



**City of West Palm Beach  
City Commission**

**PASS/FAIL AGENDA**

**April 8, 2019  
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  
KEITH A. JAMES**

**CITY COMMISSION**

**PRESIDENT CHRISTINA LAMBERT  
COMMISSIONER KELLY SHOAF                      COMMISSIONER CORY NEERING  
COMMISSIONER RICHARD A. RYLES              COMMISSIONER JOSEPH A. PEDUZZI**

**ADMINISTRATION  
CITY ADMINISTRATOR, JEFFREY L. GREEN  
CITY ATTORNEY, KIMBERLY ROTHENBURG  
CITY CLERK, HAZELINE CARSON**

**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**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.

**ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:**

**PRESENTATION AND AWARDS OF MERIT (1-3):**

1. Proclaiming April 14-20, 2019 as: National Public Safety Telecommunications Week. Proclamation to be accepted by Police Chief Sarah Mooney, Telecommunicator Manager, Suzette Dodd and Natasha K. Potter, Assistant Telecommunicator Manager. **PRESENTED**  
[Agenda Cover Memorandum No.: 22388](#)
2. Proclaiming April 2019 as: Water Conservation Month. Proclamation to be accepted by Penni Redford Resiliency and Climate Change Manager and Elaine Christian, Sustainability Program Coordinator. **PRESENTED**  
[Agenda Cover Memorandum No.: 22389](#)
3. Presentation to update the City Commission on Washington Road Lighting. **PRESENTED**  
[Agenda Cover Memorandum No.: 22398](#)

**CONSENT CALENDAR (4-10): ITEMS 5-9 APPROVED**

5. **Resolution No. 113-19(F) amending the Fiscal Year 2018-2019 Waterfront District Fund Budget to recognize \$610.00 in revenues from the Clematis by Night Firefighter Chili Cook Off, Thursday, February 14, 2019, and appropriating the funds as a donation to the West Palm Beach Fraternal Order of Firefighters.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATIONS OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018-2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATERFRONT DISTRICT FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE FIREFIGHTER CHILI COOK OFF FOR A DONATION TO THE WEST PALM BEACH FRATERNAL ORDER OF FIREFIGHTERS FOR DISTRIBUTION TO FAMILY PROMISES FUNDRAISER; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22392](#)**

**Staff Recommended Motion:**

Approve Resolution No. 113-19(F).

**Background:**

The Firefighter Chili Cook Off was held in conjunction with Clematis by Night on Thursday, February 14, 2019. The ticket sales were designated to be donated to the West Palm Beach Fraternal Order of Firefighters for their distribution to charity. This year, they will donate \$610.00 to Family Promises Fundraiser.

**Fiscal Note:**

Approval will provide donation to Fraternal Order of Firefighters for distribution to Family Promises Fundraiser.

6. **Resolution No. 116-19 approving minor renovations to the existing Peggy S. Brown Pavilion, to be completed by the Palm Beach Zoo within its leased premises located at 1301 Summit Boulevard.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING RENOVATIONS TO THE EXISTING PEGGY S. BROWN PAVILION AT THE PALM BEACH ZOO, WITHIN ITS LEASED PREMISES LOCATED AT 1301 SUMMIT BOULEVARD, TO PROVIDE FOR THE CONSTRUCTION OF ADDITIONAL RESTROOM FACILITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22387](#)**

**Staff Recommended Motion:**

Approve Resolution No. 116-19.

**Background:**

On July 21, 1969, the City of West Palm Beach entered into a lease agreement with the Zoological Society of The Palm Beaches, Inc. (the "Zoo"), leasing a portion of City-owned property within Dreher Park, located at 1301 Summit Boulevard, for the construction, operation, and maintenance of a zoo facility. As amended and restated from time to time, the lease agreement between the City and the Zoo requires that individual structures or improvements in excess of \$5,000 are to be submitted to the City Commission for prior approval as such improvements would occur on City-owned property.

