



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**June 3, 2019
5:00 P.M.**

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY CLERK'S OFFICE, 401 CLEMATIS STREET, WEST PALM BEACH, FLORIDA 33401, {(561) 822-1210}

**MAYOR
KEITH A. JAMES**

CITY COMMISSION

PRESIDENT CHRISTINA LAMBERT

COMMISSIONER KELLY SHOAF

COMMISSIONER CORY NEERING

COMMISSIONER RICHARD A RYLES

COMMISSIONER JOSEPH A. PEDUZZI

ADMINISTRATION

CITY ADMINISTRATOR, JEFFREY L. GREEN

CITY ATTORNEY, KIMBERLY ROTHENBURG

CITY CLERK, HAZELINE CARSON

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

CIVILITY AND DECORUM: The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.

- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

APPOINTMENTS (1):

1. Ratification of the Mayor's appointment of Frank Adderley to the position of Chief of Police. **RATIFIED**
[Agenda Cover Memorandum No.: 22467](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

PRESENTATION AND AWARDS OF MERIT (2-3):

2. Presentation of activities for Summer in Paradise 2019. **PRESENTED**
[Agenda Cover Memorandum No.: 22479](#)
3. Recognition of the Leadership of West Palm Beach 2019 Graduating Class. The certificates will be presented by Wendy Link, David Baker and Jack Frost. **PRESENTED**
[Agenda Cover Memorandum No.: 22480](#)

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

CONSENT CALENDAR (4-12): ALL CONSENT ITEMS (4-12) APPROVED

4. **Minutes of the City Commission Meeting of May 20, 2019.**
[Agenda Cover Memorandum No.: 22473](#)

Staff Recommended Motion:

Approve the Minutes of the City Commission Meeting held on May 20, 2019.

5. **Resolution No.151-19 approving an agreement between the City of West Palm Beach and Coordinates Solutions, LLC for the water main extension on S. Flagler Drive (from the north property line of 3111 S. Flagler Drive to Monroe Drive).**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND COORDINATES SOLUTIONS, LLC FOR THE WATER MAIN EXTENSION ON S. FLAGLER DRIVE (FROM THE NORTH PROPERTY LINE OF 3111 S. FLAGLER DRIVE TO MONROE DRIVE); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22468](#)

Staff Recommended Motion:

Approve Resolution No. 151-19.

Background:

Coordinates Solutions, LLC, (the "Developer"), is developing The Crystal condominiums (the "Project"), located at 3111 S. Flagler Drive (approximately 160 feet south of Monroe Drive intersection). The Project includes roadway and utility (water and sewer) work in the road right-of-way fronting the property.

Presently the existing City-owned water main on Monroe Drive dead ends at S. Flagler Drive. The City desires to loop the water main on S. Flagler Drive to provide redundancy to the City's water system by extending the water main from the Developer's north project limit and tie-in to the existing water main on Monroe Drive.

The City and Developer wish to coordinate their efforts while S. Flagler Drive is under construction to perform the City water main extension work.

The City and Developer agree that coordination of their utility work within the City's right-of-way is more practical and a more expeditious and economical approach to all the necessary utility work. The Developer has agreed to perform the City Water Main Work in conjunction with the Project, provided that the City pay for the City water main work. The City water main extension is estimated not to exceed One Hundred Thousand Dollars (\$100,000). The Work involves installation of approximately 160 linear feet of 8-inch water main, abandonment of an old and undersized water main in a rear easement, incidental replacement of sidewalk and curb, and milling and resurfacing.

Resolution No. 151-19 approves an agreement with the Developer for Developer's performance of the City's utility work to be reimbursed by the City.

COMMISSION DISTRICT: This project is located in Commission District No. 3 - Commissioner Richard Ryles.

Fiscal Note:

S Flagler WM Extension Project #31765821 budgeted in Fund 454 has available funding in the amount of \$142,500.

6. **Resolution No. 189-19 waiving a potential conflict of interest relating to Gray Robinson representing the City of West Palm Beach in lobbying and eminent domain matters and also representing AHS Residential, LLC, a multi-family developer, with respect to the purchase of a parcel of land owned by the City of West Palm Beach.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, WAIVING GRAY ROBINSON'S POTENTIAL CONFLICT OF INTEREST PURSUANT TO SECTION 2-222 OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22470](#)

Staff Recommended Motion:

Approve Resolution No. 189-19.

Background:

Kent L. Hipp, Esq. of Gray Robinson (the "Firm") requested a potential conflict of interest waiver from the City of West Palm Beach (the "City"). The firm has been and is currently representing the City of West Palm Beach in lobbying efforts and other eminent domain matters. The Firm would like to represent AHS Residential, LLC, a multi-family developer, with respect to the purchase of a parcel of land owned by the City of West Palm Beach. The purchase of the parcel of land from the City will not adversely impact the Firm's representation of the City.

Chapter 2 (Administration), Section 2-222 (Qualifications, Term), of the Code of Ordinances of the City of West Palm Beach allows the City Commission to waive a potential conflict of interest in unrelated matters or transactions which will not adversely affect the counsel's representation of the City.

The Firm will not represent either party in any adverse dispute, claim, challenge, controversy, litigation or adjudicatory proceedings against each other. Kent Hipp, Esq., and the Firm acknowledge the existence of a potential conflict of interest and assert that they are able to provide competent and diligent representation to both AHS Residential, LLC, and the City, in the matters. By waiving the potential conflict of interest, the City agrees that the Firm may continue representation of AHS Residential, LLC, and the City.

7. **Resolution No. 202-19(F) amending the General Fund Budget to provide appropriations for a contractual agreement between the City and Navarro Lowrey, Inc. in the amount of \$200,000 for the realignment of Second Street.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/19 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET FOR GENERAL GOVERNMENT EXPENDITURE TO PROVIDE APPROPRIATIONS FOR A CONTRACTUAL AGREEMENT WITH NAVARRO LOWREY, INC FOR THE REALIGNMENT OF SECOND STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

[Agenda Cover Memorandum No.: 22472](#)

Staff Recommended Motion:

Approve Resolution no. 202-19(F).

