

8. Commission Approval is requested for the Mayor's reappointment of Barbara Juliano to the Golf Course Advisory Committee for a term of three (3) years to expire
on May 25, 2020. Ms. Juliano has served over the maximum allowed number of terms (3). It is required that the City Commission confirms Ms. Juliano's reappointment.

Agenda Cover Memorandum No.: 21351

9. Commission Approval is requested for the Mayor's reappointment of Roger P. Janssen to the Downtown Action Committee for a term of three (3) years to expire March 3, 2020. Mr. Janssen has served over the maximum number of terms allowed (3). It is required that the City Commission confirms Mr. Janssen's reappointment.

Agenda Cover Memorandum No.: 21352

10. Commission Approval is requested for the Mayor's reappointment of Elizabeth Warren to the Traffic Calming Advisory Committee for a term of three (3) years to expire on May 25, 2020. Ms. Warren has served over the maximum allowed number of terms (3). It is required that the City Commission confirms Ms. Warren's reappointment.

Agenda Cover Memorandum No.: 21353

11. Resolution No. 143-17 authorizing the assessment of city liens in the total amount of $61,929.90 for unpaid water service, sewer service, and stormwater service charges for the month of January 2017.

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; 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.

Agenda Cover Memorandum No.: 21354

Staff Recommended Motion:
Approve Resolution No. 143-17.

Background:
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. 143-17 are for unpaid water, sewer and stormwater service charges for the month of January 2017. The list of properties to be assessed and the associated charges totaling $61,929.90 are attached to Resolution No. 143-17 as EXHIBIT A - Utility Lien List - January 2017. If not paid, these liens may be foreclosed by the City.

Fiscal Note:
No fiscal impact.
12. Resolution No. 114-17 approving the re-plat of Madjohn Industrial Park, entitled "Madjohn Industrial Park."

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION AND RE-PLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “MADJOHN INDUSTRIAL PARK PLAT” CONSISTING OF FIVE LOTS, ContAINING A TOTAL OF APPROXIMATELY 6.05 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 21355

Staff Recommended Motion:
Approve Resolution No. 114-17.

Background:
The subject property is currently vacant and consists of five (5) lots approximately 6.05 acres, located on the east side of Tuxedo Avenue, between Olgethorpe Road, just south of Hampton Road, west of I-95. The lots in the proposed Madjohn Industrial Park Plat were originally four (4) industrial parcels inside City limits with the southernmost parcel, previously operated as a mobile home park, annexed into the City in 2015 from unincorporated Palm Beach County. The property owner currently does not have any plans for development. It is in Staff’s professional opinion that this subdivision complies with the standards required by the City’s Comprehensive Plan and Zoning and Land Development Regulations.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City’s Planning Board.

PUBLIC NOTICE: Resolution No. 114-17 was advertised in the Palm Beach Post on April 14, 2017.

COMMISSION DISTRICT: The subject property is located within Commission District No. 5 – Commissioner Shanon Materio.

13. Resolution No. 29-17 approving the re-plat to create the plat entitled "Jefferson Terminals Block A and B"

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “JEFFERSON TERMINALS BLOCK A AND B”, CONSISTING OF A PARCEL CONTAINING A TOTAL OF APPROXIMATELY 1.83 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 21356
Staff Recommended Motion:
Approve Resolution No. 29-17.

Background:
The replat will join two parcels, 2206 Mercer Avenue and 1261 Boyd Street, with an abandoned portion of the Boyd Street right-of-way. The subject properties are located east of Mercer Avenue, south of Whitney Street, and north of the CSX tracks and the West Palm Beach Stub Canal. Gander and White warehouse facility is currently located at 2206 Mercer Avenue and its parking lot is located on 1261 Boyd Street. Both are owned by Jefferson Florida, LLC, which wishes to expand its existing 21,008 square feet parcel by 13,376 square feet and reconfigure the parking lot to incorporate the abandoned Boyd Street right-of-way. The joining of the two parcels and abandoned right-of-way will total approximately 1.83 acres and the new plat will be entitled “JEFFERSON TERMINALS BLOCK A AND B.” It is in Staff's professional opinion that this amendment complies with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City's Planning Board.

PUBLIC NOTICE: Resolution No. 29-17 was advertised in the Palm Beach Post on April 13, 2017.

COMMISSION DISTRICT: The subject properties are located within Commission District 5 - Shanon Materio.

14. Resolution No. 150-17 authorizing submittal of an application for a Department of Homeland Security SAFER Grant to fund salaries for fifteen (15) new firefighters for three (3) years.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY, FOR A GRANT UNDER THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAM (SAFER) TO FUND FIFTEEN FIREFIGHTER POSITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 21357

Staff Recommended Motion:
Approve Resolution No. 150-17.

Background:
The City of West Palm Beach Fire Rescue Department is seeking approval to apply for a Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant. This program is designed to hire firefighters.
Based on a comprehensive staffing analysis, it is the desire of the Fire Department to proceed with a SAFER Grant application to request the funding to hire fifteen (15) firefighters. The requested cost of these personnel for the three (3) year period is approximately $3,818,250. The applicant share for this grant is 25% in year-1, 25% in year-2 and 65% in year-3. The cost to the City for year-1 is $302,800, year-2 is $317,930 and year-3 is $867,960. If awarded, FEMA will cover the remaining $2,329,560 over the three (3) year period. If awarded, the funding will enable this organization to hire, train, and support these personnel with matching funds from the City of West Palm Beach. These firefighters will be able to provide all of the necessary emergency and non-emergency service delivery as other employees currently with the department.

This staffing is critical to maintaining safe fire rescue operations and adherence to National Fire Protection Association (NFPA) 1710 and maintaining the City's favorable Insurance Services Office (ISO) rating of "2". The period of performance for this grant is three (3) years and grantees do not have to commit to retaining the SAFER-funded firefighters beyond the period of performance.

These new firefighters would strengthen the available force should a natural or man-made disaster occur. The Fire Department urges approval of this Resolution so the community and the department can benefit from these firefighters.

Resolution No. 150-17 authorizes submittal of the grant application to the Department of Homeland Security.

**Fiscal Note:**
Will include in FY18 ($302,800 + $91,600), FY19 ($317,930) and FY20 ($867,960) budgets.

Operating cost not covered under SAFER grant in FY18: Initial uniforms $9,500, Bunker gear $51,000, Uniform allowance $10,500, Incentive pays $20,600 = $91,600.