The Zoo desires to renovate the existing Peggy S. Brown Pavilion, located in the northwest quadrant of the property, to provide additional restroom facilities. Such additional work is in excess of \$5,000; accordingly, City Commission approval is required. Before commencing the improvements, the Zoo shall provide the City's Risk Manager with certificates of insurance evidencing that any contractor(s) performing the improvements carries appropriate insurance and names the City as an additional insured.

Resolution No. 116-19 approves the construction of additional restroom facilities within the existing Peggy S. Brown Pavilion.

**Fiscal Note:**

No fiscal impact.

7. **Resolution No. 130-19 repealing Resolution No. 367-18(F) which transferred funds from the Fire Assessment Fee fund to the Capital Acquisition Fund.**

**RESOLUTION NO. 130-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REPEALING RESOLUTION NO. 367-18(F) WHICH AUTHORIZED THE TRANSFER OF FUNDS FROM THE FIRE ASSESSMENT FEE FUND TO THE CAPITAL ACQUISITION FUND TO PROVIDE APPROPRIATIONS FOR CAPITAL EXPENDITURES FOR THE FIRE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22390](#)**

**Staff Recommended Motion:**

Approve Resolution No. 130-19.

**Background:**

On December 17, 2018, the City Commission approved Resolution No. 367-18(F) which authorized the transfer of funds from the Fire Assessment Fee Fund 131 to the Capital Acquisition Fund 304 to provide funding for various capital construction projects for the City's Fire Department.

Due to changing priorities and timing of projects, the transfer from Fund 131 is no longer required. Alternate funding for the various capital construction projects for the Fire Department was appropriated by Resolution No. 53-19(F) which was approved by the City Commission on February 11, 2019. Therefore, the Finance Department is requesting that Resolution No. 367-18(F) be rescinded.

Resolution No. 130-19 repeals Resolution No. 367-18(F).

**Fiscal Note:**

No fiscal impact. Alternate funding approved by Res. No. 53-19(F).

8. **Resolution No. 103-19 amending Resolution No. 87-18 and granting an extension of time until June 1, 2019, to complete renovations at 627 Bunker Road and imposing an additional administrative fee of \$250 as conditions of release of code enforcement liens.**

**A RESOLUTION OF THE CITY COMMISSION OF CITY OF WEST PALM BEACH, FLORIDA, AMENDING RESOLUTION NO. 87-18 TO EXTEND THE TIME FOR COMPLETION OF THE RENOVATION TO PROPERTY LOCATED**

**AT 627 BUNKER ROAD TO JUNE 1, 2019; APPROVING AN ADMINISTRATIVE FEE OF \$250; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22393](#)**

**Staff Recommended Motion:**

Approve Resolution No. 103-19.

**Background:**

On June 4, 2018, the City Commission adopted Resolution No. 87-18 granting waivers of lien for property located at 627 Bunker Road. Resolution No. 87-18 released fines totaling \$325,700.00 subject to satisfaction of several conditions. The property owner has been unable to meet the condition requiring the property be completed and ready for habitation by December 1, 2018. The owner was already in permitting when the resolution was passed, but over the course of the rehabilitation, Pacecon has experienced some setbacks with materials and loss of contractors. These issues have put them behind schedule. The Code Compliance Division has no objection to an extension of time until June 1, 2019 to

complete renovation and have the property ready for habitation together with payment of \$250 for costs incurred. Resolution No. 103-19 authorizes an extension for the completion.

9. **Resolution No. 104-19 authorizing the assessment of city liens in the total amount of \$31,073.44 for unpaid water service, sewer service, and stormwater service charges for the month of January 2019.**

**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.: 22394](#)**

**Staff Recommended Motion:**

Approve Resolution No. 104-19.

