



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**November 20, 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 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.

PRESENTATION AND AWARDS OF MERIT (1 – 2):

1. Presentation of activities for Holiday in Paradise 2017.
[Agenda Cover Memorandum No.: 21666](#)
2. Special Presentation/Report by Claudia Kirk Barto, Chair of the Education Advisory Committee.
[Agenda Cover Memorandum No.: 21683](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED:

CONSENT CALENDAR (3 – 13):

3. **City Commission approval requested for the Mayor's reappointment of Michele Jones to the Criminal Justice Advisory Committee for a term of three (3) years to expire October 31, 2020. Ms. Jones has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms her reappointment.**
[Agenda Cover Memorandum No.: 21667](#)
4. **City Commission approval requested for the Mayor's reappointment of Patricia Sned to the Parks and Recreation Advisory Committee for a term of two (2) years to expire November 1, 2019. Ms. Sned has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms her reappointment.**
[Agenda Cover Memorandum No.: 21668](#)
5. **Resolution No. 373-17 approving a Restrictive Covenant between the City, the Zoological Society of the Palm Beaches, and the State of Florida Division of Cultural Affairs.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING A RESTRICTIVE COVENANT BETWEEN THE CITY OF WEST PALM BEACH, THE ZOOLOGICAL SOCIETY OF THE PALM BEACHES, INC. AND THE STATE OF FLORIDA DIVISION OF CULTURAL AFFAIRS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21678](#)

Staff Recommended Motion:

Approve Resolution No. 373-17.

Background:

The Zoological Society of The Palm Beaches, Inc. has received a grant in the amount of \$500,000 from the State of Florida Division of Cultural Affairs for improvements to the Palm Beach Zoo for the construction of a new Conservation Entry Plaza.

The proposed improvements, which include sculptural walls along the east and west sides of the entry plaza, runnel/water features and an aquatic garden on the west side of the plaza, were approved by the City Commission by Resolution Nos. 85-17 and 239-17. The grant from the State of Florida Division of Cultural Affairs requires execution of a Restrictive Covenant to ensure that the facility will be used as a cultural facility for at least ten years following execution of the grant award agreement.

6. **Resolution No. 367-17 authorizing the submittal of an application for the Knight Foundation's Community Foundation of Palm Beach and Martin Counties for a grant in the amount of \$125,000 to be used as partial funding for "Play Sidewalks, interactive elements to be installed along Quadrille Boulevard, between Clematis and Fern Streets, to make walking a playful experience.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE KNIGHT FOUNDATION'S COMMUNITY FOUNDATION OF PALM BEACH AND MARTIN COUNTIES FOR FUNDING IN THE AMOUNT OF \$125,000 FOR DESIGN AND INSTALLATION OF INTERACTIVE ELEMENTS TO CREATE THE "PLAY SIDEWALK" ALONG QUADRILLE BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21669](#)

Staff Recommended Motion:

Approve Resolution No. 367-17.

Background:

The City's Art in Public Places Committee recommends implementation of "Play Sidewalk", interactive elements designed by the artists collective "Daily tous les jours" to

be installed along Quadrille Boulevard between Clematis and Fern Streets to make walking there a playful experience.

"Play Sidewalk" is anticipated to begin in January 2018 and be implemented in four stages: Research & Concept, Detailed Design, Programming & Fabrication, and Installation. The installation will remain for a duration of approximately nine months with the goal that the interactive activities/installation created will develop into a more permanent design solution.

The estimated cost of the Project is \$225,000. The Art in Public Places Committee will recommend to the City Commission that \$125,000 of AiPP funds be utilized for the project.

Resolution No. 367-17 requests approval of submittal of a grant application to the Knight Foundation's Community Foundation of Palm Beach and Martin Counties requesting matching funds in the amount of \$125,000 for the project.

If the grant is awarded, an item will be brought back to the City Commission to accept the grant funds and authorize any grant agreement, and to appropriate the matching funds from the AiPP funds.

COMMISSION DISTRICT: The installation will be in Commission District No. 4 - Commissioner Paula Ryan.

Fiscal Note:

If grant is awarded, an item to approve matching funds in the amount of \$125,000 from Art in Public Places funds will be brought back to Commission for approval. The project is estimated to cost \$225,000, with the grant to provide 50% funding.

7. **Resolution No. 360-17(F) recognizing the grant award of \$86,979.00 from the Department of State, Division of Library and Information Services and appropriating funds to assist the Mandel Public Library of West Palm Beach in maintaining and developing vital services during FY 2017-18 (FY18).**

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 2017/2018 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 RECOGNIZE THE FY18 STATE OF FLORIDA LIBRARY GRANT AWARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21670](#)

Staff Recommended Motion:

Approve Resolution No. 360-17(F).