Fiscal impact of fifteen (15) new FTE firefighters will be $1,502,100 in FY21.

If awarded, the grant agreement and a financial resolution will be brought back to the Commission for approval.

15. **Resolution No. 151-17(F): amending the Workers Compensation Fund budget to transfer available appropriations from workers compensation claims account to the General Fund to provide funding to add an assistant city attorney and a legal assistant to the staff of the Office of the City Attorney. Resolution No. 152-17(F) adding FTE personnel detail for the Office of the City Attorney.**

**RESOLUTION NO. 151-17(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION AND TRANSFER OF CITY FUNDS IN FISCAL YEAR 2016/2017 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER**
OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF 
AMENDING THE WORKERS COMPENSATION FUND BUDGET AND THE 
GENERAL FUND BUDGET TO TRANSFER APPROPRIATIONS FOR 
WORKERS COMPENSATION CLAIMS EXPENSE TO ALLOCATE FUNDS FOR 
TWO ADDITIONAL FULL TIME EQUIVALENT (F.T.E) POSITIONS WITHIN 
THE CITY ATTORNEY’S OFFICE; PROVIDING AN EFFECTIVE DATE; AND 
FOR OTHER PURPOSES.

RESOLUTION NO. 152-17(F): A RESOLUTION OF THE CITY COMMISSION 
OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE 
GENERAL FUND BUDGET TO AMEND THE FULL TIME EQUIVALENT 
(F.T.E.) PERSONNEL DETAIL; PROVIDING AN EFFECTIVE DATE; AND FOR 
OTHER PURPOSES.

Staff Recommended Motion: 
Approve Resolution No. 151-17(F) and Resolution No. 152-(F).

Background:
With the exception of worker's compensation, the Office of the City Attorney prosecutes 
and defends all claims brought against the City unless the claim involves a specialized field 
or in the case of a conflict. While worker's compensation is a specialized practice area, the 
number of claims being handled by outside counsel currently justifies bringing that area of 
practice in house. The City spends approximately $226,000 per year defending worker's 
compensation claims. Bringing the position in house is expected to result in a small savings 
to the City and will also enable the office to better manage the work.

The Workers Compensation Fund (505) has available budget appropriations from the 
workers compensation claims expenditure account to be transferred to the General Fund 
within the City Attorney's department budget to fund two positions. The estimated expense 
until fiscal year end for adding a Legal Assistant and an Assistant City Attorney I is 
approximately $60,000.

Fiscal Note: 
No fiscal impact.

16. Resolution No. 137-17(F) appropriating funds for the purchase of two (2) Building 
Inspector vehicles.

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 2016/2017 IN ACCORDANCE WITH 
SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM 
BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE BUILDING 
PERMITTING FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE
PURCHASE OF TWO (2) VEHICLES FOR BUILDING INSPECTORS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*Agenda Cover Memorandum No.: 21359*

**Staff Recommended Motion:**
Approve Resolution No. 137-17(F).

**Background:**
The Building Permitting Division of the Development Services Department received two (2) additional Building Inspectors in FY 2016/17 and funds are needed to purchase two (2) vehicles for daily operations. The procurement of these units will also require funds for gasoline costs which can be absorbed in the department's current operating budget.

**Fiscal Note:**
Upon approval, the balance in the Reserve for Future Projects in Fund 130 will be approximately $5,188,000.

17. Resolution No. 134-17 authorizing Street Lighting Agreements with FPL for the modification of street lights.

*A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF THE STREET LIGHTING AGREEMENTS BETWEEN FLORIDA POWER AND LIGHT COMPANY AND THE CITY OF WEST PALM BEACH FOR THE MODIFICATION OF STREET LIGHTING FACILITIES; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.*

*Agenda Cover Memorandum No.: 21360*

**Staff Recommended Motion:**
Approve Resolution No. 134-17.

**Background:**
FPL, from time to time, installs new City-owned street lights as part of various street and roadway projects initiated by the City of West Palm Beach.

FPL requires its standard Street Lighting Agreement to be executed for each project. The standard FPL Street Lighting Agreement provides that FPL will install and maintain the street lights at no cost to the City; and the City will purchase the electrical energy for the lights from FPL at the current tariff rates.

Currently, each Street Lighting Agreement is brought to the City Commission for approval. As a result of the forthcoming CIP and bond projects, it is anticipated that numerous Street Lighting Agreements will need to be executed.
Resolution No. 134-17 will authorize the Mayor to execute the standard FPL Street Lighting Agreement, provided there is no cost to the City for such installation or modification, other than the electric costs.

COMMISSION DISTRICT: Citywide.

**Fiscal Note:**
No fiscal impact.

18. **Resolution No. 146-17 approving an Economic Development Incentive Grant Agreement (Building Improvements) for West Palm Brewing, LLC d/b/a Stemhorse Brewing Company in an amount not to exceed $100,000.00.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING ECONOMIC INCENTIVES FOR WEST PALM BREWING, LLC; AUTHORIZING THE EXECUTION OF A RELATED GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Agenda Cover Memorandum No.: 21362**

**Staff Recommended Motion:**
Approve Resolution No. 146-17.

**Background:**
The City's Economic Development Strategic Plan includes goals that aim to help expand existing businesses and to improve the existing vacant industrial/commercial space.

West Palm Brewing, LLC d/b/a Stemhorse Brewing Company (hereinafter "Steamhorse") will be an addition to the "Warehouse District" located in the industrial area south of Okeechobee Boulevard and west of Parker Avenue. Steamhorse applied for a building improvement grant requesting assistance to improve industrial space. The property to be improved is a portion of the property located 1500-A Elizabeth Avenue. The portion of the property to be renovated by Steamhorse is referred to as 1500-B.

Steamhorse is improving over 28,000 square feet of industrial space that was originally constructed in 1950. The brewery will create ten (10) full time and fifteen (15) part time jobs within the City. Steamhorse has submitted plans for a building permit. The grant agreement requires that the brewing facility be completed and open by February 28, 2018.

The building improvement grant is for 10% of the cost of the building improvements up to $1 million, for a maximum grant of $100,000. The grant is issued on a reimbursement basis after all permits are closed, a certificate of occupancy has been issued by the City and proof of invoices and payments are provided to the City. Steamhorse will be required to remain in the City for a five (5) year period.
The Steamhorse project helps the City's economic development goals by modernizing dated industrial space and creating jobs.

COMMISSION DISTRICT: This project is located in District 5 - Commissioner Shanon Materio.