Background:

Resolution No. 60-18 approved a Property Development Agreement between the City of

West Palm Beach and Navarro Lowrey, Inc. for development of the "Old City Hall" site, which included the realignment of Second Street.

Pursuant to Section 5.9.2 of the Agreement, the City agreed to reimburse the Developer for the costs of the street realignment in an amount not to exceed Two Hundred Thousand Dollars (\$200,000), based on reasonable documentation from Developer evidencing such amounts, and provided that the final 20% (\$40,000) shall be retained until inspection and acceptance of the work by the City.

This Resolution No. 202-19(F) appropriates the \$200,000 for reimbursement to Navarro Lowrey, Inc.

Fiscal Note:

Upon approval, approximately \$4,092,842 will be available in unassigned fund balance in General Fund.

8. **Resolution No. 195-19 granting a Private Underground Utility Easement Agreement to Portofino South Condominium Association, Inc. for installation and maintenance of a private sanitary sewer line.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN UNDERGROUND PRIVATE UTILITY EASEMENT TO THE PORTOFINO SOUTH CONDOMINIUM ASSOCIATION AT 3800 WASHINGTON ROAD; AUTHORIZING EXECUTION OF THE EASEMENT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22471](#)

Staff Recommended Motion:

Approve Resolution No. 195-19.

Background:

As part of the renovation of their pool house at 3800 Washington Road, the Portofino South Condominium Association discovered that the sewer lateral for the pool house needed to be replaced.

In order to avoid disruption to Flagler Drive, the Public Utilities department agreed that a connection to an existing sewer lateral approximately 50 feet south of the Condominium property would be possible. City staff proposes the grant of a 5-foot wide easement along the western edge of the Flagler Drive right-of-way. Portofino South Condominium Association will construct a private sewer line and connection to the sewer lateral within the easement area and will assume maintenance responsibility for its sewer line in the Flagler Drive right of way.

Resolution No. 195-19 grants the easement and authorizes execution and recording of the easement.

COMMISSION DISTRICT. The Project is located in Commission District No. 3-Commissioner Richard Ryles.

Fiscal Note:

No fiscal impact.

9. **Resolution No. 184-19(F) amending the Fiscal Year 2018/19 Miscellaneous Trust Fund Budget to authorize appropriations of \$2,500 from State Law Enforcement Forfeiture Receipts for donations.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR THE PURPOSE OF DONATING FUNDS TO GULFSTREAM COUNCIL OF THE BOY SCOUTS OF AMERICA FOR LAW-ENFORCEMENT-RELATED ACTIVITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22469](#)

Staff Recommended Motion:

Approve Resolution No. 184-19(F).

Background:

Pursuant to the Florida Contraband Forfeiture Act, any local law enforcement agency that acquires at least \$15,000 within a fiscal year must expend or donate no less than 25 percent of such proceeds. These funds may be expended upon request by the Chief of Police to the City Commission, and upon appropriation to the police departments' miscellaneous trust fund. Such funds may be used only for school resource officer, crime prevention, safe neighborhood, drug abuse education, or drug prevention programs or such other law enforcement purposes as the governing body of the municipality deems appropriate. If the seizing agency is a county or municipal agency, the remaining proceeds shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality. Such proceeds and interest earned therefrom shall be used for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles, and providing matching funds to obtain federal grants. The proceeds and interest may not be used to meet normal operating expenses of the law enforcement agency.

Chapter 4, Section 4.03, of the Code of Ordinances of the City of West Palm Beach, permits the Mayor to direct the transfer of any unencumbered appropriation balance or portion of such balance among general classifications of expenditures within an agency and at the request of the Mayor, the City Commission may transfer any unencumbered appropriation balance or portion of such balance from one agency to another, provided, no transfer shall be made from the appropriations that are not permitted by Florida law.

DONATIONS:

GULFSTREAM COUNCIL OF THE BOY SCOUTS OF AMERICA, INC.: (\$2,500.00):
The Gulfstream Council's Exploring program is a career education program for youth in middle school through age 20. These funds were requested to support the 2019 Law Enforcement Exploring Academy to be held in August. This academy is a week-long residential career education program providing Explorers with practical, hands-on law enforcement and life skills training. It is presented in a structured and highly disciplined environment, much like that found in police and military recruit training centers. Community based programs like this are aimed at helping today's youth prepare for solid decision making in the future and recruiting suited youth into the field of law enforcement to help develop safer communities.

The Police Chief certifies the requested expenditures are in compliance with the Florida Contraband Forfeiture Act, specifically F.S.S. 932.7055(5)(a).

- 10. Resolution No. 180-19 authorizing the assessment of city liens in the total amount of \$36,035.44 for unpaid water service, sewer service, and stormwater service charges for the month of March 2019.**

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

[Agenda Cover Memorandum No.: 22483](#)

Staff Recommended Motion:

Approve Resolution No. 180-19.

Background:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 180-19 are for unpaid water service, sewer service, and stormwater service charges for the month of March 2019. The list of properties to be assessed and the associated charges totaling

\$36,035.44 are attached to Resolution No. 180-19 as EXHIBIT A - Utility Lien List - March 2019. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

11. **Resolution No. 181-19 authorizing the Mayor to sign a template License Agreement with private property owners for the installation of City owned electronic surveillance, related communication equipment, and supporting infrastructure related to the City's license plate readers and Real Time Crime Center on private property.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A TEMPLATE LICENSE AGREEMENT RELATED TO THE INSTALLATION OF ELECTRONIC SURVEILLANCE EQUIPMENT BETWEEN THE CITY OF WEST PALM BEACH AND PRIVATE PROPERTY OWNERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22473](#)

Staff Recommended Motion:

Approve Resolution No. 181-19.

Background:

In 2018, the City Commission authorized and started funding the Real Time Crime Center of the West Palm Beach Police Department. A large part of the Center's success depends on real time crime information from varied sources coming into the center. This includes a variety of electronic surveillance cameras placed strategically throughout the City. It is necessary to install these cameras at existing, sometimes privately-owned locations.

Resolution No. 181-19 authorizes the Mayor to execute a template License Agreement, a copy of which is attached. The authorization shall remain in effect for a period of five (5) years. Approval of this resolution will enable these installations to occur without individual approval of each agreement and will facilitate the City's ability identify locations and install electronic surveillance equipment intended to protect the public in a timely fashion.