**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. 104-19 are for unpaid water service, sewer service and stormwater service charges for the month of January 2019. The list of properties to be assessed and the associated charges totaling \$31,073.44 are attached to Resolution No. 104-19 as EXHIBIT A - Utility Lien List - January 2019. If not paid, these liens may be foreclosed by the City.

**Fiscal Note:**

No fiscal impact.

**ITEMS PULLED FROM CONSENT CALENDAR:**

4. Resolution No. 105-19 **APPROVED** authorizing the Mayor to execute a release of code enforcement liens encumbered at 3506 Westview Avenue.

**A RESOLUTION OF THE CITY COMMISSION OF CITY OF WEST PALM BEACH, FLORIDA, CONDITIONALLY WAIVING CITY LIENS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 3506 WESTVIEW AVENUE, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22384](#)**

**Staff Recommended Motion:**

Approve Resolution No. 105-19.

**Background:**

The property located at 3506 Westview Avenue has been neglected and boarded for at least the last 11 years. It has been cited over 31 times in that time for multiple code violations including, but not limited to, overgrowth, trash, debris, work without permits, no boarding certificate, failure to maintain landscape, graffiti and structure deterioration. There are currently four cases accruing fines at this time totaling \$1,084,350.00. The property has recently been purchased and the rehabilitation planned by the new owner will eliminate an unpleasant property and significantly improve the surrounding area.

**Fiscal Note:**

Approval will conditionally release a \$1,084,350.00 for a \$15,000.00 administrative fee and \$5,000.00 for attorney's fees for a total of \$20,000.00 payment to the City and payment of outstanding taxes.

10. Resolution No. 95-19 **PULLED** approving the proposed Settlement Agreement in the amount of \$56,000 in the matter of James Saridakis v City of West Palm Beach, OJCC CASE NO. 11-023631TAH.

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING APPROVAL OF A PROPOSED WORKERS' COMPENSATION SETTLEMENT IN THE MATTER OF JAMES SARIDAKIS v. CITY OF WEST PALM BEACH, OJCC CASE NO. 11-023631TAH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22383](#)**

**Staff Recommended Motion:**

Approve Resolution No. 95-19.

**Background:**

On October 27, 2007, Mr. Saridakis was sitting in his police vehicle waiting for a traffic light to change when he was rear-ended by another vehicle. He filed a workers' compensation claim due to the injuries sustained as a result of the motor vehicle accident. An agreement has been reached with Mr. Saridakis to resolve this claim against the City of West Palm Beach, including all attorney's fees and costs, for this claim, for \$56,000.00. In exchange for compensation, Mr. Saridakis is signing a general release releasing the City from all claims arising from this motor vehicle accident.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000.00 shall require approval of the City Commission by formal resolution. Resolution No. 95-19 approves the settlement agreement.

**Fiscal Note:**

Approval will provide a significant savings to the City of West Palm Beach over the life of the claim were it not to settle.

**COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:**

**RESOLUTION (11-12):**

11. **Resolution No. 114-19 APPROVED of the City Commission of the City of West Palm Beach, recommending Project Captain Jack be approved as a qualified target industry business for state incentives.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RECOMMENDING PROJECT CAPTAIN JACK BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS FOR STATE INCENTIVES PURSUANT TO SECTION 288.106, FLORIDA STATUTES; AUTHORIZING PAYMENTS OF UP TO \$35,000 AS THE REQUIRED LOCAL PARTICIPATION FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND (QTI) PROGRAM WITH HIGH-IMPACT SECTOR BONUS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22395](#)**

**Staff Recommended Motion:**

Approve Resolution No. 114-19.

**Background:**

Project Captain Jack is an information technology company, specializing in custom computer programming services aiming to land in the City of West Palm Beach. In partnership with the Florida Department of Economic Opportunity, Enterprise Florida, the Business Development Board of Palm Beach County and Palm Beach County, the City will be part of a collective effort to bring Project Captain Jack's 77 existing employees and an additional 50 more jobs to West Palm Beach.

