



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**July 17, 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 – 2):

1. Presentation of a Legislative Update by State Representative David Silvers.
[Agenda Cover Memorandum No.: 21413](#)
2. Proclaiming July 2017 as American Red Cross Fire Prevention Month. Proclamation will be accepted by Rene D. Favreau, American Red Cross Home Fire Preparedness Campaign Coordinator.
[Agenda Cover Memorandum No.: 21460](#)

RECEIVED / FILED (3):

3. **Submittal of the following five (5) reports from the Internal Auditor's Office:**
 1. **Workers' Compensation Audit Report No. AUD17-01 and the Executive Summary of the Workers' Compensation Audit;**
 2. **Real Estate Management Process Audit Report No. AUD17-02 and the Executive Summary of the Real Estate Management Process Audit;**
 3. **Chronic Nuisance Program Post Audit Review No. PAR17-03;**
 4. **Parks and Recreation Post Audit Review No. PAR17-02; and**
 5. **Procurement Process Post Audit Review No. PAR17-04.**[Agenda Cover Memorandum No.: 21459](#)

Staff Recommended Motion:

Receive and File.

Background:

The five (5) reports provided were presented to the Audit Committee on June 1, 2017, where they were approved by the Audit Committee members. Copies of the report have been provided to the Mayor and Members of the City Commission.

Fiscal Note:

No fiscal impact.

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

CONSENT CALENDAR (4 – 15):

4. **Minutes of the Regular City Commission Meeting of June 5, 2017.**
[Agenda Cover Memorandum No.: 21457](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on June 5, 2017.

5. **Minutes of the Regular City Commission Meeting of June 19, 2017.**
[Agenda Cover Memorandum No.: 21458](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on June 19, 2017.

6. **Resolution No. 218-17(F) accepting and appropriating funding in the amount of \$300.00 awarded through Girls Who Code Organization to digital literacy and computer science at the library.**

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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE FOR A CONTRIBUTION FROM THE GIRLS WHO CODE ORGANIZATION TO FUND SUPPLIES FOR THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH'S GIRLS WHO CODE CLUB IN 2017; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21461](#)

Staff Recommended Motion:

Approve Resolution No. 218-17(F).

Background:

The Mandel Public Library of West Palm Beach strives to provide unique programming for citizens of all ages in West Palm Beach. The following grant will assist in maintaining the library's unique programming opportunities, and help maintain computer programming initiatives for our teenage members. Specifically, it focuses on encourages young girls to study computer programming.

The gender gap in technology study and employment is widening. This problem is growing worse. In 1984, 37% of all computer science graduates were women. Currently, 18% of all computer science graduates are women. Between the ages of 13 – 17, female interest in computing programs drops off significantly. The Girls Who Code non-profit

group addresses this problem by offering innovative programming and support to clubs in libraries and schools across the country.

In 2016, the Mandel Public Library started a Girls Who Code club. These funds will help encourage participants to come back for next year's club. From November through April, the Girls Who Code club at the Mandel Public Library has met once a week to learn about computer programming opportunities for young women. The club worked through much of the Girls Who Code curriculum, which focuses on positive role models and job opportunities for women. We had two guest speakers who had experience as computer programmers who were able to answer questions directly and offer encouragement. The club had no educational prerequisites, and many of the participants were starting with no previous technical knowledge. The club learned basic computer coding concepts, and worked through technical challenges. The club learned the basics of python, javascript, html and css. This funding will allow us to purchase incentives, food and other supplies as needed by the club.

Fiscal Note:

Receipt of Girls Who Code Organization Grant

7. **Resolution No. 223-17(F) amending the Office of City Attorney Budget to change its Chief Assistant City Attorney position to Deputy City Attorney.**

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 IN THE CITY ATTORNEY'S OFFICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21463](#)

Staff Recommended Motion:

Approve Resolution No. 223-17(F).

Background:

The Office of the City Attorney is working with Human Resources to restructure the positions in its department. Based on the job descriptions, workload, and duties, it is recommended that the Chief Assistant City Attorney position be changed to Deputy City Attorney.

The amendment to personnel is as follows: One (1) Chief Assistant City Attorney position is being eliminated from the Office of the City Attorney and one (1) Deputy City Attorney position is being added to the Office of the City Attorney. The City Attorney's Office has had several vacancies during this year and the proposed change will not impact the current budget.

Fiscal Note:

Current budget is available due to vacancies.

8. Resolution No. 215-17(F) provides appropriations for various Water, Sewer and Stormwater capital projects.

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 WATER AND SEWER SERIES 2008C REVENUE BOND CONSTRUCTION FUND, THE STORMWATER SERIES 2017A CONSTRUCTION FUND, AND THE TOWN OF PALM BEACH RENEWAL AND REPLACEMENT FUND TO PROVIDE APPROPRIATIONS FOR VARIOUS CAPITAL PROJECTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21464](#)

Staff Recommended Motion:

Approve Resolution No. 215-17(F).