Fiscal Note:

No fiscal impact.

12. **Memorandum of Understanding between the Federal Bureau of Investigation (FBI) and the City of West Palm Beach regarding FBI's participation in the West Palm Beach Fire Rescue Department's Emergency Medical Technician service.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THAT MEMORANDUM OF

UNDERSTANDING BETWEEN THE FEDERAL BUREAU OF INVESTIGATION AND THE CITY OF WEST PALM BEACH FOR FBI VOLUNTEER PARTICIPATION IN PROVIDING EMERGENCY MEDICAL SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22474](#)

Staff Recommended Motion:

Approve Resolution 183-19.

Background:

The Miami Division of the Federal Bureau of Investigation (FBI) has an interest in maintaining the emergency medical capabilities and qualifications of FBI personnel assigned to duty as emergency medical technicians (EMT) in support of FBI operations. Certified FBI emergency medical paramedics or technicians desire to fulfill training, certification and/or qualification requirements by volunteering to assist West Palm Beach Fire Rescue.

West Palm Beach Fire Rescue Department has an interest in utilizing qualified EMT volunteers for the benefit of the community.

The FBI participants will be certified paramedics or emergency medical technicians and shall be required to comply with the policies, procedures, and protocols of the West Palm Beach Fire Rescue Department. Each FBI participant shall also sign a confidentiality agreement regarding any personal health information obtained and shall sign a release releasing the City from any claims arising from their participation with WPB Fire Rescue.

Resolution No. 183-19 approves participation by FBI personnel with WPB Fire Rescue in providing EMT services and authorizes execution of a Memorandum of Understanding with the FBI.

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

DISCUSSION (13):

13. **Update on the negotiation with WPB Golf Links for the Lease & Development of the West Palm Beach Municipal Golf Course and surrounding property.**

[Agenda Cover Memorandum No.: 22485](#)

Motion was made by Commissioner Ryles, seconded by Commissioner Neering, to direct staff to commence negotiations with the second ranked firm, McGetrick Golf Management, and discontinue with the first; and thereafter it was voted as follows: Ayes: Commissioners Neering,

**Peduzzi, Ryles, and Shoaf. Absent for the vote: Commissioner Lambert.
Motion therefore carried unanimously.**

Staff Recommended Motion:

Provide direction to staff; either:

- (a) Accept the purchase price and terms offered by WPB Golf Links and finalize an agreement; OR
- (b) Direct staff to commence negotiations with the second ranked firm, McGetrick Golf Management; OR
- (c) Terminate all negotiations and direct staff to directly procure services for the redevelopment of the Golf Course and/or a lease with TopGolf.

Background:

The Golf Course development project is again at an impasse with WPB Golf Links which cannot meet the purchase prices required by the City for the purchase of the three development parcels.

HISTORY:

The City originally issued Request for Proposals (RFP) #16-17-405 seeking proposals for the Lease and Development of up to 196 Acres of Property, including the West Palm Beach Municipal Golf Course. The Golf Commission selected WPB Golf Links, LLC, d/b/a American Links - West Palm Beach, as the proposer with whom to negotiate a development agreement. In October 2018, negotiations with WPB Golf Links came to an impasse regarding financing of the development. On November 5, 2018, at a special meeting, the City Commission voted to terminate negotiations, withdraw the RFP, and allow the City to accept new proposals that meet the requirements of the original RFP.

After new proposals were solicited, the City received four proposals on or before January 14, 2019. On February 25, 2019, the City Commission evaluated the four (4) proposals and their presentations from: Greg Norman Golf Course Design, McGetrick Golf Management, Pulte Group/Divosta Homes, and WPB Golf Links, LLC. The City Commission selected and ranked the four firms in order as follows: 1) WPB Golf Links, 2) McGetrick Golf Management, 3) Pulte Group/Divosta Homes, 4) Greg Norman Golf Course Design. The City Commission instructed the staff to move forward with contract negotiations with the first ranked firm, WPB Golf Links, and retained the option to negotiate with the second ranked firm if the City could not come to an agreement with the first ranked firm.

City staff has had several negotiation meetings with WPB Golf Links. The proposed transaction includes the option to purchase the three parcels proposed for commercial development: The Entertainment, Hotel and Residential parcels. While negotiation of several items remains open, staff and WPB Golf Links have come to an impasse as to a significant term: the purchase price for the three parcels for development: The Entertainment/Topgolf parcel; the Hotel parcel; and the Residential parcel.

CITY APPRAISALS:

Anderson & Carr prepared two appraisals for the City to assist in the determination of a reasonable sales price for the parcels. The Anderson & Carr appraised the properties as follows:

Entertainment/TopGolf Parcel	-12.6acres	\$6,000,000
Hotel Parcel	- 2.3 acres	\$1,600,000
Residential Parcel	-7.6 acres	\$7,950,000
TOTAL		\$15,550,000

Anderson & Carr also appraised the value of the 153.9 acres of the Golf Course in its current state and for recreational and/or government use and determined a value of \$1,700,000.

The appraisals were based on reasonable sales price for parcels which could be developed for commercial uses and assumed that the access road to the Entertainment and Hotel parcels had been constructed. The Anderson & Carr appraisals are attached. While the City was willing to negotiate the purchase prices, the Developer's offer was not considered reasonable.

DEVELOPER APPRAISAL:

WPB Links obtained its own appraisal by Parrish & Edward of the entire 179.8 acres, including the golf course. The appraisal values the land as its current use for recreational and/or government uses only.

179.8 acres \$4,500,000

A letter from the Developer presenting its reasoning of why its offer is fair is also attached to this ACM.

OFFER:

The Developer has offered \$2,750,000 as the total purchase price for the three parcels: Entertainment/Topgolf Parcel, Hotel Parcel and Residential Parcel. City staff rejected that offer.

CITY CODE:

Section 2-31(27) of the City Code provides that for the sale of any city property which is assessed by the county property appraiser for more than \$500,000.00 two appraisals are required. The code requires that the appraisal report be prepared by a MAI appraiser selected by the Mayor. The sale price or lease rental price shall be not less than 85 percent of the fair market value of the property according to an appraisal report made as of a date not earlier than six months before the date of introduction of the ordinance for first reading.