Background:

Florida's State Aid to Libraries Program is administered by the Florida Department of State, Division of Library and Information Services. In 2003, the Legislature revised the law to allow independent municipal libraries to participate in the State Aid to Libraries Program. This was done in recognition that the provision of state aid to independent municipal libraries is a valuable contribution to the extension of the state's public library development plan. The State provides a match of up to 25 cents on each dollar of local funds expended centrally for the operation and maintenance of the library. The Mandel Public Library of West Palm Beach has received State Aid funding since 2003.

Each year the Mandel Public Library applies for and receives State Aid to Libraries grant funding. This Resolution appropriates the grant funds for FY18.

Fiscal Note:

Approval will recognize and appropriate \$86,979 from the State of Florida Library Grant,

8. **Resolution No. 302-17 authorizing the assessment of city liens in the total amount of \$38,675.78 for unpaid water service, sewer service, and stormwater service charges for the month of July 2017.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21671](#)

Staff Recommended Motion:

Approve Resolution No. 302-17.

Background:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 302-17 are for unpaid water service, sewer service, and stormwater service charges for the month of July 2017. The list of properties to be assessed and the associated charges totaling \$38,675.78 are attached to Resolution No. 302-17 as EXHIBIT A- Utility Lien List July 2017. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

9. **Resolution No. 340-17 authorizing \$81,500.00 settlement reached in the workers' compensation claim of David Oxley.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING A SETTLEMENT AGREEMENT REACHED IN THE WORKERS' COMPENSATION CLAIM OF DAVID OXLEY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
[Agenda Cover Memorandum No.: 21672](#)

Staff Recommended Motion:
Approve Resolution No. 340-17.

Background:
Mr. David Oxley is a police officer who was injured in a work related injury on or about August 3, 2014. An agreement has been reached with Mr. Oxley and his attorney to resolve his workers' compensation claim for \$81,500.00 thereby ending future medical exposure to the City of West Palm Beach.

10. **Resolution No. 345-17(F) provides appropriations for estimated grant revenues and expenditures in regards to Hurricane Irma.**

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 VARIOUS OTHER FUNDS BUDGETS TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF GRANT REVENUES AND EXPENDITURES IN REGARDS TO HURRICANE IRMA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
[Agenda Cover Memorandum No.: 21673](#)

Staff Recommended Motion:
Approve Resolution No. 345-17(F).

Background:
The City's estimate of expenses resulting from Hurricane Irma is \$6,370,716. It is expected the City will be reimbursed by the Federal Emergency Management Agency (FEMA) for 75.0%, 12.5% from the State of Florida, leaving the City responsible for 12.5%.

Revenue sources are:

Federal Government	\$ 4,778,034
State of Florida	796,341
City of West Palm Beach	796,341
Total	\$ 6,370,716

Estimate of expenditures are for the following items:

Debris Removal/Operating	\$ 3,936,919
Protective Measures(Overtime)	1,308,164
Road Signs	45,000
Buildings	544,133
Utilities	325,000
Parks/Recreational Facilities	211,500
Total	\$ 6,370,716

The City's match of \$796,341 will come from the following funds:

General Fund Contingency	\$ 713,234
Building Permitting	1,222
Parking	3,350
Public Utilities	78,535
Total	\$ 796,341

It is anticipated that the City will be reimbursed within 18 months.

Fiscal Note:

F-Resolution No. 345-17(F) recognizes the estimated receipt of Federal and State FEMA grants and the City's match for Hurricane Irma expenditures.

- 11. Resolution No. 352-17(F) amending the General Fund and various other funds budgets to provide appropriations for changes in estimated revenue and expenditures for Fiscal Year 2016/17 ending September 30, 2017.**

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 VARIOUS OTHER FUNDS BUDGETS TO PROVIDE APPROPRIATIONS FOR CHANGES IN ESTIMATES FOR REVENUES AND EXPENDITURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21674](#)

Staff Recommended Motion:

Approve Resolution No. 352-17(F).

Background:

Resolution No. 352-17(F) is needed to amend the General Fund and other funds for changes in estimated revenues and expenditures and to reallocate budget within various funds for proper asset allocations for fiscal year 2016/2017.

The General Fund is being amended for the following:

Revenues have increased for Lien Search Fees (\$294,000) collected by Finance as well as Commercial Garbage (\$207,000) and Single Family Recycling (\$270,000) collected by Public Works, while General Government revenue receipts are less than the estimated budget (-\$1,491,000). Additional transfers are necessary to properly move funds for proper asset allocations.