Background:

The summary of additional appropriations for various water, sewer and stormwater improvements are as follows:

Project	Dollar Increase	Funding Source
C-17 Tidal Capture Project	\$ 150,000	Water and Sewer Series 2008C Revenue Bond Construction Fund (464)
Belmonte Road and Pershing Way Improvements	\$ 200,000	Stormwater Series 2017A Construction Fund (48A)
Sunrise Avenue Water Main	\$ 200,000	Water & Sewer Town of Palm Beach Renewal & Replacement Fund (457)
Total:	\$ 550,000	

The C-17 Tidal Capture project is currently under construction and is nearly 90% complete. Final completion is expected in August 2017. The project consists of a permanent structure with multiple electric submersible pumps (variable frequency driven) housed in a below grade concrete wetwell structure. It is located on the east side of Congress Avenue, adjacent to Control Structure No. 6 and the M-Canal. Also included is general site improvements and landscaping as approved by the City Commission on September 2, 2014 (Resolution No. 200-14). The project is a component of the City's Long Term Water Supply Plan whereby the C-17 pump station will make withdrawal from the Congress Avenue Canal and discharge directly to the M-Canal. Funding for the

project was previously approved by the City Commission on November 12, 2013 (Resolution No. 233-13 and Resolution 244-13F). The total project cost to date is approximately \$3,020,400. Additional funding in the amount of \$150,000 is required to complete the construction phase of the project. Funding for the project is being provided from the Water and Sewer Series 2008C Revenue Bond Construction (Fund 464). No General Fund dollars are required.

The Belmonte Road and Pershing Way Improvements project is budgeted in the Utility System Revenue Series 2017A Bond Fund (Fund 45A Fund for Water & Sewer Improvements). The project involves the reconstruction of roadway and sidewalk, installation of water main and sanitary sewer system and relocation of water and sanitary sewer services. The estimated amount required to accomplish the design phase of the stormwater component of the project is \$200,000. Funding for the project is being provided from the Utility System Revenue Series 2017A (Fund 48A for Stormwater). No General Fund dollars are required.

The construction of the Sunrise Avenue Water Main replacement is planned for the Summer of 2017. Per the Town's Ordinance, the construction window in the Town of Palm Beach begins on May 1st and ends on November 30th in a calendar year. Funding for the design phase of the project was previously approved by the City Commission (Resolution No. 374-16(F)). The estimated amount required to be budgeted to accomplish the construction phase of Phase 1 of the water main replacement project is \$200,000. This project will be paid for by the Town of Palm Beach Renewal & Replacement Fund (457 Fund). Fund 457 is to be used for water main improvements in the Town of Palm Beach pursuant to the Water Franchise Agreement executed on June 16, 1999, between the City of West Palm Beach and Town of Palm Beach. No General Fund dollars required.

Fiscal Note:

Post approval the Reserve for Future Project balances will be approximately: \$834,000, Fund 464; \$1.4m, Fund 48A; \$915,010, Fund 457.

9. **Resolution No. 217-17 authorizing the submittal of an application to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant Program, Fire Prevention and Safety (FP&S) Grant (2016) .**

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, FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FOR A GRANT UNDER THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, FIRE PREVENTION AND SAFETY (FP&S) PROGRAM TO BE USED TO DEVELOP AND IMPLEMENT A SMOKE DETECTOR INSTALLATION AND HOME FIRE SAFETY INSPECTION PROGRAM, TO PURCHASE A BULLEX SMART FIRE SAFETY TRAINING TRAILER, ANIMATRONIC SPARKY THE DOG AND PUMPER UNIT AND A NEW FLEET OF FORD F-150 PICK-UP TRUCKS FOR

THE BUREAU'S FIRE INVESTIGATORS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21462](#)

Staff Recommended Motion:

Approve Resolution No. 217-17.

Background:

The City of West of Palm Beach Fire Rescue Department is seeking authorization to submit an application to the Department of Homeland Security for a grant under the Assistance to Firefighters Grant Program, Fire Prevention and Safety Grant (FP&S). These grants are given to “support projects that enhance the safety of the public and firefighters from fire and related hazards.”

One of the City’s Strategic Priorities includes: Promote a Safe and Secure Community. It is the Fire Rescue Department’s desire to meet and exceed this strategic priority.

The City’s Fire Prevention Division, under City Code Section 38, has the primary responsibility of enforcing and advocating fire safety initiatives and fire code regulations throughout the City. The Fire Prevention Bureau provides a wide range of services designed to establish, support and maintain a fire safe community. The Bureau’s main core services include existing business fire inspections, building construction life safety plan reviews, life and fire safety public education outreaches and fire investigations. During fiscal year 2105-2016, the Bureau completed 6,449 fire inspections, resulting in an increase of 47% since 2012. Additionally, 60 public education events were conducted with participation from nearly 9,100 community members.

The Fire Prevention Bureau continues to realize that several groups located within the City remain vulnerable to the risk of fire and its impacts. These groups are members of the elderly populations, the very young, persons with disabilities and the financially disadvantaged.

The Bureau intends to use the grant funds, if awarded, to develop and implement a smoke detector installation and home fire safety inspections program. The goal of the program will be to inspect 500 or more homes and install at least 1,000 smoke detectors over the course of two (2) years. Additionally, the Bureau is asking for funds to purchase a Bullex Smart Fire Safety Training Trailer and animatronic Sparky the Dog and Pumper unit. These items will enhance our approach towards educating the community about fire and life safety, as well as provide positive and beneficial interactions with hands-on presentations.

Funds are also being requested to purchase a new fleet of Ford F-150 pick-up trucks for the Bureau’s Fire Investigators. Over the last several years the threat of cancer among the fire service has grown and become more prevalent in medical studies. Within these studies is a growing emphasis on the importance of taking steps to minimize and prevent exposure to dangerous carcinogens. Currently, all fire inspectors/fire investigators use

SUV style vehicles, with no real separation between the passenger cab and the storage cab. With the use of pick-up trucks, an Investigator's dirty tools, boots, and bunker gear can be all be stored in the separated truck bed, as well as separated from any "clean" tools and gear.

The requested grant amount is approximately \$344,010 with 5% (\$16,381) matching funds being required from the City. Resolution No. 217-17 authorizes submittal of a grant application.