If two appraisals are required, the sale price shall be not less than 85 percent of the average of the two appraisals. However, by unanimous vote of the full City Commission, these requirements may be waived.

City staff seeks direction to either:

- (a) Accept the purchase price and terms offered by WPB Golf Links and finalize an agreement; OR
- (b) Direct staff to commence negotiations with the second ranked firm, McGetrick Golf Management, which did not include commercial development, but included golf-associated development; OR
- (c) Terminate all negotiations and direct staff to directly procure services for the redevelopment of the Golf Course and/or a lease with TopGolf; OR
- (d) Other direction as determined by the City Commission.

RESOLUTIONS (14-17):

14. **Resolution No. 190-19 APPROVED amending the City' Salary Plan for FY2018-19 by creating the job classification of Deputy Chief of Police and changing the pay grade allocation and/or salary range for certain public safety management job classifications; Resolution No. 197-19(F) APPROVED amending the full-time equivalent budget for the West Palm Beach Police Department and the Mayor's Office and Resolution No. 196-19 (F) APPROVED providing budget appropriations.**

RESOLUTION NO. 190-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 264-18, APPROVED ON SEPTEMBER 24, 2018, AND AMENDED THEREAFTER, TO CREATE THE JOB CLASSIFICATION OF DEPUTY CHIEF OF POLICE AND TO CHANGE THE PAY GRADE ALLOCATION AND/OR SALARY RANGE FOR CERTAIN PUBLIC SAFETY MANAGEMENT JOB CLASSIFICATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 196-19(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/19 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE ADDITION OF ONE FULL TIME POSITION OF DEPUTY CHIEF OF POLICE AND ONE FULL TIME POSITION OF ASSISTANT CHIEF OF POLICE TO THE POLICE DEPARTMENT AND CHANGING A CURRENT ASSISTANT TO THE MAYOR FROM PART-TIME TO FULL TIME ; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 197-19(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND FOR THE POLICE DEPARTMENT AND THE MAYOR'S OFFICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22481](#)

Staff Recommended Motion:

Approve Resolution No. 190-19, Resolution No. 196-19(F); and Resolution No. 197-19(F).

Background:

Resolution No. 190-19 amends the City's Salary Plan for FY2018-19 by creating the job classification of Deputy Chief of Police. This job classification will be allocated to pay grade 267 with a salary range of \$130,410.47 - \$176,054.13. The incumbent of this position will perform complex professional and administrative work assisting with the management and leadership of the West Palm Beach Police Department, resolve problems of the highest technical nature, and participate in the determination and formulation of policies for the department. This resolution also amends the pay grades and/or salary ranges for certain public safety management job classifications.

Resolution No. 197-19(F) recognizes the addition of two (2) full time positions to be added to the Police Department by adding a Deputy Chief of Police and an Assistant Chief of Police. The Assistant Chief of Police position will oversee and provide support for the emergency management operations of the West Palm Beach Police Department. This resolution also adds a 0.5 full time equivalent by changing an Assistant to the Mayor from part-time to full time.

Resolution No. 196-19(F) provides budget appropriations in the amount of \$236,000 to provide funding as follows:

\$148,000 for salaries and benefits;

\$10,000 for operational expenses to include uniforms, weapons, phones and other needs;

\$16,000 for car radios and hand-held radio's;

\$70,000 to purchase two (2) additional unmarked police vehicles.

The fiscal impact of the additional 2.5 positions will require additional FY 2020 Budget of approximately \$520,000.

Fiscal Note:

Upon approval, approximately \$4,284,842 will be available in unassigned fund balance in General Fund.

15. **Resolution No. 193-19 APPROVED finding properties located at 2803 Broadway, 2813 Broadway, 2815 Broadway, 601 27th Street and 611 27th Street are not needed**

for City purposes, declaring the properties surplus, choosing not to reserve an interest in mineral rights in the properties as authorized by Section 270.11, Florida Statutes, and authorizing the use of the properties for the development of a 52 unit multi-family rental housing project in the Broadway Corridor.

Resolution No. 194-19 **APPROVED approving incentives to CHS CAPC JV1, LLC in the amount of \$228,500 and approving a Development Agreement for the development of a 52-unit multi-family rental housing project in the Broadway Corridor.**

RESOLUTION NO. 193-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT CITY OWNED PROPERTIES LOCATED AT 2803 BROADWAY, 2813 BROADWAY, 2815 BROADWAY, 601 27 STREET AND 611 27 STREET ARE NOT NEEDED FOR CITY PURPOSES AND ARE DECLARED TO BE SURPLUS, APPROVING DISPOSITION THE 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.

RESOLUTION NO. 194-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AFFORDABLE HOUSING INCENTIVES FOR CHS CAPC JV1, LLC FOR THE CONSTRUCTION OF A 52 UNIT MULTIFAMILY RENTAL DEVELOPMENT; APPROVING A DEVELOPMENT AGREEMENT AND RELATED LOAN DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22475](#)

Staff Recommended Motion:

Approve Resolution No. 193-19 and Resolution No. 194-19.

Background:

CHS CAPC JV1, LLC ("CHS") is proposing to develop a 52-unit multi-family rental housing project located in the Northwood Village Arts District, specifically in the Broadway Corridor.

Twenty-seven (27) units have been designated as affordable and/or workforce housing units. Affordable units shall be set aside for households who have incomes at or below 120% of Area Median Gross Income, as established by the City, with a minimum of 10 of the affordable units set aside for renters whose income is less than or equal to 80% of the Area Median Gross Income and are actively engaged in an arts occupation, including, creative, visual, literary and performance art disciplines. The units constructed in the project will all be one- and two-bedroom units, with larger floor plans to accommodate

creative individuals seeking live work apartments. The project shall remain affordable for a period of fifteen (15) years.

In order to accomplish this development, the City seeks to convey properties located at 2803 Broadway, 2813 Broadway, 2815 Broadway, 601 27th Street and 611 27th Street (the "Properties") to CHS CAPC JV1, LLC for the development of this project. Conveyances of City property to be used for the construction or rehabilitation of housing pursuant to an approved City housing program is exempt from the disposition requirements (declaration of surplus and appraisals) of Section 2-31(27) of the City Code and may be approved by resolution. A map of the project location is attached to this agenda item.