Expenditures for civilian final salaries and benefits payouts in City Administration, City General Services, the Procurement Department, and the Fire Department resulted in deficits at the cost center level of (-\$177,000). Expenditures for overtime temporary services and travel-training in the Procurement Department resulted in a deficit at the Department level (\$-42,000). Budget reallocations within the General Fund are necessary to eliminate deficits at the department level. The Police Department and Fire Department overtime expenditures exceeded budget, however, budget reallocations from other cost centers within their departments are sufficient to cover the deficits. Additionally, while the electric costs have not increased, the budget appropriations for electric services require reallocation between City General Services and Public Works to match expenditures. Budget appropriations will be reduced within general fund cost centers where employee vacancies, lower gasoline and diesel fuel expenditures, and savings from fewer repairs and maintenance costs has resulted in expenditure reductions that will offset the reduction in estimated revenue.

The General Fund revenue budget is reduced in the amount of \$665,909.00 and General Fund expenditures are reduced by \$665,909.00.

Increases in Revenue:

Transfer from Fund 304	\$152,080
Utility Taxes - Water	160,000
Current Tax Interest	200,000
State Revenue Sharing	40,000
PILOT - Water	230,000
Lease Payments	174,000
Lien Search Fees	294,000
Commercial Garbage	207,000
Single Family Recycling	270,000
Total Revenue Increases	\$1,727,080

Decreases in revenue:

Property Taxes - CRA	(95,489)
Transfer from Fund 113	(2,500)
Franchise Fees - FPL	(1,500,000)
Franchise Fees - Rolloff Container	(75,000)
Franchise Fees - FPU	(25,000)
Total Revenue Decreases	(\$2,392,989)

Increases in Expenditures:	
Machinery & Equipment for SCUBA Rippacks	\$ 152,080
Regular Salaries	61,000
Overtime	540,000
Special Pay	67,000
Other Contractual Services	100,000
Total Expenditure Increase	\$ 920,080
Transfer to Fund 105 CRA	(71,365)
Transfer to Fund 107 CRA	(24,124)
Pay Reduction & Turnover	(820,000)
Temporary Services	(25,000)
FICA Taxes	(260,000)
Electric Services	(14,000)
Repair and Maintenance	(156,000)
Operational Expense	(115,500)
Gasoline and Diesel Fuel	(100,000)
Total Expenditure Decreases	(\$1,585,989)

Fiscal Note:

No impact on contingency. General Fund revenue reductions are offset by a reduction in expenditures

- 12. Resolution No. 353-17(F) amending the Information Technology (IT) Equipment Replacement Fund and the General Fund to provide appropriations for police computers and to move appropriations for police radios from the General Fund to the IT Equipment Replacement Fund.**

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 2017/2018 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 THE INFORMATION TECHNOLOGY FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR POLICE COMPUTER REPLACEMENT AND RADIO REPLACEMENT PURCHASES; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21675](#)

Staff Recommended Motion:

Approve Resolution No. 353-17(F).

Background:

Computer replacement for the Police department has not occurred in over 5 years resulting in aging technology that does not provide optimal performance and is failing with no repair options available.

A total funding request of \$915,750 will provide the following technology:

18 Laptops for Police Command Staff - \$27,000

30 Desktop computer replacements - \$75,000

49 thin clients to provide a scaled down version of the desktop - \$12,250

229 Rugged Police Patrol computers - \$801,500

The rugged computers are for the replacement of existing computers in vehicles. This is in addition to the 35 ruggedized computers for Police replacement vehicles already appropriated in the FY 2018 budget in fund 328.

Additionally, funds in the amount of \$175,000 were appropriated in the General Fund Police Department budget for the purchase of replacement radios for police vehicles. The Information Technology department requests the funds to be transferred to IT Equipment Replacement Fund 328 to facilitate ease in procurement processes.

Fiscal Note:

Approval will provide needed Police computers and radios. Approximately \$15,324,944 will be available in Unassigned Fund Balance in General Fund 001. There will be no fund balance available in Fund 328.

- 13. Resolution No. 254-17 approving the City of West Palm Beach Title VI Program to be submitted to the Federal Transit Administration (FTA).**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING CITY'S TITLE VI PROGRAM FOR A THREE YEAR PERIOD; INSTRUCTING CITY STAFF TO SUBMIT THE APPROVED TITLE VI PROGRAM TO THE FEDERAL TRANSIT ADMINISTRATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21676](#)

Staff Recommended Motion:

Approve Resolution No. 254-17.

Background:

The City of West Palm Beach, as a recipient of Federal Transit Administration (FTA) financial assistance, is required to comply with United States Department of Transportation (DOT) Title VI regulations found at 49 CFR Part 21.

