



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**May 8, 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 KEITH JAMES**

**COMMISSIONER PAULA RYAN
COMMISSIONER SHANON MATERIO**

**ADMINISTRATION
CITY ADMINISTRATOR, JEFFREY 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.

PRESENTATION AND AWARDS OF MERIT (1 – 3):

1. Proclaiming May 2017 as: Mental Health Awareness and Trauma Informed Care Month. Accepting the proclamation are Seth B. Bernstein and Tammy Fields Co-chairs of Becoming a Trauma Sensitive Community Action Team in Palm Beach County.
[Agenda Cover Memorandum No.: 21374](#)
2. Proclaiming May 2017 as National Teen Pregnancy Prevention Month. Proclamation to be accepted by Alex Smith, Natalie Quezada and Mariah Rivera of the Palm Beach Youth Leadership Council.
[Agenda Cover Memorandum No.: 21375](#)
3. Proclaiming May 2017 as International Internal Audit Awareness Month. Proclamation to be accepted by Roger Strout, City's Internal Auditor and the Internal Audit staff.
[Agenda Cover Memorandum No.: 21386](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED:

CONSENT CALENDAR (4 – 15):

4. **Minutes of the Regular City Commission Meeting of April 11, 2017.**
[Agenda Cover Memorandum No.: 21376](#)

Staff Recommended Motion:
Approve the Minutes of the Regular City Commission Meeting held on April 11, 2017.
5. **Minutes of the Regular City Commission Meeting of April 24, 2017.**
[Agenda Cover Memorandum No.: 21377](#)

Staff Recommended Motion:
Approve the Minutes of the Regular City Commission Meeting held on April 24, 2017.

6. **Resolution No. 145-17(F) amending the personnel detail of the Building and Permitting Department for FY 2016/2017 to provide for the reallocation of full time equivalent personnel positions.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE BUILDING AND PERMITTING FUND BUDGET FOR THE PURPOSE OF AMENDING THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL IN THE BUILDING AND PERMITTING DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21378](#)

Staff Recommended Motion:

Approve Resolution No. 145-17(F).

Background:

The Planning and Zoning Division of the Development Services Department within the Building and Permitting Fund has attempted to fill the vacant GIS Analyst position since August of 2016. Due to the challenges in getting applicants and a review of the knowledge, skills, and abilities required to meet planning goals, the department has determined that the position should be a GIS Planner. Therefore, the department requests an amendment to the full time equivalent personnel detail from a GIS Analyst to a GIS Planner as shown in the resolution.

Fiscal Note:

Approval will increase budgeted personnel expenditures by \$1,213 in the 2017-2018 budget. Since the existing position has been vacant since August of 2016 there is enough money in the current budget to make up the difference.

7. **Resolution No. 161-17(F) amends the personnel detail of the Police Department's budget by eliminating one (1) full time vacant Clerical Specialist and one (1) full time vacant Secretary and adding two (2) full time Police Records Specialist positions.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE GENERAL FUND BUDGET FOR THE PURPOSE OF AMENDING THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21379](#)

Staff Recommended Motion:

Approve Resolution No. 161-17(F):

Background:

A Secretary position in Crime Scene recently became vacant due to the retirement of a 30 year employee. This position included the duties associated with civilian fingerprinting and

issuing City ID cards for employees, applicants, permits and certain vendors. These job duties will now be transferred from the Crime Scene Section to the Police Records Section. An additional Police Records Specialist position is requested to replace the Secretary position to allow for the additional tasks taken on by the Records Section. This reallocation will result in more efficient use of personnel.

A Clerical Specialist position in the Police Records Section recently became vacant due to a civilian employee transferring to be a Police Officer. The Police Records Section can assign tasks more efficiently if this position is changed to a Police Records Specialist.

The Clerical Specialist is salary grade 36 (\$29,618 -\$47,133 annually) and a Police Records Specialist is Salary Grade 41 (\$33,510-\$53,327) for a minimum grade difference of \$3,892 annually and \$1,622 for the remainder of this fiscal year. The Police Department has sufficient vacancies of sworn and civilian personnel to cover the additional salary for the remainder of the fiscal year.

Fiscal Note:

No fiscal impact current year. FY 2018 increase of \$3,892.

8. **Resolution No. 163-17(F) amending the General Fund Budget for the Sanitation Division of the Public Works Department to provide appropriations in the amount of \$11,780 for the reconfiguration of office space in the Sanitation Building.**

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 GENERAL FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECONFIGURATION OF OFFICE SPACE WITHIN THE SANITATION BUILDING.

[Agenda Cover Memorandum No.: 21380](#)

Staff Recommended Motion:

Approve Resolution No. 163-17(F).

