



**West Palm Beach
Community Redevelopment Agency**

AGENDA

**June 4, 2018
2:00 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
CHAIR
GERALDINE MUOIO**

CITY COMMISSION

PRESIDENT PAULA RYAN

COMMISSIONER KELLY SHOAF

COMMISSIONER CORY NEERING

COMMISSIONER KEITH JAMES

COMMISSIONER CHRISTINA LAMBERT

**CRA EXECUTIVE DIRECTOR, JON WARD
CITY ATTORNEY, KIMBERLY ROTHENBURG
TREASURER, MARK A. PARKS
CITY CLERK, HAZELINE CARSON**

1. ROLL CALL

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.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

COMMENTS FROM THE BOARD:

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RESOLUTIONS (2-4):

2. **Resolution No. 18-29 approving a Funding Agreement with the City to fund construction of the public realm improvements in the 300 block of Evernia Street.**

A RESOLUTION OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING THE PROJECT FUNDING INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION OF THE PUBLIC REALM IMPROVEMENTS IN THE 300 BLOCK OF EVERNIA STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 1548](#)

Staff Recommended Motion:

Approve Resolution No. 18-29.

Background:

With the construction of the Brightline Train Station, Evernia Street has begun to transform from a cross-town connector street to a more pedestrian-friendly street. However, the current configuration of Evernia Street does not provide a pedestrian-friendly environment nor a cohesive transition between the blocks. The City desires to conduct a temporary pilot study to improve the pedestrian use area on Evernia Street.

From an economic development perspective, the new West Palm Beach Brewery and Wine Vault was seeking assistance to achieve business success and hire more employees. As a result, the City and CRA proposed that activating the outdoor space in front of the building located at 332 Evernia Street could assist in attracting customers and allowing the Brewery to hire more employees. Rather than providing a direct business improvement grant to the Brewery, and in conjunction with the desire to improve the area for pedestrians, the City and CRA proposed a public realm improvement that will both service the public pedestrians and provide an activated outdoor area for the Brewery, in

exchange for the Brewery's maintenance of the area.

The City will agree to construct a temporary public realm improvement along the south side of the 300 block of Evernia Street, spanning across the existing frontage of the Brewery and the adjacent parking lot (including 4 on-street parking spaces), consisting of a boardwalk type structure with a trellis feature, public seating and the incorporation of plant material (the "Improvements"). The Improvements will allow for public gathering without the purchase of food, beverage or merchandise. Signage will be placed at both ends of the Improvement to explain the enhancement. The public realm Improvements repurposes four (4) parking spaces and covers the sidewalk to create a public patio feel. The project meets several of the Gehl public space public life study including

1. Planning for a human scaled city
2. Polish existing favorite places
3. A focus on extreme quality
4. Always lean toward action
5. Making people first design implementation business as usual

West Palm Beach Brewery & Wine Ghetto, LLC (the "Brewery") has agreed to develop the construction plans for the public realm improvements, in compliance with City's requirements, and to maintain such improvements at Brewery's expense. The City and Brewery desire to enter into a Cooperation and Maintenance Agreement for the design, construction and maintenance of the Improvements.

The West Palm Beach Community Redevelopment Agency's ("CRA") Strategic Finance Plans for the City Center/Downtown CRA District, Amendment No. 12, identifies development of pedestrian corridors within the downtown as targeted goal. The CRA and the City determine that the CRA's funding of the public realm improvements on Evernia Street is needed to further the mutual goals of the City and the CRA and to promote the specific goals and obligations of the CRA's redevelopment plan and strategic finance plan. The CRA wishes to fund the construction of the public realm improvements for the 300 block of Evernia Street in an amount not to exceed \$100,000. The total cost of the project is not to exceed \$200,000 with the City and CRA to each contribute \$100,000. The CRA and the City desire to enter into an agreement establishing the source of funding for the construction of the public realm improvements for the 300 block of Evernia Street.

Resolution No. 18-29 approves the funding agreement between the City and the CRA for the construction of the public realm improvements for the 300 block of Evernia Street.

Ultimately, the Improvements will serve as a pilot to evaluate options for a redesigned Evernia Street from Flagler Drive to Quadrille Boulevard.

COMMISSION DISTRICT: The project is located in Commission District 3 - Commissioner Paula Ryan.

Fiscal Note:

N/A to Budget

Approval will provide up to \$100,000 from the CRA toward the public realm improvement project on Evernia Street.

3. **Resolution No. 18-24 approving the donation agreement related to the conveyance of real property located at 1031 North Sapodilla Avenue to the West Palm Beach Community Redevelopment Agency.**

RESOLUTION 18-24: A RESOLUTION OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING THE DONATION AGREEMENT FOR CONVEYANCE OF REAL PROPERTY FOR THE PROPERTY LOCATED AT 1031 NORTH SAPODILLA AVENUE WITHIN THE CRA'S DOWNTOWN HISTORIC NORTHWEST NEIGHBORHOOD TARGET AREA FROM MAXWILL INVESTMENTS, LLC TO THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 1549](#)

Staff Recommended Motion:

Approve Resolution No. 18-24.

Background:

The Strategic Finance Plan for the Downtown/Historic Northwest District supports land assembly for the purpose of programming redevelopment projects to aid in revitalizing certain distressed areas and reestablish the economic base of the neighborhood. Maxwell Investments, LLC, the owner of the property located at 1031 North Sapodilla Avenue (the "Property"), contacted the CRA staff with an offer to donate the Property to the CRA. The Property is located on the southwest corner of North Sapodilla Avenue and 10th Street within the CRA's Downtown, Historic Northwest Neighborhood and consists of a historically contributing approximately 3,109 square feet 2-story single family home on .09 acres. The Property is a historic structure constructed prior to 1918 and is identified as a Frame Vernacular Bungalow on a raised concrete basement. Due to the historic nature of the Property, rehabilitation is cost prohibitive to the owner. The CRA believes it is best positioned to rehabilitate this home, rather than the private sector.