FTA Circular 4702.1B, promulgated pursuant to 49 CFR part 21 and other authority, requires the City of West Palm Beach to submit a Title VI Program to the FTA to ensure

that its transit services are provided in a non discriminatory manner. The City's Title VI Program was last submitted on August 1, 2014 and inadvertently lapsed into expired status effective July 31, 2016, which may cause funding restrictions until re-activated. The FTA Region IV Civil Rights Office has indicated that a successfully renewed program would be for three year period from June 1, 2016 through June 1, 2019. Circular 4702.1B requires City's Title VI Program to be approved by the Commission prior to submission.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

PUBLIC HEARINGS (14 – 18):

- 14. Public Hearing and Second Reading of Ordinance No. 4743-17 Regarding the Solar Energy Agreement with Florida Power & Light Company for Installation of Solar Trees in Howard Park.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SOLAR ENERGY AGREEMENT WITH THE FLORIDA POWER & LIGHT COMPANY FOR INSTALLATION OF SOLAR TREES IN HOWARD PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21660](#)

Staff Recommended Motion:

Approve Ordinance No. 4743-17.

Background:

The City of West Palm Beach has long recognized Climate Change as an important global issue and is working to prepare our community now and for the future. West Palm Beach has established a community wide greenhouse gas reduction goal of “Net Zero emissions by 2050”, Mayor Muoio is a leading "Climate Mayor" and this year committed to “Mayors for 100% Renewable Energy”, a US Conference of Mayors resolution to move to 100% renewables. As part of the overall Sustainability Action Plan, STAR Communities certification and Compact of Mayors commitment, key strategies, including utilization of solar energy have been identified to help meet those goals both within City operations and community wide.

The FPL SolarNow program is a Florida Public Service Commission approved voluntary solar partnership program, which provides FPL customers with a way to support the development of solar energy systems in local Florida communities, without impacting non-participating customers and without the up-front costs of installing solar systems on their home or business. As part of the program, residents, businesses, local organizations and FPL partner to build solar canopies or trees in public community locations. For a nominal contribution of \$9 a month, customers can choose to support the development of these projects.

The City desires to partner with FPL to have three (3) Solar Trees installed in the northern most boundary of Howard Park, west of the Convention Center, and just south of Okeechobee Blvd. The Solar Trees will provide shade, generate clean energy for USB charging ports and provide education about solar energy. The Solar Trees are in line with goals identified by the Gehl Study and have been shared with the surrounding communities.

The Solar Agreement with FPL grants FPL the use of a portion of Howard Park for a term of ten (10) years, which may be renewed for one additional five (5) year term, for installation of 3 solar trees or other renewable energy generating equipment. During the term of operation, FPL will operate and maintain its solar equipment in good working order and in a safe, clean manner at FPL's expense. FPL acknowledges that it is installing the solar equipment on public property accessible by the general public and that the City will have no liability to FPL for damage to the equipment caused by a member of the public, unless caused by the City's negligence, misconduct or willful omission.

The City will conduct routine maintenance on the grounds at the solar site. The Solar Agreement includes a mutual indemnification provision whereby the City indemnifies FPL, to the limits of sovereign immunity under Sec. 768.28, Florida Statutes, from any third party claims related to the solar trees, to the extent arising from the negligence or willful misconduct of the City, its employees, contractors and agents; and FPL indemnifies the City from third party claims arising from the negligence or willful misconduct of FPL, its agents, employees, representatives, contractors, or sub-contractors up to One Million Dollars (\$1,000,000). FPL will be required to provide general liability insurance coverage.

The generating of solar energy within Howard Park utilizing FPL equipment serves a valid public purpose by providing a benefit to the City and its residents by providing USB charging in Howard Park and educating the community about solar energy.

Ordinance No. 4743-17 approves the Solar Agreement with FPL. An Ordinance is required pursuant to Sec. 2-31 of the Code of Ordinances because the Solar Agreement grants FPL an interest in City property for a term of more than five (5) years.

Fiscal Note:

No fiscal impact.

15. Public Hearing and First Reading of Ordinance No. 2753-17 amending the West Palm Beach Police Pension Fund.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING PART I (CHARTER AND RELATED LAWS), SUBPART B (RELATED LAWS), ARTICLE I (PENSION AND RELIEF FUNDS), SECTION 16 (WEST PALM BEACH POLICE PENSION FUND) OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, TO INCORPORATE AMENDMENTS TO FLORIDA STATUTE

CHAPTER 24981 (1947), AS IT HAS BEEN AMENDED FROM 2002 THROUGH 2017; PROVIDING A CODIFICATION CLAUSE; PROVIDING A CONFLICTS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21677](#)

Staff Recommended Motion:

Approve Ordinance No. 2753-17 on First Reading and schedule a Public Hearing and Second Reading for December 4, 2017.