19. Resolution No. 103-17 approving a Grant Agreement with the Florida Department of Environmental Protection (FDEP) for funding assistance related to the Currie Park Water Quality and Low Impact Development Retrofits project in the amount of $175,000 and Resolution No. 139-17(F) appropriating the funding.

RESOLUTION NO. 103-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FUNDING ASSISTANCE RELATED TO THE CURRIE PARK WATER QUALITY AND LOW IMPACT DEVELOPMENT RETROFITS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 139-17(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 2016/2017 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE STORMWATER R&R AND IMPROVEMENT FUND BUDGET FOR RECEIPT OF A FLORIDA DEPARTMENT ENVIRONMENTAL PROTECTION (FDEP) GRANT FOR THE CURRIE PARK WATER QUALITY AND LOW IMPACT DEVELOPMENT RETROFITS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background:
The Currie Park Green Streets and Stormwater Improvements project is identified in the 2016 Stormwater Master Plan and is one of the Utility System Revenue Bonds, Series 2017A projects. According to recommendations provided in the City’s Stormwater Master Plan, the intent of this project is to upgrade the existing infrastructure within and surrounding Currie Park to reduce the likelihood of flooding to significant historical and residential communities and provide additional treatment before discharge to the Lake Worth Lagoon. While subject to final engineering design, the proposed stormwater improvements consist of replacing failing vitrified clay pipe and related structures, relocating and retrofitting pollution control devices, and providing water quality retrofits.
The Currie Park Water Quality and Low Impact Development Retrofits project ("Project") is a component of the overall Currie Park Green Streets and Stormwater Improvements. The Project focuses on the water quality retrofits while the overall improvements project addresses infrastructure replacements. Pursuant to the 2016-2017 General Appropriations Act, under Line Item 1600A, legislative appropriation was provided for the Project through a cost reimbursement grant from the Florida Department of Environmental Protection (FDEP Agreement No. LP50031). Grant funding assistance will be provided up to a maximum amount of $175,000 with the Project completion required by August 16, 2019.

Resolution No. 103-17 authorizes the execution of the Grant Agreement.

COMMISSION DISTRICT: The Project is located in Commission District No. 1 - Commissioner Sylvia Moffett.

Fiscal Note:
Approval will provide appropriations in the Stormwater Utility for reimbursement grant revenue up to $175,000 and the same amount for expenditures.

20. Resolution No. 144-17 approving an Interlocal Agreement between the City and the School Board of Palm Beach County for the Mutual Use of Recreational Facilities.

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 THE SCHOOL BOARD OF PALM BEACH COUNTY FOR MUTUAL USE OF RECREATIONAL FACILITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 21364

Staff Recommended Motion:
Approve Resolution No. 144-17.

Background:
The purpose of this Agreement is to allow the School Board and the City to utilize each other’s recreational facilities and provide a procedure for authorizing the use of the School Board’s recreational facilities by the City and City affiliated recreation groups and organizations that have been approved by the parties. The City desires access to School Board facilities to offer City run summer camps at South Olive Elementary School and Belvedere Elementary School, as well as athletic facilities for special programs and events. Additionally, the schools located within the City limits request use of park pavilions, the aquatic center and other recreational/sports facilities for school programs and events. This Agreement provides the mechanism for the School Board and the City to have mutual use of requested facilities.

Fiscal Note:
No fiscal impact.
21. Resolution No. 159-17 approving Amendment No. 6 to the Trolley Operating Agreement with Molly's Trolleys to extend the contract for six (6) months, provide for operation of the Blue Line for the summer, amend the Blue Line route and stops; and Resolution No. 160-17 approving the Interlocal Agreement with the CRA for funding the Blue Line trolley.

RESOLUTION NO. 159-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FIFTH AMENDMENT TO THE TROLLEY OPERATING AGREEMENT BETWEEN MOLLY’S TROLLEYS OF WEST PALM BEACH AND THE CITY OF WEST PALM BEACH TO EXTEND THE AGREEMENT FOR SIX MONTHS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER Purposes.

RESOLUTION NO. 160-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH REGARDING FUNDING OPERATIONS OF THE TROLLEY BLUE LINE FOR SUMMER 2017; PROVIDING FOR CHANGES IN THE BLUE LINE ROUTE AND STOPS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:
Approve Resolution No. 159-17 and Resolution No. 160-17.

Background:
The current Trolley Operating Agreement with Molly's Trolleys of West Palm Beach, Inc. will expire on June 20, 2017.

The Procurement Department is currently researching the best method for procurement of a new contract for operation of the trolleys, along with reviewing the ability to incorporate the CRA’s contract for operation of the trolley Blue Line into one master agreement. It is in City's best interest to extend the term of the current contract with Molly's Trolleys for a period not to exceed six (6) months. This will give the staff time to procure and negotiate a new contract and incorporate the Blue Line into the master contract. The current contract will expire when the new trolley operating contract is executed, but will not be extended longer than six (6) months.

Additionally, the CRA desires to operate the Blue Line through the summer months, and to amend the agreement regarding the Blue Line to adjust the route and stops.

The City and Operator desire to extend the Agreement for a six-month period to ensure that trolley operations are not impacted due to contract expiration. Sections 3.3.5 and 21.18 of the Agreement provides that any amendment of the Agreement must be made by written amendment executed by both parties.
Resolution No. 159-17 authorizes execution of the Fifth Amendment to the Trolley Operating Agreement.

The City and CRA desire to enter into an Interlocal Agreement for CRA funding of a portion of the Blue Line trolley operations during the summer. Funding for this contract extension is budgeted in the CRA's Downtown Core Target Area (Trolley Route To Northwood Village) and the Parking Department's WPB Trolley System (Trolley Operations JARC 2).

Resolution No. 160-17 authorizes execution of the Interlocal Agreement with the CRA for funding the Blue Line trolley during the summer of 2017.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

PUBLIC HEARINGS (22 – 25):

22. Public Hearing and Second Reading of Ordinance No. 4705-17 amending the Procurement Code to provide a preference in the award of procurements for goods, services and construction for certified service-disabled veteran business enterprises.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, AT CHAPTER 66, PROCUREMENT, TO CREATE SECTION 66-75 TO PROVIDE A PREFERENCE IN THE AWARD OF PROCUREMENTS TO CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 21365

Staff Recommended Motion:
Approve Ordinance No. 4705-17.