Fiscal Note:

The 5% match (\$16,381) will come from Fire Prevention general operating funds. The operating cost for future fiscal years will be maintenance of the Bullex trailer and a small decrease in vehicle maintenance costs due to the new trucks. If awarded, the grant agreement and a financial resolution will be brought back to the Commission for approval.

10. **Resolution No. 209-17 establishing the proposed Fire Service Assessment rate for 2017, directing an update to the assessment roll and setting the date for a public hearing on August 28, 2017.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DETERMINING THE FIRE SERVICE ASSESSED COSTS AND THE SERVICES, FACILITIES OR PROGRAMS TO BE PROVIDED; ESTABLISHING THE ESTIMATED RATES FOR THE FIRE SERVICE SPECIAL ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2017; ESTABLISHING A MAXIMUM ASSESSMENT RATE ; DIRECTING AN UPDATE TO THE ASSESSMENT ROLL; SETTING THE DATE AND TIME OF A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21471](#)

Staff Recommended Motion:

Approve Resolution No. 209-17 and set a Public Hearing for August 28, 2017.

Background:

Fire suppression, prevention and other fire services provide a special benefit to properties by protecting the value and integrity of improvements to real property and protecting the use and enjoyment of such property. The availability of comprehensive fire services reduces the cost of fire insurance and enhances the market perception and property values. In 2008, the City Commission adopted Ordinance No. 4141-08, establishing an annual recurring Fire Services special assessment program for properties within the City, to fund the assessable costs of providing fire services, excluding Emergency Medical Services (EMS).

Pursuant to the procedure established in Ordinance No. 4141-08, the City Commission annually passes a resolution describing the services, facilities or programs to be funded, determining the cost to be assessed, establishing the assessment rates, establishing any exemptions and following all procedural requirements required by law and Ordinance No. 4141-08.

Resolution No. 209-17 is the Preliminary Rate Resolution for 2017, as described in the Ordinance. The Resolution determines the amount to be collected by the assessment; establishes a maximum rate, describes the use of the assessment funds; proposes the assessment rates for the next fiscal year; directs the updating of the assessment roll; and sets a date for the public hearing on the assessment.

Resolution No. 209-17 proposes no increase of the fire service assessment rates for next year and adopts a tentative rate of \$25 on residential dwellings. No proposed increase on established rates for other dwellings on a building square foot basis: \$0.03 for commercial, \$0.01 for industrial/warehouse; \$0.04 for institutional; and, \$0.10 for nursing homes.

The special assessment will be collected by the County Tax Collector through the property tax bill.

A public hearing on the assessment rates will be scheduled for August 28, 2017.

Fiscal Note:

Revenues of approximately \$ 2.3 MM are expected after a buy down of 100% of the governmental assessment and 80% of the not-for profit assessment.

11. **Resolution No. 210-17 directing the development of the preliminary assessment roll for the Chronic Nuisance Assessments for 2017 and setting the date for a public hearing on August 28, 2017.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DIRECTING THE DEVELOPMENT OF A PRELIMINARY ASSESSMENT ROLL FOR THOSE NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT MOWING AND DEBRIS REMOVAL SERVICES, BOARDING AND SECURING OF VACANT OR UNSAFE STRUCTURES, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES, CALLS FOR SERVICE AND INSPECTIONS TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY, AND OTHER PROPERTY MAINTENANCE SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY AND WHICH REMAINED DELINQUENT AND UNPAID; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21472](#)

Staff Recommended Motion:

Approve Resolution No. 210-17 and set a Public Hearing for August 28, 2017.

Background:

In September 2011, the City of West Palm Beach adopted a series of Ordinances intended to change the way the City deals with chronic nuisance properties and chronic nuisances in general. These ordinances were intended to recognize that the work that City staff provides to chronic nuisance properties is of direct benefit to the affected property. Through the adoption of Ordinance Nos. 4350-11, 4361-11, and 4362-11 the City Commission declared that any unpaid chronic nuisance service charges, unpaid Code Enforcement re-inspection assessment charges, or unpaid costs incurred for the abatement of code violations that remained delinquent and unpaid should become a special assessment against these properties as a non-ad valorem assessment equal in rank and dignity to a lien for ad valorem taxes.

Pursuant to Section 54-422 of the City Code of Ordinances, the Finance Director must prepare an initial assessment roll of the proposed assessments which are unpaid as of June 1st.

Resolution No. 210-17 directs the preparation of the initial assessment roll, sets the date for the public hearing to adopt a final assessment roll, and directs that the affected property owners be provided notice, by first class mail and publication, to appear at the public hearing if they wish to be heard.

Approval of Resolution No. 210-17 will schedule the public hearing for final adoption of the Chronic Nuisance Assessment roll on August 28, 2017.

Fiscal Note:

No fiscal impact, as revenue generated from the Chronic Nuisance Program is a reimbursement of expenditures incurred by the City to abate the nuisance.

12. **Resolution No. 224-17 approving the disposition of certain city owned properties in accordance with the Housing Assistance Incentives Program and choosing not to reserve an interest in mineral rights in the Properties as authorized by Section 270.11, Florida Statutes.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DISPOSITION OF CERTAIN CITY OWNED PROPERTIES IN ACCORDANCE WITH THE HOUSING ASSISTANCE INCENTIVES PROGRAM; CHOOSING NOT TO RESERVE AN INTEREST IN MINERAL RIGHTS IN THE CONVEYANCE OF THE PROPERTIES AS AUTHORIZED BY SECTION 270.11, FLORIDA STATUTES; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE DISPOSITION OF THE PROPERTIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21474](#)

Staff Recommended Motion:

Approve Resolution No. 224-17.