The Properties have been appraised at \$228,500. As an incentive for CHS' commitment to build affordable housing, the City desires to convey the Properties to CHS for One Dollar (\$1.00). The reduced purchase price will be contingent upon CHS completing the construction and obtaining a final certificate of occupancy in accordance with the Rental Housing Development Agreement. The City's interest in the Properties will be secured by a Promissory Note and Mortgage in the amount of \$228,500, which will be forgiven upon the timely issuance of a Final Certificate of Occupancy. If CHS breaches the Development Agreement, or fails to timely complete the project, the City may foreclose on its mortgage, or exercise other remedies available at law. The Properties will be conveyed subject to a Restrictive Covenant which will require 51% of the units to remain affordable for a period of 15 years.

The project is expected to be completed by December 31, 2020.

COMMISSION DISTRICT: This project is located in District 1, Commissioner Kelly Shoaf.

16. **Public Hearing and First Reading of Ordinance No. 4855-19, **APPROVED** amending the qualifications to serve on the Criminal Justice Advisory Committee to allow up to two non-residents to become committee members if certain conditions are met.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, AT CHAPTER 46 (LAW ENFORCEMENT), ARTICLE III (CRIMINAL JUSTICE ADVISORY COMMITTEE), SECTION 71 (ESTABLISHED; COMPOSITION; QUALIFICATIONS; ET. SEQ.), TO ALLOW NON-RESIDENTS TO SERVE AS COMMITTEE MEMBERS IF CERTAIN OTHER CONDITIONS ARE MET; PROVIDING A SEVERABILITY AND CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22482](#)

Staff Recommended Motion:

Approve Ordinance No. 4855-19 and schedule a second reading for June 17, 2019.

Background:

The City's Code of Ordinances, at Sec. 46-71, currently requires that all members of the Criminal Justice Advisory Committee (CJAC) reside within city limits in order to serve on the committee. From time to time there are committee candidates who have professional experience and background in the field of criminal justice which could enhance or otherwise benefit CJAC's mission, but the candidate(s) does not reside in the city so cannot serve as a committee member. To take advantage of such resources, the city seeks to expand committee member eligibility to include up to two non-residents who have professional experience and background in the field of criminal justice, as long as each of the five commission districts maintains at least one representative on the committee regardless of such experience. The expansion of available volunteers will enhance CJAC's mission and purpose and maximize its efforts in fulfilling its important role in the community.

17. **Resolution 188-19 APPROVED Approving a service agreement with Florida Atlantic University related to the Mobility Intelligence Project.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SERVICE AGREEMENT WITH FLORIDA ATLANTIC UNIVERSITY RELATED TO THE MOBILITY INTELLIGENCE PROJECT AND AUTHORIZING PAYMENTS IN AN AMOUNT NOT TO EXCEED \$300,000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22478](#)

Staff Recommended Motion:

Approve Resolution No. 188-19.

Background:

The City of West Palm Beach has been collaborating with Florida Atlantic University, the Knight Foundation and the Community Foundation in ways that improve our services and quality of life. The most recent effort has been to gain an understanding about how people are using the City from a mobility point of view. The Mobility Intelligence Project will use technology and messaging to understand how people move around the downtown core using different modes of transportation.

The Mobility Intelligence Project was developed through a series of discussions with the City, the Knight Foundation and the Community Foundation. FAU regularly engages with the City to understand needs and trends. Last year, prior to the 300 Block of Clematis Street renovation, the City met with FAU to determine whether a sensor project could be an option. Under the direction of Mayor Muoio, the City conducted an ideation event with internal City staff to determine what the City needed and what could be addressed. Faculty from FAU was also present at the event. A series of themes were discovered including mobility. Follow up discussions occurred with Mayor Muoio and the Knight Foundation about the City's interest in pursuing a mobility sensor project, ultimately determining that the Mobility Intelligence Project was a viable option.

FAU then developed the potential frame work for the Mobility Intelligence Project. The following is an excerpt from Dr. Jason Hallstrom, the professor spearheading the project:

"The proposed mobility intelligence system will serve three objectives: (1) First, it will provide a foundation for understanding mobility patterns downtown and within other key areas. The focus will be on individual human mobility patterns, at population scales, with the capacity to disaggregate by population groups. The resulting time-series data will enable the city to continuously monitor mobility impacts resulting from specific development initiatives, and to adapt those initiatives to optimize accessibility for all residents. (2) Second, by fusing the observed mobility pathways with existing GIS content, the system will provide a foundation for understanding the types of destinations most frequently visited by individuals (e.g., coffee shops, pharmacies, food banks), the times at which those visits occur, and the most likely future pathways. The system might, for example, learn that coffee shop visits reach their peak on Tuesday mornings at 8:00am, and that 35% of those visits are followed by visits to a nearby bagel shop. (3) Finally, as residents move from one area of the city to another, the system will provide individualized recommendations using public kiosks, on nearby destinations that are likely to be of interest. The concept is to learn the connections between people and place in the areas they most often frequent, and to use that knowledge to draw people to new places, and to establish new connections. The approach is designed to accelerate connectivity to the downtown, enhancing accessibility for residents."

The Mobility Intelligence Project has an estimated cost of \$600,000 over a three-year period. The project will be paid for through a four-party partnership. Because of the cutting-edge nature of the project, the Knight Foundation and the Community Foundation were approached as potential partners in the project. The Mobility Intelligence Project was first brought to the Knight Foundation for consideration. Knight has historically been a financial partner on many City projects that have prioritized attracting and nurturing talent, enhancing opportunity and fostering civic engagement. By centering the project around understanding how people move around the City, Knight believes that the Mobility Intelligence Project will meet its priorities. Prior to the City Commission work session on April 15th, Knight indicated that they would be interested in funding the Mobility Intelligence Project. Knight's support then lead to a conversation with the Community Foundation. The Community Foundation is the third entity committed to funding the project based on the nature and data collected from the effort. Lastly, as the executing partner of the effort FAU will contribute to the project as the fourth partner. The funding breakdown is as follows:

City of West Palm Beach -	\$300,000 (beginning next fiscal year Oct. 1, 2019)
Knight Foundation -	\$225,000
Community Foundation -	\$75,000 (\$25,000 to be delivered in year 2)
Florida Atlantic University -	\$15,000

Payments will be made annually by each party over a three-year term. The City's financial obligation would be \$100,000 per year over 3 years and be subject to an annual

appropriation of funding by all parties.