Background:

The West Palm Beach Police Pension Fund was first adopted in 1947 to be consistent with Florida Statutes, Chapter 24981, enabling the receipt of tax revenue pursuant to Florida Statute Chapter 185. The City's Code of Ordinances had updated the 1947 legislation through state legislative amendments, through 2001, but has since then not been updated. The purpose of updating the Code is to make it readily available to the beneficiaries of Chapter 185 money, interested stake holders and other persons. In conjunction with the City's pension advisor, the City reviewed all of the legislative changes since 2001 and added amendments which reflect the current state of the legislation, through 2017, but without the addition of amendments that were added then deleted prior to June 6, 2017, the effective date of the most recent amendments.

The revisions are extensive and indicated by underline and strikethrough as is typically shown for legislative amendments. For ease of reading and reference, both a redline and no redline version are attached to this memorandum.

16. **Public Hearing and First Reading of Ordinance No. 4747-17: A request by Bonnie Miskel, Esq., of Dunay, Miskel, and Backman, LLP, on behalf of Keenan Development Group, Inc., for a text amendment to the Code of Ordinances at Section 94-203, Community Service Planned Development District, to allow Colleges and Universities, Public and Private, the ability to request a waiver from parking space requirements.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING AND LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT SECTION 94-203 – COMMUNITY SERVICE PLANNED DEVELOPMENT DISTRICT TO ALLOW “SCHOOLS – COLLEGES AND UNIVERSITIES, PUBLIC AND PRIVATE” THE ABILITY TO A REQUEST A WAIVER OF PARKING REQUIREMENTS; 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.: 21679](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4747-17, approving an amendment to the City's Code of Ordinances at Section 94-203, Community Service Planned Development District, to allow Colleges and Universities to request a waiver from parking requirements, provided certain conditions are met. This motion is based upon factual testimony presented, the application submitted, 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 requested text amendment to allow Schools - Colleges and Universities, Public and Private located within a Community Service Planned Development District (CSPD) to have the ability to request a parking waiver 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 - City Commission Staff Report.

The Planning Board recommended approval (5-0) of this request to the City Commission after a Public Hearing on October 17, 2017.

ANALYSIS: The City currently houses two Schools - Colleges and Universities, Public and Private, Keiser University (formerly known as Northwood University) and Palm Beach Atlantic University, both of which have a CSPD zoning designation. Keiser University recently submitted an application to the Planning Division to allow the construction of a football stadium. The application is still under staff review for compliance with all of the requirements of the City Code. As part of the application and subsequent staff review, the issue of the amount of required parking for the campus and stadium has arisen.

The applicant believes that the parking requirements for the Schools - Colleges and Universities, Public and Private Use is too high for their specific campus environment based on a parking demand study that Keiser University had commissioned. As such, the applicant is requesting that Section 94-203 of the Zoning and Land Development Regulations, which establishes standards for the CSPD zoning district, be amended to permit the City Commission to grant a waiver of the parking requirements. The parking waiver would be for a maximum of 30 percent of the required number of parking spaces. In order to be eligible for the parking waiver, the college or university would need to submit evidence in the form of a parking study justifying that the parking reduction is warranted for review by the City as a Major Planned Development Amendment. The amendment text is similar to the parking waiver that applicants with a Planned Development east of Interstate 95 may seek in accordance with Section 94-207(b)(13) of the Zoning and Land Development Regulations(ZLDR).

The proposed text amendment does not change the parking requirement for Schools - Colleges and Universities, Public and Private, but rather gives the ability for a school the ability to request a parking reduction based on a formal study, which will be reviewed on a case-by-case basis. The amendment applies to Schools - Colleges and Universities, Public and Private Citywide. A school must be in a CSPD and may not also use the parking waiver that is permitted by Section 94-207(b)(13) within the Planned Development section of the ZLDR.

PUBLICATION: The legal ad for Ordinance No. 4747-17 will be advertised in the Palm Beach Post on November 24, 2017.

COMMISSION DISTRICT: While Keiser University is located within Commission District No. 2 - Commissioner Cory Neering, the amendment applies City-wide.

Fiscal Note:

No fiscal impact.

- 17. Resolution No. 364-17 declaring the Seaboard Train Station property to be surplus, waiving appraisal requirements and authorizing the negotiation of a lease with a Transit Village entity; and Public Hearing and First Reading of Ordinance No. 4751-17 approving a lease of the Seaboard Train Station property to Transit Village PPP-Seaboard, LLC, in conjunction with the transit-oriented development.**

RESOLUTION NO. 364-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT THE SEABOARD STATION PROPERTY LOCATED AT 205 TAMARIND AVENUE IS NOT NEEDED FOR ESSENTIAL CITY PURPOSES AND IS DECLARED TO BE SURPLUS; WAIVING THE APPRAISAL REQUIREMENT; AND AUTHORIZING CITY STAFF TO NEGOTIATE A LEASE AGREEMENT WITH TRANSIT VILLAGE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4751-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LONG TERM LEASE OF THE SEABOARD TRAIN STATION AND TAMARIND PARCEL BETWEEN THE CITY AND TRANSIT VILLAGE PPP-SEABOARD, LLC; AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THESE PURPOSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21680](#)

Staff Recommended Motion:

Approve Resolution No. 364-17. (Waiver of the appraisal requirement requires a unanimous vote.)