The total Qualified Targeted Industry incentive package to the company is an amount not to exceed \$350,000. The State of Florida will fund 80% of the cost at \$280,000. The remaining \$70,000 required local match will be paid by Palm Beach County (10% or \$35,000) and the City of West Palm Beach (10% or \$35,000). Payments will occur over no less than a four-year period. Incentives are paid after the company has met their job creation obligation from the prior year. Captain Jack's total job creation incentive averages to \$7,000 per job. The anticipated payment schedule for the City of West Palm Beach is:

- 10 Jobs - 2019 - \$7,000
- 10 Jobs - 2020 - \$7,000
- 10 Jobs - 2021 - \$7,000
- 20 Jobs - 2022 - \$14,000

The average annual wage of an employee in the Captain Jack company is at \$105,490 per job or 200% above the average wage in Palm Beach County. The location of the potential office has been estimated to be 20,000 square feet with an investment of over \$1.8 million. This is will be company's national headquarters and it is considered a small business.

The City's approval is contingent on Palm Beach County committing to fund 10% of the incentive and Project Captain Jack entering into an Agreement with the City within 90 days of adoption of this Resolution.

The project's anticipated location is in District 3 which is represented by Commissioner Richard Ryles.

**Fiscal Note:**

\$35,000 will be paid out over no less than a four-year period.

12. **Resolution No. 98-19 APPROVED granting "Face of the City" approval of the design features for the proposed improvements to the Coleman Park Community Center.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE COLEMAN PARK GYMNASIUM AND COMMUNITY CENTER EXPANSION PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22396](#)**

**Staff Recommended Motion:**

Approve Resolution No. 98-19.

**Background:**

The existing community center at Coleman Park was constructed in 2002 and needs several improvements to meet the needs of this busy community hub to better serve the surrounding neighborhood. For example, the licensed after school and camp programs are



at capacity based on facility size and cannot serve additional youth who desire these programs.

Over a period of nearly a year, the design team held 4 community meetings; ensuring each time that the programming elements discussed were incorporated into the design. It was determined that a new gymnasium building with the following amenities were the priorities: basketball court, small commercial kitchen, indoor and exterior access restrooms, a stage and a programming/multipurpose room. In addition, the existing community center would be renovated and expanded to provide room for additional programming, including space designated for arts/crafts, computer lab, offices, game room and storage. The main entry into the Community Center would be redesigned to be more welcoming and functional.

On January 10, 2019 the plans as presented for "Face of the City" were presented to the Coleman Park Neighborhood Association. The Association approved the plans.

**Fiscal Note:**

Fully Budgeted.

**ADDED TO AGENDA:**

- 12A. Resolution No. 147-19 **APPROVED** amending the City's Salary Plan for Fiscal Year (FY) 2018-19; Resolution No. 152-19(F) **APPROVED** amending the full time equivalent (F.T.E.) budget for the Mayor's Office for FY 2018-19; and Resolution No. 153-19(F) **APPROVED** authorizing the appropriation of City funds in FY 2018-19.

**RESOLUTION NO. 147-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 264-18, APPROVED ON SEPTEMBER 24, 2018, AND AMENDED THEREAFTER, TO CREATE THE JOB CLASSIFICATION OF SPECIAL ASSISTANT TO THE MAYOR – PUBLIC SAFETY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 152-19(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND FOR THE MAYOR'S OFFICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 153-19(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 2018/19 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 FOR THE MAYOR'S OFFICE TO PROVIDE APPROPRIATIONS FOR THE ADDITION OF ONE (1) FULL TIME**

**POSITION OF SPECIAL ASSISTANT TO THE MAYOR-PUBLIC SAFETY;  
PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**PUBLIC HEARING (13-17):**