Background:
Florida has the third largest population of veterans in the nation, with more than 1.6 million veterans; 75% of whom have served during periods of conflict. Florida is home to approximately 500,000 Vietnam-era veterans; 231,000 veterans of Afghanistan and Iraq; 160,000 women veterans; and 164,000 World War II veterans.

With the intent to rectify the economic disadvantage of service-disabled veterans, who are statistically the least likely to be self-employed when compared to the veteran population as a whole and who have made extraordinary sacrifices on behalf of the nation, the state and the public, the Florida Legislature enacted the Florida Service-Disabled Veteran Business Enterprise Opportunity Act, found at Sec. 295.187, Florida Statutes.

The Florida Service-Disabled Veteran Business Enterprise Opportunity Act provides that an independently owned and operated business that:
1. Employs 200 or fewer permanent full-time employees;
2. Has a net worth of $5 million or less;
3. Is organized to engage in commercial transactions;
4. Is domiciled in Florida
5. Is at least 51% owned by one or more service-disabled veterans; and
6. The management of which is controlled by one or more service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran; is a service-disabled veteran-business enterprise; and

The Florida Service-Disabled Veteran Business Enterprise Opportunity Act:
   a) Establishes a procedure by which the State will certify a business as a Certified Service-Disabled Veteran Business Enterprise;
   b) Provides a preference for the selection of certified service-disabled veteran business enterprises in the procurement of goods, services and construction by the State; and
   c) Encourages political subdivisions of the state to offer a similar consideration to Certified Service-Disabled Veteran Business Enterprises.

Ordinance No. 4705-17 creates Sec. 66-75 of the Procurement Code to provide a preference for the participation by Service-Disabled Veteran Business Enterprises in City procurements for good, services and construction. The Ordinance will provide that when considering two or more bids/proposals for the procurement of goods, services or construction, and at least one of which is: i) from a certified service-disabled veteran business enterprise, and ii) is equal with respect to all relevant considerations, including price, quality and service, such procurement or contract shall be awarded to the certified service-disabled veteran business enterprise. The Ordinance will be effective for procurement solicitations issued as of June 1, 2017.

Fiscal Note:
No fiscal impact.

23. Public Hearing and Second Reading of Ordinance No. 4703-17 changing the street name of Florida Avenue to South Rosemary Avenue between Okeechobee Boulevard and "L" Street.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RENAMING A CERTAIN RIGHT-OF-WAY, KNOWN AS "FLORIDA AVENUE" TO "SOUTH ROSEMARY AVENUE"; WHICH IS LOCATED NORTH AND SOUTH OF OKEECHOBEE BOULEVARD, WEST OF THE FEC RAILROAD AND EAST OF SAPODILLA AVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
Agenda Cover Memorandum No.: 21366

Staff Recommended Motion:
Approve Ordinance No. 4703-17.
Background:
The Palm Beach County Convention Center, The Related Companies, and the CityPlace South Tower have made three (3) requests:

1. A name change for Florida Avenue from Okeechobee Blvd. to the Convention Center Garage to be South Rosemary Avenue. This change will be more transparent for guests and visitors of this area.
2. The private driveway south of the South Tower Condominium shall be named "Kiwi Drive". This section of roadway is co-owned by the Related Companies and CityPlace South Tower.
3. According to Plat Book 90, pgs. 33 to 37, the street on the south side of the Hilton West Palm Beach Parking lot is named "L" Street. Currently, this street is not signed or designated in Palm Beach County atlas.

The Ordinance will allow for the name change of Florida Avenue to South Rosemary Avenue. In addition, a request to Palm Beach County for the name change of Kiwi Drive and L Street was made and will affected immediately. City of West Palm Beach Public Works shall install the appropriate street signage on local streets. City of West Palm Beach Engineering Services will coordinate with Florida Department of Transportation to install new street name signage at the intersection of Okeechobee and South Rosemary Avenue.

COMMISSION DISTRICT: Commission District 1: Commissioner Paula Ryan.

Fiscal Note:
No fiscal impact.

24. Resolution No. 135-17 declaring a twelve (12) foot strip of land adjacent to 335 27th Street to be surplus property and authorizing disposition; and First Reading of Ordinance No. 4706-17 approving the conveyance of the property to the Jerome Golden Center for Behavioral Health, Inc..

RESOLUTION NO. 135-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT A TWELVE FOOT STRIP OF LAND ADJACENT TO 335 27TH STREET IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; SELECTING THE METHOD OF DISPOSITION TO BE CONVEYANCE TO THE ABUTTING PROPERTY OWNER IN EXCHANGE FOR THE DEDICATION BY PLAT TO THE CITY OF ADDITIONAL 27TH STREET RIGHT OF WAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4706-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE CONVEYANCE OF A TWELVE FOOT STRIP OF LAND ADJACENT TO 335 27TH STREET TO THE OWNER OF THE ABUTTING PROPERTY, THE JEROME GOLDEN CENTER FOR BEHAVIORAL HEALTH, INC., BY QUIT CLAIM DEED IN EXCHANGE FOR THE DEDICATION BY PLAT TO THE
CITY OF ADDITIONAL 27TH STREET RIGHT OF WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 21367

Staff Recommended Motion:
Approve Resolution No. 135-17; Approve Ordinance No. 4706-17 on First Reading and schedule a Public Hearing and Second Reading for May 8, 2017.

Background:
The Jerome Golden Center for Behavioral Health, Inc., the owner of the property located at 335 27th Street at the northeast corner of 27th Street and Poinsettia Ave., submitted a replat of Lots 7 through 11, plat of Blackstone Addition, in order to remove previously platted building setback lines. Upon review by the City, it was determined that the sidewalk along the North right of way of 27th Street encroaches into the property by 7.33 feet. The owner has agreed to dedicate this strip to the City by plat in exchange for a 12.00 foot strip of land along Poinsettia which was dedicated to the City by the plat of Blackstone Addition. The 12.00 foot strip has been maintained by the applicant and is currently being used for driveway purposes. It has been determined by the City's Land Management Committee that the property is not needed for any City purpose and can be surplused. No appraisal is required as the value is less than $50,000.00 based on the 2016 Property Appraiser's assessment of the adjacent property.

This property is located in Commission District 1 - Sylvia Moffett.