Background:

Section 166.0451, Florida Statutes, requires municipalities to maintain an inventory list of all City owned properties that are appropriate for use as affordable housing. The City's list is maintained by the Department of Housing and Community Development and is updated annually. The properties on the inventory list are attached as Exhibit A. By Resolution No. 83-16, the City Commission approved the City's Housing Assistance Incentives Program. Under the Program, the Department of Housing and Community Development is authorized, with the advice and consent of the Mayor, to utilize city owned properties for affordable, attainable or workforce housing. On April 11, 2016, Resolution No. 98-16 approved the first list of properties to be surplus and directed them to be used in accordance with the terms and provisions of the City's Housing Assistance Incentives Program.

The Department of Housing and Community Development recommends the additional properties on the City's Inventory list be used in the Housing Assistance Incentives Program. Resolution No. 224-17 authorizes the disposition of the Properties in accordance with the terms and provisions of the City's Housing Assistance Incentives Program.

Section 270.11, Florida Statutes, provides that unless the City chooses not to reserve its interest, deeds for the sale of land shall reserve to the City interest in mineral rights that may be in the properties. The City has no indication that any such minerals exist on these properties and has no intent to enter the properties to mine for minerals and by Resolution No. 224-17 chooses not to reserve such interest.

The properties are located in Commission Districts 1, 3 and 5.

13. **Resolution No. 226-17 Approving a loan to Royal Palm Place Ltd., from the City's Housing Trust Fund in the amount of \$300,000 along with Housing Incentive Fee Waivers in the approximate amount of \$228,360 for the construction of a 125 unit Multi family Rental Development for the elderly, low income and persons with disabling conditions in the Coleman Park Neighborhood and authorizing the Mayor to execute the loan documents.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LOAN TO ROYAL PALM PLACE LTD FROM THE CITY'S HOUSING TRUST FUND IN THE AMOUNT OF \$300,000 AND HOUSING INCENTIVE FEE WAIVERS IN THE APPROXIMATE AMOUNT OF \$228,360 FOR THE CONSTRUCTION OF A 125 UNIT MULTI FAMILY RENTAL DEVELOPMENT FOR THE ELDERLY, LOW INCOME AND PERSONS WITH DISABLING CONDITIONS IN THE COLEMAN PARK NEIGHBORHOOD; APPROVING AND AUTHORIZING THE MAYOR TO

**EXECUTE THE LOAN DOCUMENTS; PROVIDING AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES.**

[Agenda Cover Memorandum No.: 21475](#)

Staff Recommended Motion:

Approve Resolution No. 226-17.

Background:

Landmark Development Corporation and the West Palm Beach Housing Authority, doing business as Royal Palm Place LTD., have secured bond financing for the development of a 125-unit multi family rental housing development in Coleman Park which is located in the Greater Northwest Neighborhood. The units will be rented to the elderly, low income persons and persons with disabling conditions who earn 60%, or less, of area median income.

The estimated construction cost of the project is \$22,002,750.00 which will be financed by a loan in the amount of \$16,000,000 from Citibank, a \$4,750,000 State of Florida SAIL loan and a \$495,000 ELI Gap loan from the Florida Housing Finance Corporation, a loan from Palm Beach County in the amount of \$115,000 and this requested loan from the City in the amount of \$300,000 along with Housing Incentive Fee Waivers in the approximate amount of \$228,360. Citibank will have a first priority position, Florida Housing Finance Authority will have a second and third position, the City will have a fourth position and Palm Beach County will have a fifth position. The City's loan will be secured by a Loan Agreement, a Promissory Note and a Mortgage. The City is requested to execute a Subordination Agreement subordinating the lien of the City's mortgage to that of Citi Bank and Florida Housing. Copies of the foregoing documents are attached as exhibits to the resolution. The commission is requested to approve these documents substantially in the form attached to the resolution with the understanding that the final terms of the transaction are still being finalized and the documents may be modified.

Staff requests the commission to approve the City's loan, to approve the granting of the fee waivers and to authorize the mayor to execute all documents necessary to close the transaction.

Fiscal Note:

Funds to support the project are derived from the City's Housing Trust Fund. The \$300,000 loan is an interest only loan with a balloon payment at maturity. Interest rate one percent (1%), repayment of \$3,000 annually plus monitoring fee not to exceed \$1,500 staff costs.

- 14. Resolution No. 221-17 recommending Project Cell be approved as a qualified target industry business.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RECOMMENDING PROJECT CELL BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS FOR STATE

INCENTIVES PURSUANT TO SECTION 288.106, FLORIDA STATUTES; AUTHORIZING PAYMENTS OF UP TO \$18,000 AS THE REQUIRED LOCAL PARTICIPATION FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND (QTI) PROGRAM WITH A HIGH-IMPACT SECTOR BONUS AND A 150% AVERAGE WAGE BONUS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21477](#)

Staff Recommended Motion:

Approve Resolution No. 221-17.

Background:

Project Cell is a code name for a life sciences firm that is interested in relocating and expanding into the City of West Palm Beach. Project Cell has been identified as a Target Industry Business, and is therefore qualified to apply for the Qualified Target Industries (QTI) program administered by the Department of Economic Opportunity. The State of Florida's QTI program pays businesses on a reimbursement basis for the jobs they create. Project Cell will retain 7 jobs and create an additional 15 new jobs over the next year with an average salary of \$75,987.00 which is at least 150% of the average wage in Palm Beach County. Project Cell also falls within one of the high impact sectors, and is eligible to apply for a High-Impact Sector Bonus. Project Cell qualifies for a total of \$90,000.00 in QTI incentives, which equates to \$6,000.00 per job created. The QTI program requires a local contribution of 20% of the state QTI award. The company is seeking local incentive support from the City of West Palm Beach in the amount of \$18,000.00. The breakdown of the total incentive package is as follows:

State of Florida (80%) - \$72,000
City of West Palm Beach (20%) - \$18,000
Total: \$90,000

Payment of the incentives will be made over a four (4) year period. All incentives are issued on a reimbursement basis following confirmation that the required jobs have been created. No more than 25% of the entire incentive package can be paid out in one year. The funding schedule for Project Cell will be paid over a period of 4 years.