Background:

The department has identified a change in purpose areas not line item budgeted and that exceed \$10,000 which requires approval by the City Commission, in compliance with City Procurement Code, Article II, Sec. 66-12.

A construction contract with Cutting Edge Building Systems, Inc. (City Contract No. 17256) was procured for Renovations at the City O&M Complex, Building No. 10 in the amount of \$9,278.00. A Notice to Proceed was issued on April 10, 2017 with a final completion date of 5/10/17. Architectural Drawings for permit were not included in the original quote, but are vital to the completion of the project. The increase of \$2,500 for the

permit associated with Amendment No. 1 to Work Order No. 5 of Contract No. 17256 will raise the total amount of the project from \$9,278 to \$11,778. The department has sufficient funds available from materials and services accounts to stay within the approved FY 2017 budget and allow the completion of this project.

9. Resolution No. 148-17(F) providing appropriations for the Westward Park Landscaping Project.

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 GENERAL FUND AND CAPITAL ACQUISITION FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR THE WESTWARD PARK LANDSCAPING PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21381](#)

Staff Recommended Motion:

Approve Resolution No. 148-17(F).

Background:

Westward Park was established in 1999 as a stormwater retention area with passive park amenities to address the need for stormwater improvement within the Roosevelt Estates Community. In 2014 the City began an extensive restoration project. The project plan includes fence replacement, fountain repair, canal and park clean up with landscape improvements.

Landscape improvements are part of the planned improvements for Fiscal Year 2016/2017. A Florida Friendly landscape design has been developed which will add beauty to the park, while requiring limited maintenance and tolerating periodic flooding which is part of this working stormwater system. The estimated cost is \$85,000 for plants and installation. Partial funding for the landscaping is available from 2016B Capital Improvement bond funds allocated for the Westward Park project.

This request is for an additional \$75,000 to complete the landscaping part of the project. Funds will be carried forward from the FY16 fund balance in the General Fund.

Fiscal Note:

Approval will provide an additional \$75,000.00 to complete the landscaping at Westward Park.

10. Resolution No. 72-17 authorizing the Mayor to execute an Agreement for Traffic Control and Enforcement between the City of West Palm Beach and the Presidential Estates Homeowners Association, Inc.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RELATING TO TRAFFIC CONTROL AND ENFORCEMENT OVER PRIVATE ROADS; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR TRAFFIC CONTROL AND ENFORCEMENT BETWEEN THE CITY AND THE PRESIDENTIAL ESTATES PROPERTY OWNERS' ASSOCIATION, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21382](#)

Staff Recommended Motion:

Approve Resolution No. 72-17.

Background:

The Presidential Estates Property Owners' Association, Inc. (the "Association") has requested that the City exercise traffic control and enforcement jurisdiction over the private roads owned or controlled by the Association within the Presidential Estates Plat. Chapter 316, Florida Statutes, Sections 316.006 (2) (B) and 316.640 (3) (a) provide that a municipality may exercise traffic control and enforcement jurisdiction over private roads by written agreement approved by the governing body of the municipality. This section requires that the written agreement contain provisions for reimbursement for actual costs of traffic control and enforcement, liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable.

The proposed agreement with the Association (attached to the Resolution as Exhibits "A") provides that the Association will reimburse the City for actual costs for traffic enforcement during specific dates and specified times. The agreement contains the statutorily required indemnification and further provides that the Associations will provide insurance coverage upon request by the City. Because the Association must budget its reimbursement costs for traffic control and enforcement, the agreement provides that if the City randomly takes enforcement action at times not specified by the Association, the Association will not be obligated to reimburse the actual cost of such enforcement.

11. **Resolution No. 56-17 authorizing the Mayor to execute an Agreement for Traffic Control and Enforcement between the City of West Palm Beach and the Andros Isle Property Owners Association, Inc.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RELATING TO TRAFFIC CONTROL AND ENFORCEMENT OVER PRIVATE ROADS; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR TRAFFIC CONTROL AND ENFORCEMENT BETWEEN THE CITY AND THE ANDROS ISLE PROPERTY OWNERS ASSOCIATION, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21387](#)

Staff Recommended Motion:
Approve Resolution No. 56-17.

Background:

The Andros Isle Property Owners Association, Inc., (the “Association”) has requested that the City exercise traffic control and enforcement jurisdiction over the private roads owned or controlled by the Association within the Andros Isle Plat. Chapter 316, Florida Statutes, Sections 316.006 (2) (B) and 316.640 (3) (a) provide that a municipality may exercise traffic control and enforcement jurisdiction over private roads by written agreement approved by the governing body of the municipality. This section requires that the written agreement contain provisions for reimbursement for actual costs of traffic control and enforcement, liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable.