13. **Public Hearing and Second Reading of Ordinance No. 4843-19 **APPROVED** extending the moratorium on the issuance of permits or other approvals related to micro-mobility hubs for the sharing of bicycles, scooters and other personal transportation vehicles until regulations can be developed.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, EXTENDING THE MORATORIUM AS TO THE SUBMITTAL AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF PERMITS OR FRANCHISES PERTAINING TO MOBILITY MICRO HUBS, INCLUDING BUT NOT LIMITED TO BICYCLE OR SCOOTER SHARING, IN ORDER TO COMPLETE DEVELOPMENT OF REGULATIONS FOR SUCH USES IN THE CITY RIGHTS OF WAY; PROVIDING A SUNSET CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**  
[Agenda Cover Memorandum No.: 22397](#)

**Staff Recommended Motion:**

Approve Ordinance No. 4843-19.

**Background:**

The recent adoption of the City's Mobility Plans has generated interest in the establishment of various transportation alternatives within the City of West Palm Beach, including the establishment of mobility "micro hubs" for the sharing of bicycles, scooters and/or other personal transportation vehicles.

City staff is aware of other cities within our nation where the safety and/or welfare of the public has been negatively impacted by the unregulated use of personal transportation vehicles, such as scooters and bicycles. The City wants to explore and encourage alternative means of transportation within the City to reduce automobile traffic and in accordance with the Mobility Plans. However, City staff desires to analyze the situations which has occurred in other cities and evaluate and make recommendations for regulations which will encourage mobility "micro hubs" for the sharing of bicycles, scooters and/or other personal transportation vehicles in the public right-of-way in a manner which will better promote the safety and general welfare of the City, its residents and visitors.

Ordinance No. 4810-18 finds and declares a need to temporarily suspend the issuance of permits or approvals for mobility "micro hubs" for the sharing of bicycles, scooters and/or other personal transportation vehicles in the public right-of-way for 180 days to allow staff to develop regulations for such uses. Such regulations will be brought to the City Commission for its consideration.

Ordinance No. 4843-19 extends the temporary moratorium on the issuance of permits or

other approvals related to mobility "micro hubs" for the sharing of bicycles, scooters and other personal transportation vehicles until regulations can be developed.

**Fiscal Note:**

No fiscal impact.

14. **Public Hearing and Second Reading of Ordinance No. 4835-19, APPROVED amending the Code of Ordinances at Chapter 62 - Personnel Policies, to update and clarify allowable severance payments upon separation from employment.**

**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, AT CHAPTER 62 (PERSONNEL AND RETIREMENT), ARTICLE II (PERSONNEL POLICIES), DIVISION 3 (OTHER BENEFITS) SECTION 62-82 (SEVERANCE PAYMENTS) TO BE CONSISTENT WITH FLORIDA STATUTES AND CLARIFY ALLOWABLE END OF TERM SEVERANCE PAYMENTS; PROVIDING A SEVERABILITY AND CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22391](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4835-19.

**Background:**

The City of West Palm Beach Ordinances, at Section 62-82, currently authorizes the mayor, in appropriate circumstances and absent misconduct, to provide for up to 12 weeks of lump sum severance payments to certain classifications of employees upon their separation from city service. The purpose of the severance payments is to recognize the separating employees' service and provide for transition to another opportunity. Since the passage of Section 62-82 in 1979, Section 215.425, Florida Statutes, has been amended on numerous occasions, in more recent years to proscribe when and how local governments may provide up to 20 weeks of severance payments, in certain circumstances.

To attract and retain talent, and to allow the mayor at all times to exercise his or her full authority under the Charter to direct and supervise the administration of all departments, divisions and agencies of the city government, the City seeks to amend Section 62-82. The amendments would increase the permitted severance payments from the current 12 weeks to 20 weeks to be consistent with Section 215.425, Florida Statutes. In addition, the City will benefit from the proposed amendment striking language at Section 62-82(c)(4) prohibiting severance payments in the last 12 weeks of the mayor's term of office, by removing any perceived uncertainty whether severance payments may be provided when a resignation is requested at any time during the mayor's term, absent any other disqualifying reason as currently set forth in Ordinance 62-82(c)(1)-(3). This amendment is intended to recognize the mayor's authority to at all times to direct and supervise the administration of all city departments, et seq. as set forth in Charter Sec. 3.01(3).