2019 - \$22,500
2020 - \$22,500
2021 - \$22,500
2022 - \$22,500

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

-Create 15 new jobs by the end of 2018;
The annual average wage for all new jobs would be \$75,897.00, which is at least 150% of the average wage in Palm Beach County;

Have a total of \$6,250,000 in capital investment over five (5) years comprised of \$900,000 in Construction/Renovations, \$4,500,000 in Manufacturing Equipment, \$650,000 in R&D Equipment and \$200,000 in Other Equipment (new furniture and computer/IT related equipment).

Project Cell is currently exploring a location located in City Commission District 2 currently represented by Commissioner Cory Neering. Competing locations include San Diego, California and China.

15. Resolution No. 222-17 recommending Project Falcon be approved as a qualified target industry business.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RECOMMENDING PROJECT FALCON BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS FOR STATE INCENTIVES PURSUANT TO SECTION 288.106, FLORIDA STATUTES; AUTHORIZING PAYMENTS OF UP TO \$80,000 AS THE REQUIRED LOCAL PARTICIPATION FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND (QTI) PROGRAM WITH A 150% AVERAGE WAGE BONUS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21478](#)

Staff Recommended Motion:

Approve Resolution No. 222-17.

Background:

Project Falcon is a code name for an aerospace / aviation firm that is interested in relocating and expanding into the City of West Palm Beach. Project Falcon has been identified as a Target Industry Business, and is therefore qualified to apply for the Qualified Target Industries (QTI) program administered by the Department of Economic Opportunity. The State of Florida's QTI program pays businesses on a reimbursement basis for the jobs they create. Project Falcon will retain 450 jobs and create an additional 200 new jobs over the next five (5) years with an average salary of \$66,098.00 or 150% of the average wage in the State of Florida. Project Falcon qualifies for a total of \$800,000.00 in QTI incentives, which equates to \$4,000.00 per job created. The QTI program requires a local contribution of 20% of the state QTI award. The local incentive will be split between the City and the County. The breakdown of the total incentive package is as follows:

State of Florida (80%) - \$640,000
Palm Beach County (10%) - \$80,000
City of West Palm Beach (10%) - \$80,000

Payments of the incentives will be made over a five (5) year period. All incentives are issued on a reimbursement basis following confirmation that the required jobs have been created. No more than 25% of the entire incentive package can be paid out in one year.

The funding schedule for Project Falcon will be paid over a period of five (5) years, creating 40 new jobs each year.

2017 - \$160,000
2018 - \$160,000
2019 - \$160,000
2020 - \$160,000
2021 - \$160,000

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

- Create 200 new jobs over five (5) years;
- The annual average wage for all new jobs would be \$66,098.00, which is at least 150% of the State of Florida average wage;
- Have a total of \$3,000,000 in capital investment over five (5) years comprised of \$750,000 in Construction/Renovations and \$2,250,000 in Other Equipment (new furniture and computer/IT related equipment).

Project Falcon is currently exploring a location located in City Commission District 2 currently represented by Commissioner Cory Neering.

Fiscal Note:

Funds for FY17 are available in the Economic Development division of the Mayor's Office.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTION (16):

- 16. Resolution No. 202-17 granting "Face of the City" approval of above-ground design features in connection with two lift station improvements projects: Lift Station 53 at the northeast corner of 42nd Street and Brooks Avenue and Lift Station 88 on the ManorCare Health Services property on Village Boulevard**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE ABOVE-GROUND DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR LIFT STATION IMPROVEMENTS PROJECTS, INCLUDING LIFT STATION NO. 53 AT THE NORTHEAST CORNER OF 42ND STREET AND BROOKS AVENUE AND LIFT STATION NO. 88 ON THE MANORCARE HEALTH SERVICES PROPERTY ON VILLAGE BOULEVARD; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21465](#)

Staff Recommended Motion:

Approve Resolution No. 202-17.

Background:

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping. Accordingly, the design of Lift Station 53 and Lift Station 88 Improvements projects requires “Face of the City” approval.

Lift Station No. 53 is located at the northeast corner of 42nd Street and Brooks Avenue. This is a lift station replacement project that will take place at the existing site. The above ground improvements at this lift station will include installation of new chain link fence and swing gate that are fitted with a landscape coordinated photo screen, new hedging and trees along the fence line, re-sodding and a concrete access driveway approach. Within the fenced enclosure will be a concrete pad for a portable standby generator, new submersible lift station, control panel, fall protection and remote telemetry unit.

Lift Station No. 88 is located on Village Boulevard, east of Brandywine Road, on the property owned by ManorCare Health Services. This is a lift station rehabilitation project that will take place at the existing site. The above ground improvements at this lift station will include installation of new chain link fence with swing gate to replace existing, new hedging outside the fence line, and re-sodding. Within the fenced enclosure will be new top slab for the wet well with new hatches and fall protection, new discharge piping, a new emergency standby generator, control panel, and remote telemetry unit.