Approve Ordinance No. 4751-17 on First Reading and schedule a Public Hearing and Second Reading on December 4, 2017. (Super-majority vote 4/5 required either at First or Second Reading for long term lease).

Background:

The City owns the real property on the east side of the Seaboard Station, known as 205 Tamarind Avenue (the “Tamarind Parcel”) which includes the historic train station building (“Seaboard Station”). The property is used as the train station for both Tri-Rail and Amtrak, and the Greyhound Bus station, along with a small limited food take-out service for travelers and commuters. A change in use is not foreseeable. The Seaboard Station is in need of maintenance and repairs.

Transit Village, LLC, plans to redevelop the County property adjacent to the Tamarind Parcel to be a transit-oriented mixed-use development including residential, office, retail, hotel, and parking uses, commonly known as “Transit Village”. The Developer has offered to lease the Tamarind Parcel and to address the existing deferred maintenance requirements of the Seaboard Station at no cost to City. The Developer has further offered to make improvements to the Seaboard Station for the benefit of the traveling public, in accordance with the Standards of the Secretary of the Interior, and to be responsible for the capital improvements, maintenance and operation of the Seaboard Station at no cost to the City, relieving the City of such expense and obligation. The Developer has also proposed improvements to the Seaboard Station to improve the interior waiting area, expand the exterior waiting area and provide additional amenities for travelers and commuters. The Seaboard Station will continue to be used as the train station for Tri-Rail and Amtrak.

Addressing the deferred maintenance, along with making improvements to the Seaboard Train Station, at no cost to the City, serves a public purpose and benefits the welfare and safety of the traveling public.

Resolution No. 364-17 declares the Seaboard Train Station property to be surplus, waives the appraisal requirements and authorizes the negotiation of a lease with an Developer-related entity. Sec. 2-31(c) of the Code of Ordinances requires appraisals of City property prior to lease; however such requirement may be waived by unanimous vote of the City Commission.

Ordinance No. 4751-17 approves the Lease of the Seaboard Train Station and Tamarind Parcel to Transit Village PPP-Seaboard, LLC, with the following significant terms:

- Term. 60 year lease with option to renew for 30 years. If the Lease is not extended, the City will pay Tenant an amount equal to the unamortized costs of all capital improvements and leasing commissions or other unamortized expenses incurred by Tenant.
- Rent. \$10 for the Term.
- Maintenance. All maintenance obligations will be responsibility of the Tenant
- Deferred Maintenance. Tenant will remedy the deferred maintenance, at Tenant’s costs.

- Grant. City agrees to provide a grant to Tenant in amount of 95% of taxes received by City from the Tamarind Parcel. The grant is payable only if the property is taxable.
- Use of Property. The Tamarind Parcel may be used only for transit-related and transit-supporting uses.
- Historic Structure. Uses by Tenant must be consistent with the historic designation of the Seaboard Station. Modifications must comply with the Secretary of the Interior's Standards and guidelines for historic structures.
- Station Expansion. Tenant may expand the Station to the south and construct an adjacent open-air pavilion.
- Taxes. If assessed, Tenant will be responsible for payment of taxes.
- Insurance. Tenant to be responsible for insuring the Tamarind Parcel and Seaboard Station.
- Assignment. Tenant may assign the Lease.

Pursuant to Sec.2-31(e) of the Code of Ordinances, a super-majority vote is required either at First or Second Reading for long term lease. If approved, the Ordinance shall take effect 31 days after final passage and shall be subject to the initiative process set forth in the City Charter.

- 18. Public Hearing for Resolution No. 380-17 approving an Addendum to the Amended and Restated Park Dedication Agreement with SoDix Fern, LLC, for the new urban open space located at the southeast corner of Fern Street and Dixie Highway.**

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN ADDENDUM TO THE AMENDED AND RESTATED PARK DEDICATION AGREEMENT WITH SODIX FERN, LLC, REGARDING THE IMPROVED OPEN SPACE ON THE NORTHEAST CORNER OF FERN STREET AND DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21681](#)

Staff Recommended Motion:

Approve Resolution No: 380-17.

Background:

By Ordinance No. 3961-06, the City Commission created the Fern Street Corridor Overlay ("Overlay") for properties on Fern Street between Rosemary Avenue and Olive Avenue as a special area of incentives under the Zoning and Land Development Regulations to promote the preservation of historic buildings and the creation of open spaces. The Overlay incentive program allowed increased building height to be gained through the application of transfer development rights (TDRs) garnered from the improvement and dedication of open space and designation of a historic building.