**15. Public Hearing and First Reading of Ordinance No. 4840-19 **APPROVED** amending the Code of Ordinances to modify the City's lien reduction process and criteria.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 26 CODE ENFORCEMENT, ARTICLE II SPECIAL MAGISTRATE PROCEDURE TO AMEND SECTIONS 26-32 THROUGH 26-39 TO CHANGE ALL REFERENCES TO SPECIAL MASTER TO SPECIAL MAGISTRATE; AMENDING SECTION 26-39 TO MODIFY THE LIEN REDUCTION PROCESS AND CRITERIA; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22385](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4840-19 on First Reading and schedule a Public Hearing and Second Reading for April 22, 2019.

**Background:**

The City of West Palm Beach, as a municipality, is allowed by Chapter 162, Florida Statutes to enforce its codes and ordinances and impose fines and liens on properties that violate the City's ordinances and fail to come into compliance within the time provided by the City's Code Enforcement Special Magistrate. Section 26-39 of the City's Code of Ordinances establishes the procedure by which a property owner can request that a fine or lien imposed through the code enforcement process be reduced. The revision to the ordinance is intended to clarify and simplify the lien reduction process, set forth the standards and factors to be applied by the special magistrate in considering applications for lien reduction. In sum, revising Section 26-39 does the following:

- Expands the definition of applicant to allow a current, prior or prospective property owner to submit an application for lien reduction.
- Establishes a process by which the prior owner of a property, either by voluntary or involuntary transfer of title, can seek a lien reduction from the special magistrate even if the property is not in compliance.
- Establishes a one-year time bar for lien reduction for applicants that voluntarily transferred title to the property without settling the lien at the time of the transfer.
- Requires that all properties owned by the applicant, or by the managing member of the applicant, if the applicant is a corporate entity, be brought into compliance prior to a lien reduction application being presented to the special magistrate for consideration.
- Establishes an expiration date for lien reduction applications that were prematurely submitted prior to coming into compliance with the City code.
- Sets forth the criteria that the special magistrate will consider when evaluating a request for lien reduction.
- Precludes the following liens from being considered for lien reduction by the special magistrate:
  - o Liens for hard costs incurred by the city, including but not limited to lot clearing, board up, demolition, condemnation costs, any costs incurred by a city contractor

to cure the violation, etc.

- o Any lien resulting from a fine for a violation that was determined to be irreparable or irreversible.
- o Any lien that is insured by a title insurance policy.
- o Any lien that is currently the subject of a foreclosure action initiated by the city.
- Requires attendance by the applicant or its agent at the lien reduction hearing and provides for additional inspection fees if the hearing must be rescheduled.
- Establishes a time bar for re-application in the event an application is denied by the special magistrate, or the applicant fails to pay the reduced lien in accordance with the special magistrate's order.

Additionally, the ordinance amends Sections 26-32 through 26-39 to change references in the code from special master to special magistrate.

**Fiscal Note:**

No fiscal impact.

16. **Public Hearing and First Reading of Ordinance No. 4845-19 APPROVED amending the Code of Ordinances to remove the prohibition against abandoning or closing an alley that would result in the creation of a dead end.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 78 STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE VII VACATING AND CLOSING STREET AND ALLEYS TO DELETE SECTION 78-218 ENTITLED "LIMITATION" TO REMOVE THE PROHIBITION AGAINST ABANDONING OR CLOSING AN ALLEY THAT WOULD RESULT IN THE CREATION OF A DEAD END; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22386](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4845-19 on First Reading and schedule a Public Hearing and Second Reading for April 22, 2019.