The target construction start for both projects is January 2018 for approximately 8-month duration at each site. Funding for the improvements of both lift stations will be provided from the Utility System Revenue Bonds, Series 2017A.

Resolution No. 202-17 approves the proposed above ground design features at Lift Station No. 53 and 88 project sites.

Fiscal Note:

Projects budgeted in Fund 45A Water & Sewer Series 2017A Construction Fund: LS53 \$1.33m; LS88 \$1.12m.

PUBLIC HEARINGS (17 – 19):

- 17. Public Hearing and Second Reading of Ordinance No. 4715-17 amending the Procurement Code to grant to the Procurement Official the authority to execute a title transfer, bill or sale or other instrument of conveyance for the sale of surplus City vehicles, equipment and goods.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 66,

PROCUREMENT, SECTION 66-32, AUTHORITY AND DUTIES OF THE PROCUREMENT OFFICIAL, TO GRANT THE PROCUREMENT OFFICIAL THE AUTHORITY TO EXECUTE TITLE AND OTHER TRANSFER DOCUMENTS FOR THE DISPOSAL OF SURPLUS GOODS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
[Agenda Cover Memorandum No.: 21466](#)

Staff Recommended Motion:

Approve Ordinance No. 4715-17.

Background:

The Code of Ordinances of the City of West Palm Beach charges the Procurement Official with the duty to sell, trade or otherwise dispose of the City's surplus goods. From time to time, the Procurement Official may dispose of surplus City vehicles or other equipment and goods by auction. However, most auctions, and certain other sale arrangements, require that title to the goods sold be immediately conveyed at sale.

Section 3.01 of the Charter of the City of West Palm Beach provides that the Mayor shall execute all instruments, unless otherwise provide by ordinance. Accordingly, the execution of transfers of title, bill of sale and other conveyance instruments has been restricted to the Mayor. As a result, the execution may occur a day or two after the sale is made. This delay has, at times, been an issue for some auctions and other sales.

The Procurement Official may more readily and efficiently dispose of surplus City goods, equipment and vehicles by auction and other sale arrangements if the Procurement Official has the authority to immediately execute the necessary sale documents.

Ordinance No. 4715-17 amends Section 66-32 of the Procurement Code to grant to the Procurement Official the authority to execute a title transfer, bill or sale or other instrument of conveyance for the sale of surplus City vehicles, equipment and goods.

Fiscal Note:

No fiscal impact.

18. **Public Hearing and First Reading of Ordinance No. 4726-17 amends Chapter 78 waiving the special event insurance and indemnification requirements for non-commercial expressive activity.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 78 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE CODE OF ORDINANCES, ARTICLE VI (SPECIAL EVENTS), SECTION 78-153 (APPLICATION FOR A SPECIAL EVENT PERMIT) AND SECTION 78-157 (INDEMNIFICATION AND INSURANCE REQUIRED); PROVIDING FOR CODIFICATION; PROVIDING

**FOR SEVERABILITY AND CONFLICT; PROVIDING AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES.**

[Agenda Cover Memorandum No.: 21467](#)

Staff Recommended Motion:

Approve Ordinance No. 4726-17 on First Reading and schedule a Public Hearing and Second Reading for July 31, 2017.

Background:

The City of West Palm Beach (the "City") has the authority to establish by ordinance all needed rules and regulations for the City and for the protection of parks and other property under its jurisdiction. This includes rules and regulations for "special events" held on City property and in public forums under its jurisdiction. The City's special events regulations currently include a requirement that any person or organization seeking to conduct a special event provide comprehensive general liability insurance for the special event, as well as indemnify and save the City harmless from any and all claims, suits, actions, damages, or causes of action arising as a result of the special event.

These requirements may be construed to also apply to events held in "traditional" or "quintessential" public forum, including streets, sidewalks, parks, and town squares. In such a traditional or quintessential public forum, the City may regulate the time, place, and manner of special events that constitute "expressive activity," so long as such restrictions are content neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternatives for communication.

It is not the intent of the Code or Ordinance No. 4726-17 to suppress any expressive activities protected by the First Amendment. Rather, Ordinance No. 4726-17 seeks to amend the Code to ensure that expressive activities are not unduly burdened in a traditional or quintessential public forum, especially for those who cannot afford to pay for insurance or to provide indemnification to the City. To this end, Ordinance No. 4726-17 amends the Chapter 78 of the Code to provide an exception to Chapter 78's insurance and indemnification requirements (the "Exception"). Specifically, the Exception waives Chapter 78's insurance and indemnification requirements for non-commercial expressive activity. In so amending Chapter 78, Ordinance No. 4726-17 ensures compliance with the Eleventh Circuit decision in *Central Florida Nuclear Freeze Campaign v. Walsh*, 774 F.2d 1515 (11th Cir. 1985), in which the court concluded that requiring more than a nominal fee for expressive activity without providing for a waiver for indigent applicants is a constitutional deprivation.

19. **Public Hearing and First Reading of Ordinance No. 4716-17: A city-initiated request to amend Table XV-6 "City-wide Parking Requirements" in Section 94-486 of the Zoning and Land Development Regulations relating to a reduction in the parking requirements for the Multifamily Residential uses for affordable, attainable and workforce housing development in accordance with the City's adopted Housing Assistance Program.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS, RELATING TO THE PARKING REQUIREMENT REDUCTION INCENTIVE FOR AFFORDABLE, ATTAINABLE AND WORKFORCE HOUSING DEVELOPMENTS IN THE MULTIFAMILY RESIDENTIAL USE IN TABLE XV-6 OF SECTION 94-486; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21468](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4716-17, approving an amendment to the City's Code of Ordinances at Chapter 94, Section 94-486 Table XV-6 "City-wide Parking Requirements" relating to the parking requirements for the Multifamily Residential use for affordable, attainable and workforce housing developments. This motion is based upon factual testimony presented, the staff report, the recommendation of the Planning Board and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards set forth in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

The Planning Division has determined that the text amendments relating to the parking requirements for affordable, attainable and workforce housing Multi family developments complies with all of the required standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Compliance with all of the above-referenced standards has been detailed in Attachment 1 - Planning Board Staff Report.