Deliverables include hardware, software, data analysis and a final report of the project. First, technical hardware will be installed in the City which will be left behind and integrated into the City's information technology system. Second, software will be included to assist in the collection and transparency of the data collected. The software will be the front facing aspect to the public offering a type of dashboard or integration into the open data portal for the City. The data collected and shown through the software will be made available for the public to observe and use. Third is the analytics of the data to understand how people are moving. The analytics will hold much of the value for the project. The analytics is believed to be where much of the discovery will occur in understanding mobility in the City. Last, a detailed report will be given to the funding partners and made available for the public that outlines what was discovered during the project.

The Mobility Intelligence Project was presented to the City Commission during a work session on April 15, 2019. Three concerns were expressed at the work session by City Commissioners; personal privacy, intellectual property and how law enforcement may use the project. These same questions were also expressed by the Knight Foundation. Personal privacy will be maintained by anonymizing the data that is collected. FAU will use Bluetooth and wireless signals from devices carried by people to collect the mobility data. Each device has a unique way it can be identified. FAU intends to encrypt the unique number of each mobile device making it extremely difficult to identify with a single person. In addition, data will be shown in a way that makes it difficult to understand who is moving where throughout the City. FAU will grant the City a non-exclusive license to use any intellectual property developed during the project. Law enforcement will have access to the data because the data will be made available to public at large. However, in order to pinpoint a devices location using the Mobility Intelligence Project, the law enforcement department would also need have the device that they want to pin point and a subpoena.

Florida Atlantic University has set a timeline to have the project initiated by Fall 2019. In order to meet this timeline, FAU will need to spend the next two months getting organized with Ph.D. students, faculty, equipment and City staff. The project is intended to coincide with the academic school year which begins August 15th, 2019. This will be the sole project for the Ph.D. students. The Mobility Intelligence Project will center primarily on Clematis Street from the Tri-rail Station to the Waterfront, expanding out from the street in certain segments. The Mobility Intelligence Project is anticipated to conclude in the Spring of 2022.

The Mobility Intelligence Project will be primarily located in District 3 represented by Commissioner Richard Ryles.

Resolution No. 188-19 approves funding in the amount of \$300,000 and authorizes the City to enter into an Agreement with FAU related to the Mobility Intelligence Project.

Fiscal Note:

The funding will not be allocated until October 1, 2019. The funding is intended to be budgeted for the next three fiscal years.

RECONSIDERATION (18):

18. **Resolution No. 169-19 APPROVED authorizing the extension of the contract for Banking Depository Services with JP Morgan Chase Bank, N.A. beyond the standard contract terms.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AN INITIAL FIVE-YEAR CONTRACT TERM AND APPROVING AN AGREEMENT FOR BANKING DEPOSIT SERVICES WITH JP MORGAN CHASE BANK, N.A.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22453](#)

Staff Recommended Motion:

Approve Resolution No. 169-19.

Background:

The City of West Palm Beach issued RFP No. 17-18-216 for Banking Depository Services. The contract for such services was awarded to JP Morgan Chase Bank, N.A. Sec. 66-93 of the City Code of Ordinances provides that contracts for procurement of goods or services shall be limited to a term of three years with the right to extend the term for up to two additional years. However, the Code also provides that the City Commission may authorize a longer term if deemed in the City's best interest.

Whenever any organization successfully completes a solicitation for its banking services, a significant number of hours must be invested in training accounting personnel to securely perform daily reconciliation of cash and checks, execute wires, upload checks files and issue stop payments etc., in compliance with the processes and procedures of the selected bank. Additionally, since many financial transactions are done these days by electronic or wire transfers, a change in bank requires a change in wire instructions and notification of such changes to the numerous organizations which make direct credits and debits from the bank accounts. This also requires staff time and effort in tracing payments mistakenly made to the former bank institution and the resultant accounting procedures for adjustment to payments timely made but made to the wrong bank.

In order to minimize the impacts and costs arising from frequent changes in the City's depository bank, the Finance Department believes that it is in the best interests of the City to extend the term of the contract for Banking Depository Services awarded to JP Morgan Chase Bank, N.A. beyond the standard contract terms.

Resolution No. 169-19 provides authorization to enter into a contract with JP Morgan Chase Bank, N.A. for Banking Depository Services with an initial term of five (5) years

with the option to renew the contract for an additional two (2) years.

Fiscal Note:

No fiscal impact; the City adopts a compensating balance policy; this policy enables the City to avoid bank charges/fees.

PUBLIC HEARING (19):

19. **Public Hearing of Resolution No. 142-19: APPROVED A City-initiated request for the abandonment of a portion of alley located north of 27th Street, south of 28th Street, east of Pinewood Avenue, and west of Broadway, consisting of approximately 5,200 square feet of right-of-way.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING AN APPROXIMATELY 5,200 SQUARE FOOT RIGHT-OF-WAY, LOCATED NORTH OF 27TH STREET, SOUTH OF 28TH STREET, EAST OF PINEWOOD AVENUE, AND WEST OF BROADWAY; RESERVING A UTILITY EASEMENT; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22477](#)

Staff Recommended Motion:

Approve Resolution 142-19.

Background:

The subject right-of-way is approximately 5,200 square feet (0.12 acres) and is located to the north of 27th Street, south of 28th Street, east of Pinewood Avenue, and west of Broadway. It consists of two parts: a 15-foot-wide by 300-foot-long alley running north to south, and a 14-foot-wide by 50-foot-long portion running east to west. A location map of the subject property is attached.