The proposed agreement with the Association (attached to the Resolution as Exhibits “A”) provides that the Association will reimburse the City for actual costs for traffic enforcement during specific dates and specified times. The agreement contains the statutorily required indemnification and further provides that the Associations will provide insurance coverage upon request by the City. Because the Association must budget its reimbursement costs for traffic control and enforcement, the agreement provides that if the City randomly takes enforcement action at times not specified by the Association, the Association will not be obligated to reimburse the actual cost of such enforcement.

- 12. Resolution No. 157-17 authorizing the release of City code enforcement liens to facilitate the conveyance of vacant parcels located in the Downtown Historic Northwest Neighborhood Redevelopment Area from the West Palm Beach CRA to Habitat for Humanity of Palm Beach County, Inc.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING THE RELEASE OF LIENS TO FACILITATE THE CONVEYANCE OF PARCELS LOCATED IN THE DOWNTOWN HISTORIC NORTHWEST NEIGHBORHOOD AREA FROM THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY TO HABITAT FOR HUMANITY OF PALM BEACH COUNTY, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21388](#)

Staff Recommended Motion:
Approve Resolution No. 157-17.

Background:

The Board of Commissioners of the West Palm Beach Community Redevelopment Agency (CRA) approved the conveyance of five (5) CRA owned parcels located in the downtown historic northwest neighborhood redevelopment area to Habitat for Humanity of Palm Beach County, Inc. for the development of affordable housing. Two (2) of the parcels, 809 5th Street and 801 5th Street, are encumbered by liens which are cross attached from other

CRA properties located at 623 Division Avenue (74-43-43-21-06-010-0011), Division Avenue (74-43-43-21-06-010-0013) and Division Avenue (74-43-43-21-06-010-0012). The Divisions Avenue liens were imposed when the properties were owned by a nonprofit which no longer exists. CRA staff requests that the City Commission authorize the release of the liens on the Division Avenue properties thereby clearing title to the 5th Street Properties and the Division Avenue Properties which are also being considered for use as affordable housing.

13. Resolution No. 140-17 establishing Local Limits for Industrial Pretreatment for wastewater discharge.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING LOCAL LIMITS FOR INDUSTRIAL PRETREATMENT FOR WASTEWATER DISCHARGE; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21383](#)

Staff Recommended Motion:

Approve Resolution No. 140-17.

Background:

The City is authorized to require industrial pre-treatment for discharges to the wastewater system, pursuant to Section 153, Florida Statutes and the Federal Water Pollution Control Act. Pursuant to these authorities, the City Commission, through Ordinance No. 3434-01, adopted the City's Wastewater Industrial Pretreatment Program ("IPP") Ordinance, as amended, which, among other things, established local limits regulating the introduction of certain pollutants into the City's wastewater system and the East Central Regional Wastewater Treatment Facility ("ECRWWTF") (the "Local Limits").

The City as the holder of ECRWWTF's National Pollutant Discharge Elimination System ("NPDES") permit, issued by the Department of Environmental Protection, is required to update and revise the Local Limits every five (5) years. The Industrial Pretreatment Division of the Public Utilities Department, performed a sampling analysis to evaluate wastewater discharge local limits and recommend changes.

The Florida Department of Environmental Protection has provided preliminary approval of the revised City of West Palm Beach Local Limits. The ECR Board also approved the updated Local Limits.

Resolution No. 140-17 adopts the revisions to the Local Limits in order to promote and protect the health, safety and welfare and environment of the public.

Fiscal Note:

No fiscal impact.

14. **Resolution No. 153-17 authorizing approval of settlement (\$100,000.00) in the matter of Leo Anderson v. City of West Palm Beach, filed in the Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 2014CA014756 AJ.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING APPROVAL OF A PROPOSED SETTLEMENT IN THE MATTER OF LEO ANDERSON v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21384](#)

Staff Recommended Motion:

Approve Resolution No. 153-17.

Background:

Leo Anderson is a former parking enforcement employee who filed an employment discrimination lawsuit against the City of West Palm Beach in the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, in Case No. 2014CA014756 AJ, asserting in three (3) counts alleged violations of the Florida Civil Rights Act. The City of West Palm Beach denies the allegations in their entirety but reached a proposed settlement with Leo Anderson for all claims against the City of West Palm Beach in the amount of \$100,000.00 as shown in the attached proposed agreement.

Fiscal Note:

Risk Management.