At the regular meeting of the March 12, 2018 Board of Commissioners of the West Palm Beach Community Redevelopment Agency, the Board approved Resolution No. 17-58 approving the initial terms of the conveyance and authorizing the hiring of an architect to prepare plans to restore the Property. The CRA has hired an architect and is in the process of establishing a plan to restore the Property.

One issue that must be addressed is an outstanding City Code Enforcement Lien, Case No. CE15090856 recorded against the Property, which remains in non-compliance. The violations include an expired permit for boarding and securing the Property, and other general property maintenance items. As of May 22, 2018 the lien had accrued to

\$85,000.00, and continues to accrue at a rate of \$100.00 per day. The Donation Agreement between Maxwill and the CRA is conditioned upon the release of this lien by the City, which clouds title to the Property and all other properties owned by Maxwill in Florida. The CRA is prepared to expeditiously remedy the code enforcement violations upon taking title to the Property. In order to remedy the code violation, the CRA will be required to obtain a Board Up Certificate from the City and perform maintenance activities.

CRA staff recommends that the Board approve the Donation Agreement with the understanding that the City will be required to release the Code Enforcement Lien as a condition precedent to the CRA taking title, and that the CRA will be taking title to the Property with an outstanding code enforcement violation exists on the Property, which the CRA will be responsible for curing.

Other key terms of the agreement between Maxwill and the West Palm Beach CRA are as follows:

- Maxwill will donate the Property to the CRA for zero dollars.
- The CRA will hire an architect to develop plans and a schedule for rehabilitation of the Property.
- The CRA will request a conditional release of lien from the City.
- Maxwill will be responsible for the payment of all outstanding Ad Valorem taxes.
- Maxwill will be responsible for the payment of all outstanding Sales and Personal Property taxes.
- Maxwill shall pay its closing costs associated with the conveyance, including documentary stamps.
- The CRA will be responsible for the payment of recording fees, survey costs and its closing costs.
- Maxwill will convey title to the CRA by quit claim deed.
- The CRA will be responsible for rehabilitation of the Property.

Resolution No. 18-24 approves the Donation Agreement between Maxwill Investments, LLC and the CRA.

Funds for the architectural contract and costs related to the closing will be available from Reserves in the Downtown/ City Center CRA.

COMMISSION DISTRICT: The subject property is located in District 3, Commissioner Paula Ryan.

Fiscal Note:

Funds will be transferred from Reserves in the Downtown/ City Center CRA when the costs are known for the architectural contract and costs related to the closing.

4. **Resolution No. 18-30 approving issuance of the Community Development District Special Assessment Convertible Capital Appreciation Bonds, Series 2018 (2018**

Bonds) to finance all or a portion of costs of the capital improvements made to public infrastructure within the Cityplace Community Development District and approving Citigroup Global Markets, Inc., as the underwriter of the 2018 Bonds.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING THE ISSUANCE OF CITYPLACE COMMUNITY DEVELOPMENT DISTRICT SPECIAL ASSESSMENT CONVERTIBLE CAPITAL APPRECIATION BONDS, SERIES 2018 (2018 PROJECT) (THE “2018 BONDS”) TO BE ISSUED TO FINANCE ALL OR A PORTION OF THE COST OF THE CAPITAL IMPROVEMENTS MADE TO THE PUBLIC INFRASTRUCTURE WITHIN THE CITYPLACE COMMUNITY DEVELOPMENT DISTRICT; APPROVING THE UNDERWRITER OF THE 2018 BONDS; AUTHORIZING THE PROPER OFFICIALS OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY TO DO ALL OTHER THINGS NECESSARY IN CONNECTION WITH THE ISSUANCE OF THE 2018 BONDS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Agenda Cover Memorandum No.: 1550](#)

Staff Recommended Motion:

Approve Resolution No. 18-30.

Background:

On October 9, 1998, the City of West Palm Beach, Florida, (City); West Palm Beach Community Redevelopment Agency (Agency); and CityPlace Community Redevelopment District (District) entered into an Interlocal Agreement (Original Interlocal Agreement), which was subsequently amended on December 2, 1998; March 8, 1999; March 1, 2012; and May 21, 2018. The Original Interlocal Agreement provided for certain capital projects constituting public infrastructure to serve the development to be acquired, constructed, equipped and financed by public agencies. The District agreed to acquire, construct, equip and finance the public infrastructure. In consideration of the District's undertakings, the Agency agreed to provide the District increment revenues actually deposited into the Redevelopment Trust Fund in each year so long as the Revenue Bonds were outstanding as additional source of security for the Revenue Bonds.

On May 21, 2018, the Agency adopted Resolution No. 18-23 which authorized the Chair to execute the 4th Amendment to Interlocal Agreement and extending the date for completion of projects. The District has determined that it is necessary to acquire certain capital improvements made to the public infrastructure within the District and by the execution of this Fourth Amendment, the City and the Agency both agreed that the 2018 Project is necessary and beneficial to the tenants and users of the mixed-use development known as “CityPlace” and economically beneficial to the City and the Agency. In order to finance such capital improvements constituting the 2018 Project, the District shall issue its Special Assessment Convertible Capital Appreciation Bonds, Series 2018 (2018 Project) (the “2018 Bonds”). The Original Interlocal Agreement states that each issue of

Revenue Bonds by the District shall be subject to review and approval by the Agency and the City and that the underwriters for each series of Revenue Bonds are subject to the approval of the Agency.

ADJOURNMENT:

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.