The abandonment of the alley is required to assemble adjacent parcels for redevelopment. Specifically, the subject right-of-way and seven adjacent parcels will be combined in order to construct a 52-unit apartment complex, named "Arts on Broadway." The project is a collaboration of Crisis Housing Solutions, a company specializing in community stabilization, and the City's Housing and Community Development Department. The project will feature rental units marketed toward artists and seeks to capitalize on the site's location three blocks north of Northwood Road. The project will also integrate 1,920 square feet of commercial space along the project's eastern border adjacent to Broadway. Because this is a City-initiated right-of-way abandonment, an appraisal of the subject right-of-way is not required. A utility easement will be recorded on the entire subject right-of-way to enable the city staff to service any utilities.

CRITERIA: Pursuant to Code Section 78-218, at the public hearing, the City Commission shall consider the following criteria in determining whether the general public welfare

would be best served by the proposed action:

- 1) Whether the public benefits from the use of the subject right-of-way as part of the city street system.
- 2) Whether the proposed action is consistent with the city's comprehensive plan.
- 3) Whether the proposed action would violate individual private property rights.
- 4) The availability of alternative action to alleviate the identified problems.
- 5) The effect of the proposed action upon traffic circulation.
- 6) The effect of the proposed action upon crime.
- 7) The effect of the proposed action upon the safety of pedestrians and vehicular traffic.
- 8) The effect of the proposed action upon the provision of municipal services, including, but not limited to, emergency services and waste removal services.
- 9) The necessity to relocate utilities, both public and private.
- 10) The effect the proposed action will have upon property values in the immediate and surrounding areas.

The abandonment of the subject property will not result in any negative impacts to the surrounding area, and access will be maintained on the east-west portion via a recorded easement. Additionally, due to the small size and narrow shape of the area proposed for abandonment, the subject property has little or no development potential to anyone other than the adjoining property owner. Staff has found the requested abandonment complies with all abandonment criteria.

NOTICES: Individual notices were mailed to property owners within 500 feet of the subject property on April 15, 2019. The site had been posted since April 17, 2019. At the time of printing this report, the City has not received any inquiry regarding the general nature of this request.

COMMISSION DISTRICT: The subject property is located within Commission District No. 1– Commissioner Kelly Shoaf.

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

- 20. Public Hearing and Second Reading of Ordinance No. 4846-19: **APPROVED** A request by Alan J. Ciklin of Ciklin Lubitz and George Gentile of 2GHO, on behalf of Prime Development, LLC, to voluntary annex a 4.16-acre parcel, located at 4651 45th Street, into the City Limits of the City of West Palm Beach.**

Public Hearing and Second Reading of Ordinance No. 4847-19: **APPROVED A request by Alan J. Ciklin of Ciklin Lubitz and George Gentile of 2GHO, on behalf of Prime Development, LLC, to change the Future Land Use designation of the 4.16-acre parcel located at 4651 45th Street, from a Palm Beach County Commercial High (CH/5) designation to a City of West Palm Beach Commercial (C) Future Land Use Designation.**

Public Hearing and Second Reading of Ordinance No. 4848-19: **APPROVED** A request by Alan J. Ciklin of Ciklin Lubitz and George Gentile of 2GHO, on behalf of Prime Development, LLC, to change the zoning designation of the subject 4.16-acre parcel, located at 4651 45th Street, from a County Multiple Use Planned Development (MUPD) to a City of West Palm Beach General Commercial (GC) zoning designation.

ORDINANCE NO. 4846-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 4.16 ACRES OF LAND LOCATED AT 4651 45TH STREET; DECLARING THAT ALL LEGAL PREREQUISITES AND REQUIREMENTS HAVE BEEN MET; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4847-49: 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 AN APPROXIMATELY 4.16 ACRE PARCEL LOCATED AT 4651 45TH STREET FROM A PALM BEACH COUNTY COMMERCIAL HIGH DESIGNATION TO A CITY OF WEST PALM BEACH COMMERCIAL FUTURE LAND USE DESIGNATION; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4848-19: 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 BY REZONING AN APPROXIMATELY 4.16 ACRE PARCEL LOCATED AT 4651 45TH STREET FROM A PALM BEACH COUNTY MULTIPLE USE PLANNED DEVELOPMENT TO A CITY OF WEST PALM BEACH GENERAL COMMERCIAL ZONING DESIGNATION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22482](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4846-19 voluntarily annexing a 4.16-acre parcel located at 4651 45th Street into the City of West Palm Beach. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the finding that the annexation meets criteria as set forth in Section 171.044, Florida Statutes.

APPROVE Ordinance No. 4847-19 to change the Future Land Use designation of the

subject 4.16-acre parcel located at 4651 45th Street from a Palm Beach County Commercial High (CH/5) designation to a City of West Palm Beach Commercial (C) designation. 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 Future Land Use Amendment Criteria found in Policy 1.1.5 of the Future Land Use Element of the City's Comprehensive Plan.

APPROVE Ordinance No. 4848-19 to rezone the subject 4.16-acre parcel, located at 4651 45th Street, changing the zoning designation from County Multiple Use Planned Development (MUPD) to General Commercial (GC) within the City of West Palm Beach. This motion is based upon the application submitted, the staff report, the testimony given, the recommendation of the Planning Board, along with the findings that the rezoning complies with the required standards in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs).

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report, attached hereto as ATTACHMENT I).

The 4.16-acre unincorporated parcel is located on the north side of 45th Street and west of North Military Trail and is bounded by the City of West Palm Beach to the south and east, the City of Riviera Beach to the north, and unincorporated Palm Beach County to the west (the "subject property"). Uses surrounding the site include commercial to the north and south, commercial and vacant industrial to the east, and residential to the west. Currently, the subject property is operating as a plant nursery. A survey of the property is provided in ATTACHMENT II.

The applicant is also the owner of five (5) separate parcels located immediately east of the subject property, within the City's limits. It is the applicant's desire to annex the subject property and combine it with the other parcels located within the City of West Palm Beach and move forward with a plan to redevelop the area with a larger commercial project at the corner of 45th Street and Military Trail. This application seeks to initiate the redevelopment plan by seeking approval of the voluntary annexation, and subsequent Future Land Use (FLU) map amendment and rezoning of the subject property into the City's Limit, prior to submitting a separate application for the commercial redevelopment.