25. Public Hearing of Resolution No. 130-17 regarding a request by Michael Sanchez of Managed Land Entitlements, LLC, on behalf of 417-431 Bunker Road, LLC, for the abandonment of the alley located to the north of 417 and 431 Bunker Road.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING AN ALLEY LOCATED NORTH OF 417 AND 431 BUNKER ROAD; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID ALLEY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 21368

Staff Recommended Motion:
APPROVE Resolution No. 130-17, abandoning the alley located to the north of 417 and 431 Bunker Road. This motion is based upon the factual testimony presented, the application submitted, and the findings that the criteria for abandonment in Section 78-217 of the City Code have been met.

Background:
The subject alley contains approximately 2,493 square feet (roughly 14 feet by 175 feet). It is located to the east of Webster Avenue, directly behind 417 and 431 Bunker Road. The eastern portion of the alley was abandoned in 1991, resulting in the current alley being a dead end alley. A location map of the subject alley is included as Attachment 1.
The alley is currently unimproved, consisting of sod. The owner of 417 and 431 Bunker Road would like to acquire the alley so that he can enclose a covered outdoor storage area on his property. The 417 and 431 Bunker Road site currently exceeds the maximum allowable floor area ratio, so the additional land area of the alley is needed to increase the building area of the existing buildings.

Subsequent to recordation of the disclaimer for the alley, 417-431 Bunker Road, LLC, shall recorded a Unity of Title to combine all of the properties. The abandoned alley would become the landscape buffer and the existing site would be improved to comply with the City's landscape regulations as part of the construction to enclose the storage area.

The alley contains a Florida Power and Light power pole, so the alley abandonment includes the reservation of a 10 foot wide utility easement on the north side of the alley. The utility easement is required to be recorded.

An appraisal for the abandonment of the subject alley was conducted by Anderson & Carr Inc. on January 20, 2017 (ATTACHMENT II). Anderson & Carr concluded the alley, with the required utility easement, has a market value of $39,000. The Mayor recommends accepting $10,000 to disclaim the alley.

CRITERIA: Pursuant to Code Section 78-217, the City Commission shall consider the following criteria in determining whether the general public welfare would be best served by the proposed action:

1) Whether the public benefits from the use of the subject right-of-way as part of the city street system.
2) Whether the proposed action is consistent with the city's comprehensive plan.
3) Whether the proposed action would violate individual private property rights.
4) The availability of alternative action to alleviate the identified problems.
5) The effect of the proposed action upon traffic circulation.
6) The effect of the proposed action upon crime.
7) The effect of the proposed action upon the safety of pedestrians and vehicular traffic.
8) The effect of the proposed action upon the provision of municipal services, including, but not limited to, emergency services and waste removal services.
9) The necessity to relocate utilities, both public and private.
10) The effect the proposed action will have upon property values in the immediate and surrounding areas.

The abandonment of the subject property will not result in any negative impacts to the surrounding area, since the alley right-of-way is not functional for any sidewalk or vehicular access. Additionally, due to the small size and narrow shape of the area proposed for abandonment, the subject property has little or no development potential to anyone other than the adjoining property owner. Staff has found the requested abandonment complies with all abandonment criteria.
NOTICE: Signs for the right-of-way abandonment were posted on March 24, 2017 and individual notices were mailed to all property owners within 400 feet of the alley on April 7, 2017.

COMMISSION DISTRICT: The subject property is located within Commission District No. 5 – Commissioner Shanon Materio.

Fiscal Note: The appraised value of the alley is $39,000. The Mayor recommends accepting $10,000 to disclaim the alley.

PUBLIC HEARING – QUASI-JUDICIAL (26 – 29):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES

26. Public Hearing and Second Reading of Ordinance No. 4699-17: Regarding the transfer of the site plan approvals and development conditions relating to the Palms Gateway (formerly known as BW-Australian & Belvedere) Commercial Planned Development (CPD), located at the southeast corner of Belvedere Road and Australian Avenue, to a separate resolution; and

Public Hearing of Resolution No. 96-17: Regarding a request by Bohler Engineering, on behalf of Taylor/Theus Holdings, Inc., for a Major Amendment to the Palms Gateway Commercial Planned Development (CPD), located at the southeast corner of Belvedere Road and Australian Avenue to modify the Master Development Plan, provide for the construction of a five (5) story, 111,686 square foot self-storage building, establish a master sign program for freestanding signs, and granting waivers from the Zoning and Land Development Regulations.

ORDINANCE NO. 4699-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 4572-15 RELATING TO THE PALMS GATEWAY (FORMERLY KNOWN AS BW-AUSTRALIAN & BELVEDERE) COMMERCIAL PLANNED DEVELOPMENT, LOCATED AT THE SOUTHEAST CORNER OF BELVEDERE ROAD AND AUSTRALIAN AVENUE, TO TRANSFER AND CONSOLIDATE ALL SITE PLAN APPROVALS AND DEVELOPMENT CONDITIONS TO A SINGLE RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 96-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PALMS GATEWAY (FORMERLY KNOWN AS BW-BELVEDERE & AUSTRALIAN) COMMERCIAL PLANNED DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF BELVEDERE ROAD AND AUSTRALIAN AVENUE TO MODIFY THE MASTER DEVELOPMENT PLAN, PROVIDE FOR THE CONSTRUCTION OF A FIVE STORY, 111,686 SQUARE
FOOT SELF-STORAGE BUILDING, ESTABLISH A MASTER SIGN PROGRAM FOR FREESTANDING SIGNS, AND GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Agenda Cover Memorandum No.: 21369**

**Staff Recommended Motion:**
APPROVE Ordinance No. 4699-17, transferring the site plan approvals and development conditions relating to the Palms Gateway Commercial Planned Development to a separate resolution; and

APPROVE Resolution No. 96-17, which will approve a Major Amendment to the Palms Gateway Commercial Planned Development to modify the Master Development Plan, provide for the construction of a five story, 111,686 square foot self-storage building, establish a master sign program for freestanding signs, and grant waivers from the requirements of the Zoning and Land Development Regulations. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background:**
(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT I.)

The subject property is approximately 8.55 acres in size and is located at the southeast corner of Belvedere Road and Australian Avenue. On July 20, 2015, the City Commission of the City of West Palm Beach approved Ordinance No. 4572-15 establishing the BW-Australian & Belvedere Commercial Planned Development (CPD). On March 27, 2017, the City Commission approved Resolution No. 96-17, approving a minor subdivision to plat the property into four (4) separate development Tracts and to change the name of the development to Palms Gateway. The property is currently cleared and under construction for a Wawa convenience store and gas station at the northwest corner of the planned development.