**Background:**

Chapter 78, Article VII of the Code of Ordinances establishes the process and criteria to vacate or close any public street, road, alley or highway in the city street system or real property dedicated or acquired for transportation or public travel. Section 78-218 of the Code prohibits the City from abandoning or closing an alley which would result in the creation of a dead-end alley, unless an adequate turnaround or cul-de-sac is provided. Each alley abandonment or closure is evaluated individually, and there are circumstances in which the creation of a dead end would not result in a negative impact to the surrounding community. Ordinance No. 4845-19 removes the express prohibition against the creation

of a dead-end alley.

**Fiscal Note:**

No fiscal impact.

17. **Public Hearing and First Reading of Ordinance No. 4827-19 APPROVED authorizing the sale and conveyance of the .72-acre portion of the property located west of N. Australian Avenue with an address of 2405 N. Australian Avenue to AHS Residential, LLC, and the proposed appropriation of \$200,000 proceeds for City real estate management purposes.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE OF THE .72 ACRE PORTION OF A PARCEL OF LAND LOCATED WEST OF N. AUSTRALIAN AVENUE WITH AN ADDRESS OF 2405 N. AUSTRALIAN AVENUE TO AHS RESIDENTIAL, LLC, AND AUTHORIZING EXECUTION OF A SALE AND PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22367](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4827-19 at First Reading and schedule a Public Hearing and Second Reading for April 22, 2019 - (Approval by 4/5 of the Commission at either First or Second Reading required per Sec. 2-31(27) of the Code).

**Background:**

The City Commission previously approved the construction of a 240-unit apartment complex on a 7.6-acre parcel located at 2201 North Australian Avenue ("Village at Mangonia Lake"). The Village at Mangonia Lake includes the construction of three six-story buildings fronting Lake Mangonia, two three-story buildings located along North Australian Avenue, a clubhouse and related site improvements. The City owns a 1.85-acre parcel with an address of 2405 North Australian Avenue which is located on both the east and west side of North Australian Avenue. AHS Residential, LLC wishes to acquire the .72-acre portion of the property located on the west side of Australian Avenue, which is located directly to the north of the Village at Mangonia Lake, to construct a private park to serve the residents of project. By Resolution No. 315-18, the City determined that the .72-acre portion of the property located on the west side of Australian Avenue with an address of 2405 N. Australian Avenue was no longer needed for City purposes and authorized the City to negotiate the sale of the property with AHS Development Group, LLC.

An appraisal of the subject property was conducted by Mr. Robert B. Banting and Mr. Gary Orr of Anderson & Carr, Inc. on November 20, 2018. The appraisal concluded that the .72-acre tract of vacant land, had a market value of \$200,000. AHS has agreed to pay the City the appraised value of \$200,000 for the property. The property will be conveyed to AHS by quit claim deed which will include a restrictive covenant requiring that the property will not be filled, and will remain open and never be built upon, and be used only

for private recreational or environmental purposes. Additionally, AHS and Village at Mangonia Lake will execute a Unity of Control which will provide that the Village at Mangonia Lake property and the subject property will be treated as a single parcel and cannot be sold or transferred separately in the future.

Ordinance No. 4827-19 authorizes sale and transfer of the property to AHS Residential, LLC and approves the Sale and Purchase Agreement. The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading as required by Sec. 2-31(27) of the Code.

If approved upon second reading, a City Resolution will provide for the receipt of the proceeds and appropriation of the funds for City real estate management purposes.

**Fiscal Note:**

No fiscal impact for first reading.

**PUBLIC HEARING – QUASI JUDICIAL (18):**

**DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY\*  
SWEARING IN OF WITNESSES**

18. **Public Hearing of Resolution No. 86-19: **APPROVED** Approving a major amendment to the development regulations for the Clare Mixed Use Commercial Planned Development to increase the number of residential units and incorporate architectural and site plan changes for phase one and granting waivers of the Zoning and Land Development Regulations.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS AND APPROVING A MAJOR AMENDMENT TO THE CLARE MIXED USE COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22369](#)**

**Staff Recommended Motion:**

Approve Resolution No. 86-19, amending the development regulations and conditions for the Clare Mixed Use Commercial Planned Development, and granting waivers of the Zoning and Land Development Regulations.