The City Commission found it to be in the best interest of the public to preserve the historic Southern Bell Telephone & Telegraph Building, to obtain public open space in the downtown and to allow the transfer of TDRs for a 16-Story building under the Fern

Street Overlay incentive program. On October 29, 2008, the City approved a site plan for a project at the northeast corner of Fern Street and Dixie Highway, which included preservation of the historic Southern Bell Telephone and Telegraph building (now fully renovated as a residential building and known the Alexander Loft), dedication of a new urban open space at the southeast corner of Fern Street and Dixie Highway, which allowed for a transfer of development rights (TDRs) for the construction of a new 16-story building.

By Resolution No. 437-08, the City entered into a Park Dedication Agreement with SoDix Fern, owner of the project, which required that the TDRs must be transferred prior to application for a building permit for the 16-Story Building, and that the Open Space shall be completed within thirty-six (36) months from the Site Plan Approval. Pursuant to the Park Dedication Agreement, the transfer of the Open Space to the City was to occur no later than October 29, 2015. However, due to revision to the Open Space Site Plan and the required mitigation of environmental issues discovered on the Open Space, the Open Space was not be ready to be transferred to the City by that date.

By Resolution No. 279-15, the City and SoDix Fern, LLC, amended and restated the Park Dedication Agreement to provide that prior to dedication and transfer of the Open Space to the City, SoDix Fern shall have obtained a closure letter or completion order from the Florida Department of Environmental Protection (“FDEP”) regarding the environmental remedial action plan, and that if the Open Space is not conveyed in accordance with the Agreement, a certificate of occupancy will not be issued for the 16-Story Building. It is now known that the environmental monitoring of the Open Space is ongoing and FDEP may not issue a closure or completion letter for the Open Space for several years. Accordingly, the Open Space may not be dedicated to the City for several years, but the 16-Story Building is nearing completion and will need a certificate of occupancy.

Resolution No. 380-17 approves an Addendum to the Amended and Restated Park Dedication Agreement which will provide that the City shall issue a certificate of occupancy for the 16-Story Building prior to the dedication and transfer of the Open Space to the City, so long as there is compliance with all other conditions of the Amended and Restated Park Dedication Agreement, the Overlay and other duly enacted City ordinances, and the Open Space will be dedicated to the City upon the issuance of a closure or completion letter from FDEP.

COMMISSION DISTRICT: The subject property is located in Commission District No. 3 - Commissioner Paula Ryan.

PUBLIC HEARING – QUASI-JUDICIAL (19)
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES

- 19. Public Hearing and Second Reading of Ordinance No. 4736-17: A Future Land Use (FLU) Map Amendment to change the FLU designation of ±0.37 acre, located at**

2300 Presidential Way, from Community Service (CS) to Commercial East (CE); and

Public Hearing and Second Reading of Ordinance No. 4737-17: A Rezoning to change the zoning designation of ±0.37 acre, located at 2300 Presidential Way, from Recreation Open Space (ROS) to General Commercial (GC), with a further rezoning to Commercial Planned Development (CPD); and

Public Hearing of Resolution No. 307-17: A Major Planned Development Amendment to the Banyan Cay Residential and Commercial Planned Development (RPD/CPD) to expand the boundaries of the development to incorporate an additional ±0.37 acre located at 2300 Presidential Way; amend the development program and Design Guidelines, and revise various components of the CPD site plan; and

Public Hearing of Resolution No. 308-17: A Major Subdivision to replat a portion of the Banyan Cay RPD/CPD, to create the plat entitled "Banyan Cay Resort", consisting of multiple roadway, open space, lake, and developable tracts, containing approximately 68.00 acres.

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. 4736-17: 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 ±0.37 ACRE, LOCATED AT 2300 PRESIDENTIAL WAY, FROM COMMUNITY SERVICE TO COMMERCIAL EAST; 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. 4737-17: 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 ±0.37 ACRE, LOCATED AT 2300 PRESIDENTIAL WAY, FROM RECREATION OPEN SPACE (ROS) TO GENERAL COMMERCIAL, WITH A FURTHER REZONING TO COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 307-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE BANYAN CAY RESORT RESIDENTIAL AND

COMMERCIAL PLANNED DEVELOPMENTS, GENERALLY LOCATED NORTH OF PRESIDENTIAL WAY AND EAST OF CONGRESS AVENUE, TO EXPAND THE BOUNDARIES AND INCORPORATE AN ADDITIONAL ±0.37 ACRE AND TO AMEND THE DEVELOPMENT PROGRAM, DESIGN GUIDELINES AND VARIOUS COMPONENTS OF THE CPD SITE PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 308-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, PURSUANT TO THE CODE OF ORDINANCES OF WEST PALM BEACH, FLORIDA AND THE FLORIDA STATUTES, APPROVING A MAJOR SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “BANYAN CAY RESORT”; CONSISTING OF MULTIPLE ROADWAY, OPEN SPACE, LAKE, AND DEVELOPABLE TRACTS, CONTAINING A TOTAL OF APPROXIMATELY 68.00 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21682](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4736-17, changing the Future Land Use designation of ±0.37 acre, located at 2300 Presidential Way, from Community Service (CS) to Commercial East (CE). 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. 4737-17, changing the zoning designation of ±0.37 acre, located at 2300 Presidential Way, from Recreation Open Space (ROS) to General Commercial (GC), with a further rezoning to Commercial Planned Development (CPD). 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.