The applicant is requesting a Major Amendment to the Palms Gateway CPD. The amendment, if approved, will modify the Master Development Plan, provide for the construction of a five (5) story, 111,686 square foot self-storage building on the southeast corner of the development (on Tract #4), and establish a master sign program for all freestanding signs in the development. In order to provide for the proposed changes, the applicant is seeking four (4) waivers from the requirements of the Zoning and Land Development Regulations, specifically:

1.) Landscape buffer requirement for the interior development tracts; and
2.) Side building setbacks for the proposed self-storage building; and
3.) Minimum dimensions for the required loading and unloading spaces for the self-storage building; and
4.) Off-premise signs.

CONCLUSION: It is Staff's professional opinion that the applicant is mitigating any potential negative impacts that may result from the waiver requests, and that the improvements will enhance the corner of Belvedere Road and Australian Avenue, which is a very active intersection. The improvements will also enhance the quality of the development to make for an attractive Commercial Planned Development. The Development Services Department - Planning Division has found that the request satisfies all the standards found within the City's Zoning and Land Development Regulations. Therefore, Staff is recommending approval of the requests, subject to the conditions outlined in Resolution No. 96-17.

PLANNING BOARD: After a Public Hearing on February 21, 2017, the Planning Board voted unanimously (7-0) to recommend approval of the request. The recommendation was made subject to the conditions outlined in the Staff Report.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. The Ordinance and Resolution was advertised in the Palm Beach Post on April 14, 2017.

COMMISSION DISTRICT: The site is located within Commission District No. 5 - Commissioner Shanon Materio.

27. **Public Hearing and Second Reading of Ordinance No. 4701-17:** Regarding the transfer of the site plan approvals and development conditions relating to the Home Depot Commercial Planned Development, generally located south of Palm Beach Lakes Boulevard, east of Hank Aaron Drive, to a separate resolution; and

Public Hearing of Resolution No. 101-17: Regarding the consolidation of the development regulations and providing for a Major Amendment to the Home Depot Commercial Planned Development to construct a 15,675 square foot multi-tenant retail / restaurant building.

The above-referenced requests are being made by Mark Rickards, of Kimley-Horn & Associates, on behalf of Tricor International Corporation.

**ORDINANCE NO. 4701-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ORDINANCES RELATING TO THE HOME DEPOT COMMERCIAL PLANNED DEVELOPMENT (CPD) GENERALLY LOCATED ON PALM BEACH LAKES BOULEVARD ALONG HANK AARON DRIVE, TO TRANSFER AND CONSOLIDATE ALL SITE PLAN APPROVALS AND DEVELOPMENT CONDITIONS RELATING TO THE CPD TO A SINGLE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**
RESOLUTION NO. 101-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONSOLIDATING THE DEVELOPMENT REGULATIONS AND APPROVING A MAJOR AMENDMENT TO THE HOME DEPOT COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED ON PALM BEACH LAKES BOULEVARD EAST OF HANK AARON DRIVE, TO ALLOW PROVIDE FOR THE CONSTRUCTION OF A 15,675 SQUARE FOOT MULTI-TENANT RETAIL / RESTAURANT BUILDING; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 21370

Staff Recommended Motion:
APPROVE Ordinance No. 4701-17, transferring the site plan approvals and related conditions for the Home Depot Commercial Planned Development to a separate resolution; and

APPROVE Resolution No. 101-17, a Major Amendment to the Home Depot Commercial Planned Development, generally located south of Palm Beach Lakes Boulevard, east of Hank Aaron Drive, to construct a 15,675 square foot multi-tenant retail / restaurant building. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:
(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT 1.)

Located on the south side of Palm Beach Lakes Boulevard, between Hank Aaron Drive and the canal connecting Lake Mangonia to Clear Lake, the subject property consists of approximately 1.15 acres and is currently vacant.

The subject property is part of a larger tract of land consisting of approximately 72 acres, which was formerly the Municipal Stadium and Auditorium site. The Home Depot Commercial Planned Development (CPD) was approved for Parcel C on August 23, 1999 (Ordinance No. 3244-99). The CPD was to be developed in two phases. Phase I consisted of the following: Home Depot store, fuel station, a Wendy’s restaurant, local retail, and retail with a drive-through. Construction of Phase I has since been completed. Phase II was to consist of 47,115 square feet of General Commercial (GC) uses.

Since the original adoption of the CPD, there have been two amendments that have altered the development of Phase II. The amendments are as follows:
Ordinance No. 3727-04 (February 2, 2004) – Provided for a 4,128 square foot bank facility with four (4) drive-through teller lanes and a drive-through ATM. In addition, there was to be 9,590 square feet of future retail.

Ordinance No. 3844-05 (May 23, 2005) - Removed the bank facility approved by Ordinance No. 3727-04, and instead provided for a 6,569 square foot Tire Kingdom, an 8,987 square foot Boater’s World, and 30,325 square feet of future retail.

To date, only the Tire Kingdom and Boater’s World structures have been built within Phase II. As such, the remaining un-built portion of the CPD is the vacant parcel that is the subject of this application, which was to be the 30,325 square feet of future retail.

The applicant is currently requesting a Major Amendment to the CPD pursuant to Section 5, subparagraph 3 of Ordinance No. 3844-05, which provided that the development of the “future retail” was to be approved by the City Commission by way of a Major Amendment. The applicant is proposing to construct a single commercial building, consisting of approximately 15,675 square feet, to provide restaurant and retail uses.

CONCLUSION: The Development Services Department – Planning Division has found that the request satisfies all of the standards found within the City’s Zoning and Land Development Regulations (ATTACHMENT VI), and that all negative impacts are being eliminated or sufficiently mitigated, allowing for a development that will ultimately benefit an otherwise-vacant property. Therefore, Staff is recommending approval of the request, subject to the conditions outlined herein.

PLANNING BOARD: After a Public Hearing on February 21, 2017, the Planning Board recommended approval (7-0) of the request, subject to the conditions proposed by Staff and contained in Resolution No. 101-17.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 4701-17 and Resolution No. 101-17 were advertised in the Palm Beach Post on April 14, 2017.

COMMISSION DISTRICT: The site is located within Commission District No. 3 - Commissioner Paula Ryan.

Fiscal Note: No fiscal impact.