15. **Resolution No. 131-17 recommending Project Bright be approved as a qualified target industry business.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RECOMMENDING PROJECT BRIGHT BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS FOR STATE INCENTIVES PURSUANT TO SECTION 288.106, FLORIDA STATUTES; AUTHORIZING PAYMENTS OF UP TO \$24,000 AS THE REQUIRED LOCAL PARTICIPATION FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND (QTI) PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21361](#)

Staff Recommended Motion:

Approve Resolution No. 131-17.

Background:

Project Bright involves the relocation of a corporate headquarters and the logistics distribution division of a technology company. Project Bright will create 80 new full time positions over the next three (3) years, with an average salary of \$52,000 or 115% of the average wage in the State of Florida. The projected capital investment to be made by

Project Bright over the course of the next three (3) years totals \$1,500,000. Project Bright currently has operations within the State of Florida; however, the company is also considering other states for this expansion.

If Project Bright chooses the City of West Palm Beach and Palm Beach County as the location for the expansion of its operations, it would:

- Create 80 new jobs over three (3) years;
- The annual average wage for all new jobs would be \$52,000 which is at least 115% of the State of Florida average wage;
- Have a total of \$1,500,000 in capital investment over three (3) years comprised of \$200,000 in Construction / Renovations, \$1,000,000 in Manufacturing Equipment, \$200,000 in R&D Equipment and \$100,000 in Other Equipment (new furniture and computer/IT related equipment).

The company is currently seeking incentives in the amount of \$240,000 from the State of Florida in the form of the Qualified Targeted Industry (QTI) Tax Refund Program, which equates to \$3,000 per job created. The QTI requires a local contribution of 20% of the state QTI award. The company is seeking this from Palm Beach County and the City of West Palm Beach. Each local government will be responsible for 10% or \$24,000. The breakdown of the total incentive package is as follows:

State of Florida (80%) - \$192,000
Palm Beach County (10%) - \$24,000
City of West Palm Beach (10%) - \$24,000

Payments of the incentives will be made over a four (4) year period. All incentives are issued on a reimbursement basis following the creation of the jobs.

The job creation schedule is as follows:

2017 - 10 Jobs
2018 - 30 Jobs
2019 - 40 Jobs

Project Bright is currently being offered similar incentives by the State of Virginia and is considering signing a lease for commercial space in District 3, represented by Commissioner Paula Ryan.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTION (16):

- 16. Resolution No. 154-17 authorizing the Construction Manager At Risk (CMAR) Contract for Fire Station No. 8.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONSTRUCTION-MANAGER-AT-RISK CONTRACT FOR FIRE STATION NO. 8 BETWEEN D. STEPHENSON CONSTRUCTION CO., INC. AND THE CITY OF WEST PALM BEACH; APPROVING THE GUARANTEED MAXIMUM PRICE FOR THE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21385](#)

Staff Recommended Motion:

Approve Resolution No. 154-17.

Background:

In February 2016, the City of West Palm Beach executed a contract with D. Stephenson Construction for Pre-Construction Services for Fire Station No. 8 to prepare a Guaranteed Maximum Price (GMP) to construct a new Fire Station at 10965 Northlake Boulevard.

D. Stephenson and City staff have worked through numerous Value Engineering reductions, and D. Stephenson provided an acceptable Guaranteed Maximum Price ("GMP") to the City on April 12, 2017.

The sum of the Cost of the Work and the Construction Manager's Fee will be guaranteed by the Construction Manager not to exceed the Guaranteed Maximum Price ("GMP") of Five Million Four Hundred Fifty-Seven Thousand Five Hundred Nine and 55/100 Dollars (\$5,457,509.55). The GMP includes a CM Contingency of \$180,000. The GMP includes the Construction Manager's Fee of \$295,718.

Section 66-94 of the Procurement Code requires approval by the City Commission of all contracts for the construction of City buildings.

Resolution No. 154-17 approves the GMP and authorizes execution of the Contract to construct the new Fire Station No. 4 under a construction-manager-at-risk basis with the Guaranteed Maximum Price.

Fiscal Note:

Funding is budgeted in Fire Assessment budget 131 and 2016B Bond funds 329.

PUBLIC HEARING – QUASI-JUDICIAL (17):

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

- 17. Public Hearing and Second Reading of Ordinance No. 4704-17, transferring the development regulations for the Clearlake Plaza DPD to Resolution No. 132-17, 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.

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.: 21389](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4704-17, transferring the site plan approvals and related conditions for the Clearlake Plaza Downtown Planned Development to a separate Resolution; and

APPROVE Resolution No. 132-17, a Major Amendment to the Clearlake Plaza Downtown Planned Development, generally located south of Clearwater Place, east of Australian Avenue, to consolidate the development regulations, modify the permitted uses, and create a master sign plan. 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:

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 (2) external sign band signs; and two (2) 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 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.