APPROVE Resolution No. 307-17, a Major Amendment to the Banyan Cay Residential and Commercial Planned Development (RPD/CPD) to expand the boundaries of the development to incorporate an additional ±0.37 acre located at 2300 Presidential Way; amend the development program and Design Guidelines, and revise various components of the CPD site 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..

APPROVE Resolution No. 308-17, approving a Major Subdivision of real property to create the plat entitled "Banyan Cay Resort". 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

subdivision design standards set forth in Section 94-342 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 north of Presidential Way and east of Congress Avenue, the subject property consists of a total of ±119.53 acres and is the location of the former north golf course (otherwise known as The Patriot course) of The President Country Club, within the Lands of the President. Due to a decline in the membership and the financial instability of the private club, The President Country Club was sold in July 2011.

In order to continue the viability of the club and maintain The Eagle course, the north course was approved for redevelopment as an exclusive resort-style community. The development would remove the entire Patriot course and all freestanding structures (i.e. clubhouse, cart barn, maintenance facility, etc.), allowing for the construction of a master-planned development consisting of residential homes, a multifamily high-rise, resort cottages, and a resort hotel with spa, meeting space, restaurant, golf clubhouse, etc. Originally known as the PCC Resort Community, this proposal was adopted by the City Commission (Ord. Nos. 4446-13 and 4447-13, and Res. No. 6-13) on July 8, 2013.

On January 6, 2014, the City Commission approved a Major PD Amendment and Major Subdivision (Res. Nos. 359-13 and 360-13) to move forward with the initial phase of construction of the project (94 single family dwelling units within Pod A at the north end of the property). Site work has mostly been completed for this phase, but no vertical construction has occurred to date.

On March 23, 2015, the City Commission then approved Res. No. 35-15, an additional Major PD Amendment to modify several aspects primarily focused on the southern resort portion of the project. These changes included changing the name from PCC Resort to Sea Palm Resort, altering the maximum build-out, change the mix of uses, revising the boundaries of the various Pods and Permissible Building Areas (PBAs), and increasing the maximum building height for the Resort Hotel (Pod B - PBA #4). The site, landscape, and architectural plans for the resort were also approved at this time.

Lastly, the City Commission approved a Major PD Amendment (Res. No. 100-17) on April 11, 2017, to: change the name of the development to Banyan Cay; change the residential product in PBA #1 from zero lot line to conventional single family units and amend the setback requirements accordingly; adopt signage regulations for permanent identification/entry signs; and add "golf course" as a permitted use in Pod D.

As the developer has moved forward toward construction, several issues were identified that needed to be addressed, requiring additional applications and amendments to the development. Each of the requests are outlined below and described in detail in ATTACHMENT 1:

- FLU Map Amendment and Rezoning (Ordinance Nos. 4736-17 & 4737-17) for ±0.37 acres that were inadvertently left out of the original development approvals despite always being a part of the Banyan Cay property.

- Major Planned Development Amendment (Resolution No. 307-17) to incorporate the above-referenced ±0.37 acres, as well as amend the Master Plan to modify the amount of development proposed within each Pod and Permissible Building Area (PBA), amend the Banyan Cay Design Guidelines & Development Regulations regarding: PBA #7 perimeter landscape buffer; required landscaping on the parking deck; relocation of the mechanical yard/equipment for the hotel; modification to the noise complain plan and noise restriction requirements; increase the maximum height of the condo villas (PBA #5); and increase the maximum building height for the resort hotel (PBA #4).

- Major Subdivision (Resolution No. 308-17) to replat a portion of the Banyan Cay RPD/CPD, to create the plat entitled "Banyan Cay Resort", consisting of multiple roadway, open space, lake, and developable tracts, containing approximately 68.00 acres

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 (6-0) of the requests described herein at their October 17, 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. 4736-17 was advertised in the Palm Beach Post on November 15, 2017. Ordinance No. 4737-17 and Resolution Nos. 307-17 & 308-17 were advertised in the Palm Beach Post on November 10, 2017.

COMMISSION DISTRICT: The site is located within Commission District No. 1 - Commissioner Sylvia Moffett.

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.