This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, the finding that the amendment is consistent with the Comprehensive Plan and it complies with the standards found 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).

In 2018, the plans for the Clare Mixed Use Commercial Planned Development (CPD) were initially approved with three waivers. The initial approval included phase one development plans for 173 residential units and 3,706 sq.ft. of commercial and phase two entitlements consisting of 133,633 sq.ft. of commercial. The architecture for phase one was a 21st century building with a strong repeating square pattern that tiered from three up to six stories.

Since then, a new buyer is under contract for the property and the development plans for the project have been significantly revised. A new architect reorganized the site, simplified the shape and reduced the height of the building and added five additional units. Therefore, they have submitted for this proposed amendment which includes changes to the architecture and updates to all associated site, civil and landscape plans.

The Clare Avenue CPD is composed of four parcels located north and south of Clare Avenue consisting of 1630 Clare Avenue, 1701 Clare Avenue, 1940 Clare Avenue and 1980 Clare Avenue. The properties are to be developed in two phases, which are to be replatted with each phase.

Phase One (Pod A): Consists of  $\pm 3.14$  acres and is located at 1701 Clare Avenue (on the north side of Clare Avenue) and is proposed to be called the District Flats. An amended set of plans has been submitted for approval to construct 178 residential units and 3,706 sq. ft. of commercial space. This is five more units than originally approved and the same amount of commercial space.

Phase Two (Pod B): Consists of  $\pm 2.41$  acres property and is located at 1630 Clare Ave, 1940 Clare Ave, and 1980 Clare Avenue (on the south side of Clare Avenue). These parcels are currently developed with approximately 55,519 sq. ft. of office, warehouse and automotive uses. No site plan is part of this application for the redevelopment of these parcels. The previous approval allows up to 133,633 sq.ft. of commercial uses for the future phase.

The total amount of square foot area requested to be approved in the Clare Mixed Use master plan is 359,089 sq.ft. which is below what is permitted under the Commercial East Future land use designation and the General Commercial zoning district.

The proposed amended phase one of development includes 178 residential units, 3,706 sq. ft. of retail and restaurant and associated parking, all located in a three or four story-high building. The exterior of the building includes an art park at the corner of Wilkins Avenue and Clare Avenue, two dog parks, a rain garden and outdoor plaza, right-of-way improvements including a connection to the Warehouse District and ground floor units addressing the street and/or parks. The interior of the building includes amenities such as a garden courtyard, pool with patio and adjoining clubhouse.



In addition, a master sign plan has been created to further expand the unique character of the district. The signage proposed allows roof signs which provide a balance of homage to the past while highlighting industrial trends. These signs further the branding of the area and will not exceed the height of the parapet adjacent to the signs. The master sign plan eliminates low free standing and high freestanding signs typically found in commercial districts. There are no other freestanding signs surrounding the site, so this will further the compatibility of the proposed development with the adjacent parcels.

Reinstated waivers from the initial approval include reducing the amount of required parking in phase one, reducing the amount of non-residential uses on the first floor than required in phase one and allowing one additional access point along Clare Ave in phase two. New waivers include reducing the number of trees required for a multifamily use, reducing buffers for a multifamily use and allowing on-street loading zones.

Conditions are included to promote mobility initiatives, provide workforce housing, provide an art park and lessen the impact of offensive noise.

PLANNING BOARD recommended approval (7-0) of the Future Land Use and Rezoning with Conditions after a Public Hearing on February 19, 2019.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the site. Signs were posted on the property on February 4, 2019. To date, one comment has been received with concerns with parking and trash pick-up.

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

**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.**