The Planning Board recommended approval (5-0) of this request to the City Commission after a Public Hearing on June 20, 2017.

ANALYSIS: On March 28, 2016, the City Commission adopted Ordinance No. 83-16, which approved and adopted the Housing Assistance Program. The Housing Assistance Program promotes the development of such housing through financial incentives including loans, grants, fee reductions and waiver programs and the development of vacant city owned property.

The Housing Assistance Program recommends the Parking Requirement Reduction, which allows for a ten (10) percent reduction in parking requirements to affordable, attainable and workforce housing developments, be expanded to the entire City. This incentive is currently available only to developments located within the Downtown Master Plan, as stated in Section 94-134(e)(5) of the City's ZLDR.

Staff believes that the Parking Requirement Reduction will further the goal of promoting economic growth and stability, as well as the preservation and stimulation of the production of attainable, affordable and workforce housing units for persons at all incoming levels residing or desiring to reside in the City.

Ordinance No. 4716-17 as attached, includes Staff's recommendation as to parking requirements for affordable, attainable, and workforce Multifamily Residential developments.

PUBLICATION: The legal ad for Ordinance No. 4716-17 will be advertised in the Palm Beach Post on July 5, 2017.

COMMISSION DISTRICT: The amendment applies City-wide.

**PUBLIC HEARING – QUASI-JUDICIAL (20 – 21):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

20. **Public Hearing and First Reading of Ordinance No. 4710-17: A Future Land Use (FLU) Map Amendment to the change the FLU designation of ±1.11 acres, generally located on the west side of Presidential Way, north of Congress Avenue, from Multifamily (MF) to Community Service (CS); and**

Public Hearing and First Reading of Ordinance No. 4711-17: A Rezoning to change the zoning designation of ±1.11 acres, generally located on the west side of Presidential Way, north of Congress Avenue, from Multifamily High Density (MF32) Residential to Recreation Open Space (ROS).

The above-referenced requests are being made by Joni Brinkman, of Urban Design Kilday Studios, Inc., on behalf of Banyan Cay Development LLC.

ORDINANCE NO. 4710-17: 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 ±1.11 ACRES, GENERALLY LOCATED ON THE WEST SIDE OF PRESIDENTIAL WAY, APPROXIMATELY 520 FEET NORTH OF NORTH CONGRESS AVENUE, FROM MULTIFAMILY TO COMMUNITY SERVICE; 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. 4711-17: 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 ±1.11 ACRES,

GENERALLY LOCATED ON THE WEST SIDE OF PRESIDENTIAL WAY, APPROXIMATELY 520 FEET NORTH OF NORTH CONGRESS AVENUE, FROM MULTIFAMILY HIGH DENSITY (MF32) RESIDENTIAL TO RECREATION OPEN SPACE (ROS); DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21469](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4710-17, changing the Future Land Use designation of ±1.11 acres, generally located on the west side of Presidential Way, north of Congress Avenue, from Multifamily (MF) to Community Service (CS). 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 one of more of the standards found in Future Land Use Element Policy 1.1.5 of the City's Comprehensive Plan.

APPROVE Ordinance No. 4711-17, changing the zoning designation of ±1.11 acres, generally located on the west side of Presidential Way, north of Congress Avenue, from Multifamily High Density (MF32) Residential to Recreation Open Space (ROS). 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 northeast of Congress Avenue, on the east and west sides of Presidential Way, Banyan Cay Golf Club (formerly President Country Club) was purchased in 2011 with the northern course (the Patriot Course) approved for redevelopment as an exclusive resort-style community consisting of single family residential, multifamily high-rise, cottages, and a resort hotel with spa, meeting space, etc. The redevelopment was originally approved by the City Commission in 2013.

During the design of the resort, it was the original understanding that the southern Eagle Course would remain as-is and that no alternations or improvements would occur; it would simply become an amenity to the proposed resort. However, after the resort development and the Eagle Course were acquired by the current owner, it was determined that the course would undergo a complete reconstruction under the direction of Jack Nicklaus and his firm, Nicklaus Design.

During the time when The President Country Club had both courses operating, the maintenance facility was centrally located on the east side of Congress Avenue, north of

the northern terminus of Presidential Way (ATTACHMENT III). This provided easy and efficient access to both courses, with no need to traverse through any residential communities. However, with the closure of the north course and it being slated for redevelopment, the location of the existing maintenance facility was determined to be insufficient for the continued operation of the Patriot Course.

The location of the proposed maintenance facility is immediately north of the Presidential Medical Plaza and south of the Condo 1 townhomes within the Lands of the President. This location was identified for the future maintenance facility as it is centrally located between the front-nine and back-nine of the course, as well as was the last remaining piece of land within the golf course that had direct frontage on a public right-of-way to provide access for employees, deliveries, etc. It is Staff's understanding that this location was identified by the Nicklaus Design team, and that it is the only viable location to relocate such a facility.