28. Public Hearing and Second Reading of Ordinance No. 4681-16: Regarding a Future Land Use Map Amendment to change the future land use designation of ±4.91 acres, located at 3111 South Dixie Highway, from Commercial (C) to Commercial East (CE); and

Public Hearing and Second Reading of Ordinance No. 4682-16: Regarding a Rezoning to change the zoning designation of ±9.32 acres, located at 3111 South Dixie
Highway, from Neighborhood Commercial (NC) and Office Commercial (OC) to
General Commercial (GC); and

Public Hearing and Second Reading of Ordinance No. 4683-16: Regarding a
Rezoning to change the zoning designation of ±9.32 acres, located at 3111 South Dixie
Highway, from General Commercial (GC) to Commercial Planned Development
(CPD); and

Public Hearing of Resolution No. 357-16: Approving the development regulations and
conditions for the 3111 South Dixie Commercial Planned Development (CPD), and
granting waivers of the Zoning and Land Development Regulations.

All of the above-referenced items are being requested by Christopher P. Barry, AICP
CUD, of Urban Design Kilday Studios, on behalf of 3111 Prospect Place Equities
LLC, for the construction of a multiple-use development consisting of 300 residential
dwelling units; 13,600 square feet of retail; and 4,400 square feet of restaurant.

ORDINANCE NO. 4681-16: AN ORDINANCE OF THE CITY COMMISSION OF
THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE
LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST
PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE
DESIGNATION OF ±4.91 ACRES, LOCATED AT 3111 SOUTH DIXIE
HIGHWAY, FROM COMMERCIAL (C) TO COMMERCIAL EAST (CE);
DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE
MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE
CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4682-16: 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 TO REZONE PROPERTY
LOCATED AT 3111 SOUTH DIXIE HIGHWAY, CONSISTING OF ±0.95 ACRES
FROM NEIGHBORHOOD COMMERCIAL (NC) AND ±8.38 ACRES FROM
OFFICE COMMERCIAL (OC), TO GENERAL COMMERCIAL (GC);
DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH
THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE
DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4683-16: 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 TO REZONE ±9.32 ACRES,
LOCATED AT 3111 SOUTH DIXIE HIGHWAY, FROM GENERAL
COMMERCIAL (GC) TO COMMERCIAL PLANNED DEVELOPMENT (CPD);
DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH
THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS
CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
RESOLUTION NO. 357-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS AND CONDITIONS FOR THE 3111 SOUTH DIXIE COMMERCIAL PLANNED DEVELOPMENT (CPD); GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 21185

Staff Recommended Motion:
THE APPLICANT HAS REQUESTED THAT THIS ITEM BE CONTINUED TO THE MAY 22, 2017 CITY COMMISSION AGENDA.

Background:
(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT 1.)

Located on the west side of South Dixie Highway, approximately ¼ mile south of Belvedere Road, and ½ mile north of Southern Boulevard, the subject property consists of a single parcel totaling ±9.32 acres. Originally constructed as a retail center, including a Sears and Winn-Dixie grocery, the property was eventually converted into an office complex and is now occupied by a one- and two-story office building consisting of over 170,000 square feet. The site is primarily designed as a suburban-style development with the building pushed to the far west side of the property, away from the main thoroughfare and over 5.36 acres of surface parking located in front of the building. The parking equates to approximately 58% of the property. In recent years the property has seen an increase in vacancy due to its age, market forces, and the availability of higher-quality office space in other areas of the City and county. To bring a renewed sense of energy to the site and transform the property into a modern multiple-use center that offers retail, restaurant, residential, and public open space, the current owner of the property has submitted a proposal to completely redevelop the site by demolishing all of the existing improvements and constructing the following:

- Five 14-story multifamily residential condominium buildings providing a total of 300 residential dwelling units; and
- Six one-story commercial buildings along the South Dixie Highway corridor providing a total of 13,600 square feet of retail and 4,400 square feet of restaurant (with 1,100 square feet of outdoor dining).

To provide for the proposed redevelopment, the Applicant has submitted requests to change the current FLU designation on a portion of the site, and change the zoning designation on the entire parcel, ultimately establishing a Commercial Planned Development (CPD). Summarized below, a full description and analysis of these requests is provided in ATTACHMENT 1.
FUTURE LAND USE MAP AMENDMENT – ORDINANCE NO. 4681-16

The subject property currently has two Future Land Use (FLU) Designations that correspond with an evolution of the City’s Comprehensive Plan and its many objectives and policies relating to the South Dixie Highway corridor; a Commercial (C) FLU designation exists across the western-most ±4.91 acres and a Commercial East (CE) FLU designation on the eastern-most ±4.41 acres. In order to provide for the mixed- or multiple-use development across the entire property and have one consistent FLU designation, the Applicant is requesting that the FLU designation of the western-most ±4.91 acres be changed from C to CE.

REZONING/PLANNED DEVELOPMENT – ORDINANCE NOS. 4682-16 and 4683-16, and RESOLUTION NO. 357-16

The Applicant is also requesting that the property be rezoned to General Commercial (GC), with a further rezoning to Commercial Planned Development (CPD). The proposed rezoning will allow for the introduction of residential uses (which currently is prohibited on much of the site) as well as maximize the development potential and synergy that can be created. The applicant is proposing to construct a multiple-use development that will introduce commercial (retail and restaurant) uses immediately along South Dixie Highway, with multifamily towers on the western portion of the property, closer to the railroad tracks. The proposed development program consists of the following:

Retail: 13,600 square feet  
Restaurant: 4,400 square feet + 1,100 square feet of outdoor dining  
Residential: 300 dwelling units (70 – 1 bedroom; 230 - 2+ bedrooms)

Please refer to the Staff Report (ATTACHMENT 1) for details regarding the proposed development, waiver requests, and Staff analysis.

CONCLUSION: The proposed multiple-use development on the subject property will certainly be a drastic change from its current state, introducing a new level of investment and growth in that section of South Dixie Highway. While the applicant is requesting minor waivers from the City’s ZLDRs to accommodate design features, they are not requesting to exceed the allowable intensity or density afforded by the City’s Zoning and Land Development Regulations. The Development Services Department – Planning Division believes that the requests comply with all of the standards required by the City’s Comprehensive Plan and Zoning and Land Development Regulations. Therefore, Staff is recommending approval subject to the conditions contained in Resolution No. 357-16.

PLANNING BOARD: After a Public Hearing on October 18, 2016, the Planning Board voted as follows:

Future Land Use Map Amendment (Ordinance No. 4681-16): Approval (6-1).  
Rezoning to General Commercial (Ordinance No. 4682-16): Approval (6-1).  
Rezoning to Commercial Planned Development (Ordinance No. 4683-16 and
Resolution No. 357-16): Approval with Conditions (5-2). Please note that the Planning Board unanimously recommended approval (7-0) of all waiver requests.