As mentioned previously, the existing FLU and zoning designations of the property are MF and MF32, respectively. As such, applications have been submitted by Banyan Cay, who currently owns the remaining golf course, for the following:

1. Future Land Use (FLU) Map Amendment (ORDINANCE NO. 4710-17) to change the FLU designation of the maintenance facility site (± 1.11 acres) from Multifamily (MF) to Community Service (CS);
2. Rezoning (ORDINANCE NO. 4711-17) to change the zoning designation of the maintenance facility site (± 1.11 acres) from Multifamily High Density (MF32) Residential to Recreation Open Space (ROS); and
3. Class B Special Use Permit (the subject of this report) to allow for the continued operation of the existing 18-hole golf course and provide for the construction of a new 10,500 square foot maintenance facility on ± 1.72 acres with associated storage, parking, etc.

Please note that the Class B Special Use Permit (item #3) is under the review authority of the City's Zoning Board of Appeals and is not up for consideration by the City Commission. The City Commission is only considering the FLU Map Amendment and Rezoning and the maximum development potential that would be permitted under such designations. On May 4, 2017, the ZBA did unanimously approve the Class B Special Use Permit for use of the site as a maintenance facility, subject to the approval of the FLU Map Amendment and Rezoning; if the FLU Map Amendment and Rezoning are not approved, then the approval of the Class B Special Use Permit becomes null and void.

The applicant is requesting that the FLU and zoning designations be changed to CS and ROS to provide consistency, allow the site to be used as part of the existing course, and offer the opportunity to construct the maintenance facility. It is important to note that the property has always been used as part of the golf course, despite the above-referenced FLU and zoning designations, operating as a nonconforming use. The applications

proposed herein would eliminate that nonconformity and bring the subject property into consistency with the rest of the course.

CONCLUSION: 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.

PLANNING BOARD: The Planning Board recommended approval (5-0) of the requests described herein at their June 20, 2017, public hearing.

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. 4710-17 was advertised in the Palm Beach Post on July 10, 2017. Ordinance No. 4711-17 will be advertised prior to Second Reading.

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

Fiscal Note:

No fiscal impact.

21. **Public Hearing and First Reading of Ordinance No. 4713-17: Regarding the transfer of the site plan approvals and development conditions relating to the Northpoint Commercial Planned Development (CPD), located at 2995 45th Street, to a separate Resolution; and**

Public Hearing of Resolution No. 195-17: Approving a Major Amendment to the Northpoint Commercial Planned Development (CPD) to add a 653 square foot expansion to the existing RaceTrac convenience store and make other site improvements.

All of the above-referenced items are being requested by Kristin Novak of Thomas Engineering Inc. on behalf of RaceTrac Petroleum #562.

ORDINANCE NO. 4713-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 1962-86, AS AMENDED, RELATING TO THE NORTHPOINT COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED AT THE NORTHEAST CORNER OF 45TH STREET AND VILLAGE BOULEVARD, TO TRANSFER THE SITE PLAN APPROVALS AND RELATED CONDITIONS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 195-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR

AMENDMENT TO THE NORTHPOINT COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED AT THE NORTHEAST CORNER OF VILLAGE BOULEVARD AND 45TH STREET, TO ADD 653 SQUARE FEET TO THE EXISTING RACETRAC CONVENIENCE STORE AND AMEND THE SITE PLANS ACCORDINGLY; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21470](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4713-17, transferring the site plan approvals and related conditions for the Northpoint Commercial Planned Development (CPD) to a separate Resolution:

DISCUSS Resolution No. 195-17, which will approve a Major Amendment to the Northpoint Commercial Planned Development (CPD) to add a 653 square foot expansion to the existing convenience store and make other improvements to the site. Consideration will be based upon factual testimony presented, the application submitted, the staff report and recommendation of the Planning Board, along with the findings that the request complies with the standards set forth 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).

The subject property is part of the 91.86 acre Northpoint Commercial Planned Development (CPD), located immediately west of Interstate 95, north of 45th Street, and east of Village Boulevard. The 2.23 acre site contains a 2,994 square foot RaceTrac convenience store and gas station, which was constructed in 1997.

Northpoint CPD was originally established as the Northpoint Corporate Park Development of Regional Impact (DRI) in 1986. The development consists of several large lots arranged around a centrally located lake, and contains a mix of industrial and commercial uses.

In February 2017, an application for Major Planned Development Amendment was submitted to add a 653 square foot expansion to the existing convenience store with a new outdoor seating area, remodel the interior and exterior, and make site improvements.

CONCLUSION: It is Staff's professional opinion that the proposed amendment complies with 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 herein.

PLANNING BOARD: After a Public Hearing on May 16, 2017, the Planning Board unanimously recommended approval (7-0) of the request.

Individual notices were mailed to all property owners within 500 feet of the property and signs were posted on the subject property. Ordinance No. 4713-17 and Resolution No. 195-17 will be advertised in the Palm Beach Post in advance of Second Reading.

COMMISSION DISTRICT: The Northpoint CPD is located within Commission District No. 2 - Cory Neering.

OTHER BUSINESS (22):

22. Appointment of Commission Liaisons to various boards and committees.

[Agenda Cover Memorandum No.: 21476](#)

Staff Recommended Motion:

Review boards and committee lists and move approval for any desired appointments.

Background:

Section 2-62 of the City of West Palm Beach Code of Ordinances permits the Commission to designate one of its members, including the mayor, to the position of liaison by majority vote. The Code identifies a number of boards and committees to consider. A list of those boards and committees is attached hereto as "List Liaison." Also attached is the "Commission List" of boards and committees for which the Commission has appointed liaisons in the past. The Code requires the Commission to appoint a liaison to the Parks and Recreation Advisory Committee and the Golf Course Advisory Committee. The positions are to be voted on annually unless the appointed term is for a longer than one (1) year.

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.