The Planning Board recommended approval of the rezoning to CPD subject to the conditions proposed by Staff, with the following additions.

1. Additional articulation and differentiation shall be provided between the buildings, specifically the west elevation, to the satisfaction of Staff.
2. An acoustic sound study on train noise shall be provided.
3. The commercial park (public open space) shall be built with the first phase, or the first Certificate of Occupancy, whichever comes first.
4. The commercial buildings (on South Dixie Highway) are to be completed upon completion of the 60th dwelling unit.
5. A future study shall be provided regarding impact of traffic on surrounding roadways and potential need for traffic calming.
6. An economic impact or market analysis shall be provided.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 4681-16 was advertised in the Palm Beach Post on November 28, 2016. Ordinance Nos. 4682-16 & 4683-16, and Resolution No. 357-16 will be advertised prior to Second Reading.

COMMISSION DISTRICT: The site is located within Commission District No. 5 – Commissioner Shanon Materio.

Fiscal Note:
No fiscal impact.

29. Public Hearing and First Reading of Ordinance No. 4704-17, transferring the development regulations for the Clearlake Plaza DPD to Resolution No. 132-17, and approving a Major PD Amendment to modify the permitted uses and establish a Master Sign Plan.

ORDINANCE NO. 4704-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 1764-84, AS AMENDED, RELATING TO THE "CLEARLAKE PLAZA" DOWNTOWN PLANNED DEVELOPMENT, LOCATED AT 500 SOUTH AUSTRALIAN AVENUE, TO TRANSFER THE SITE PLAN APPROVAL AND RELATED CONDITIONS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

FOR DISCUSSION PURPOSES ONLY: RESOLUTION NO. 132-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REGARDING THE CLEARLAKE PLAZA DOWNTOWN PLANNED DEVELOPMENT LOCATED AT 500 SOUTH AUSTRALIAN AVENUE, TO CONSOLIDATE THE DEVELOPMENT REGULATIONS,
MODIFY THE PERMITTED USES, AND CREATE A MASTER SIGN PLAN; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 21373

Staff Recommended Motion:
APPROVE Ordinance No. 4704-17 on First Reading and schedule a Public Hearing and Second Reading for May 8, 2017.

Background:
Located between Australian Avenue and Clearwater Park Road, south of Clearwater Place, the Clearlake Plaza Downtown Planned Development (DPD) was originally approved in 1984 by Ordinance No. 1764-84. Record research does not show any major amendments to the original approval.

The DPD consists of an office tower and a separate parking structure. The office tower is ten (10) stories in height and includes a total square footage of 89,124 square feet. The main entrance to the office building is located along Clearwater Park Road on the east façade. The development was originally approved for office use only. The parking garage is a four level structure with 313 spaces. The structure is located south of the office tower with an entrance on the east side of the development.

On, December 19, 2017, Jon E. Schmidt of Jon E. Schmidt and Associates, on behalf of Clear T LLC and Clear E LLC, submitted a request for a Major Planned Development Amendment to the Clearlake Downtown Planned Development (DPD) amending the permitted uses and establishing a Master Sign Plan.

PERMITTED USES:
The applicant is requesting the removal of references to specific uses permitted within the development and allow the Downtown Master Plan regulations to prevail. This request would allow the development to incorporate residential and commercial components beyond the current restriction of Office use only. The applicant has expressed plans to convert a portion of the office tower’s first floor for commercial uses such as a bank branch.

Staff agrees that the Downtown Master Plan regulations prevail, making the Downtown Planned Development (DPD) more compatible and consistent with the surrounding area. Modifying the permitted uses would enable the development to incorporate a variety of uses similar to the rest of downtown.

MASTER SIGN PLAN:
Current regulations for the Planned Development regarding signage are limited to the approved signs shown in the approved site plan. Records search indicate that the only sign currently permitted within the Clearlake Plaza is a 51 square foot, double faced, monument sign, located along Australian Avenue.
The applicant is proposing to establish a Master Sign Plan. The proposal is modeled after the Downtown Master Plan Signage Regulations (Section 94-110). The request is to allow two building identity signs of 200 square feet each; two external sign band signs; and two monument signs, as defined in Section 94-110. This request would increase the development’s signage substantially.

The main deviation from the DMP regulations is the request to allow monument signs which are expressly prohibited.

Upon review of the existing regulations for the planned development, the applicant’s proposed amendment, and DMP requirements, staff recommends the following signage to be permitted:
- Building Identity Signs – following the DMP requirements, a maximum of two-200 square foot signs with the same identity.
- External Sign Bands – following the DMP requirements, along the first two stories of the façade and proportional to the façade’s size, for uses occupying the first floor only.
- Monument Sign – maintaining the development’s existing signage and consistency along Australian Avenue, one monument sign limited to 42 square feet.

PLANNING BOARD: On February 21, 2017 the Planning Board reviewed the proposed amendment and recommended approval (7-0) of the amendment, after a Public Hearing. The Planning Board recommended the approval of two monument signs.

STAFF POSITION: Staff does not support the applicant’s request for two monument signs. Staff recognizes that despite the expressly prohibition of monument signs within the DMP, the development includes a preexisting sign and therefore one monument sign may continue to be permitted.

The Development Services Department - Planning Division has determined that it is more appropriate that all of the site plan approvals and related conditions for the Clearlake Plaza DPD be transferred to and combined into a single resolution to provide better tracking of the development and to simplify the approval of future amendments. This Ordinance transfers the development regulations for the Clearlake Plaza DPD set forth in Ordinance No. 1764-84, and any other related ordinances, to Resolution No. 132-17.

Resolution No. 132-17, for discussion only, consolidates the development regulations and amends the Clearlake Plaza Downtown Planned Development, modifying the permitted uses and creating a master sign plan.

COMMISSION DISTRICT:  Commission District No. 3 – Commissioner Paula Ryan.

COMMENTS BY THE CITY COMMISSIONERS:

COMMENTS BY THE MAYOR:

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 and written communications shall be placed in the record; and 2) site visits, investigations, etc.

NOTICE: IF ANY PERSON DECIDES TO APPEAL ANY DECISION OF THE CITY COMMISSION AT THIS MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THAT PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY OF WEST PALM BEACH DOES NOT PREPARE OR PROVIDE SUCH A RECORD.