Staff's analysis of the proposed annexation, the FLU map amendment and rezoning of the subject property is summarized below:

Annexation:

Staff has found that the proposed annexation of the subject property has met the criteria for voluntary annexation, pursuant to Chapter 171, Section 171.044, Florida Statutes. Staff's responses to the applicable annexation criteria, as set forth in Section 171.044, Florida Statutes is provided in the attached Staff Report.

Future Land Use (FLU) Map Amendment:

Under statutory law, once the subject property is annexed into the City, the property is required to possess a City land use designation. Therefore, in association with the voluntary annexation, the applicant is requesting a Future Land Use change of the subject property from County Commercial High (CH/5) to City Commercial (C) Future Land Use designation.

As part of any proposed Future Land Use amendment, a level of service (LOS) analysis must be conducted to determine if the new FLU designation, utilizing the maximum development potential, would cause any increase in impact, and if so, whether or not each public facility has the reserved capacity to accommodate the additional demand. The proposed new FLU of City Commercial (C) is expected to increase the maximum allowable development on the subject property by 45,303 square feet. This increase in the maximum development potential is expected to increase the demand in public facilities servicing the subject property and surrounding area; however, the proposed land use change is not anticipated to cause significant impact that would create any capacity issues for any of the existing facilities. The detailed LOS analysis, including certification letters from the service providers, indicating that there is sufficient capacity to accommodate the increase in development potential are provided in the attached Staff Report.

With regard to land use compatibility, designating the subject property with a City Commercial FLU designation is comparable to the property's existing FLU designation of County Commercial High (CH/5). Staff also believes that the proposed designation is consistent and compatible with the existing and future anticipated commercial uses in the immediate area.

Rezoning:

In conjunction with the request to change the Future Land Use, the applicant is also seeking approval to change the zoning designation of the subject property from a County Multiple Use Planned Development (MUPD) zoning designation, to a City General Commercial (GC) zoning designation for consistency with the other applications.

Based on Staff's review of the rezoning request, Staff has no objection. The rezoning is consistent with the proposed FLU designation of Commercial, and it would also be in harmony with the other existing commercial uses in the surrounding area, Staff believes that the application meets the Rezoning Standards of Section 94-32 of the ZLDRs. Therefore, Staff has no objection to the rezoning request.

PLANNING BOARD: After a Public Hearing on March 19, 2019, the Planning Board voted unanimously to recommend approval (6-0) of all three requests.

PUBLIC NOTICE: Individual notices were mailed to property owners within 500 feet of the subject property on April 17, 2019, and the site has been posted since February 27, 2019. Second Reading of Ordinance Nos. 4846-19, 4847-19 and 4848-19 were advertised in the Palm Beach Post on May 24, 2019, per statutory requirement.

COMMISSION DISTRICT: The subject property, upon annexation, will be located within Commission District No. 4 – Commissioner Joseph Peduzzi.

21. **Public Hearing and Second Reading of Ordinance No. 4849-19: **APPROVED**** A request for the voluntary annexation of approximately 1.48 acres of land, generally located on the southeast corner of North Military Trail and Community Drive (2970 North Military Trail), from unincorporated Palm Beach County to the City.

Public Hearing and Second Reading of Ordinance No. 4850-19: **APPROVED** A request for a Future Land Use Map Amendment to change the Future Land Use designation of approximately 1.48 acres of land, generally located on the southeast corner of North Military Trail and Community Drive (2970 North Military Trail) from County Commercial High (CH/8) to City Commercial (C).

Public Hearing and Second Reading of Ordinance No. 4851-19: **APPROVED** A request for a rezoning, to rezone approximately 1.48 acres of land, generally located on the southeast corner of North Military Trail and Community Drive (2970 North Military Trail) from County Commercial General (CG) to City General Commercial (GC).

ORDINANCE 4849-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 1.48 ACRES OF LAND LOCATED AT 2970 NORTH MILITARY TRAIL; DECLARING THAT THE VOLUNTARY ANNEXATION PETITION BEARS THE SIGNATURE OF THE OWNER OF THE REAL PROPERTY TO BE ANNEXED; DECLARING THAT ALL LEGAL PREREQUISITES AND REQUIREMENTS HAVE BEEN MET; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; DIRECTING THE MAYOR OR HIS DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS ANNEXATION; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE 4850-19: 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 BY AMENDING THE FUTURE LAND USE DESIGNATION FOR A 1.48 ACRE PARCEL FROM A PALM BEACH COUNTY COMMERCIAL HIGH (CH/8) DESIGNATION TO A CITY OF WEST PALM BEACH COMMERCIAL (C) FUTURE LAND USE DESIGNATION; LOCATED AT 2970 NORTH MILITARY TRAIL; DECLARING THE PROPOSED AMENDMENTS TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE

PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE 4851-19: 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 BY REZONING A 1.48 ACRE PARCEL FROM A PALM BEACH COUNTY COMMERCIAL GENERAL (CG) ZONING DESIGNATION TO A CITY OF WEST PALM BEACH GENERAL COMMERCIAL (GC) ZONING DESIGNATION; LOCATED AT 2970 NORTH MILITARY TRAIL; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22483](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4849-19 to annex 1.48 acres of land located in unincorporated Palm Beach County into the City, located at 2970 North Military Trail. This motion is based upon the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the standards found in Chapter 171, Florida Statutes.

APPROVE Ordinance No. 4850-19 to change the Future Land Use designation of approximately 1.48 acres of land located at 2970 North Military Trail, from County Commercial High to City Commercial. This motion is based upon the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the standards found in Future Land Use Element Policy 1.1.5 of the City's Comprehensive Plan.

APPROVE Ordinance No. 4851-19 to rezone approximately 1.48 acres of land, located at 2970 North Military Trail, from County Commercial General to City General Commercial. This motion is based upon the staff report, the testimony given, the recommendation of the Planning Board, along with the findings that the rezoning complies with the Comprehensive Plan and Rezoning Standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

The subject property contains approximately 1.48 acres and is located on the southeast corner of North Military Trail and Community Drive, within unincorporated Palm Beach County. The site currently contains a 720 square foot Shell service station, eight fueling stations covered by a canopy, and a 720 square foot car wash, all constructed in 1991. The eastern half of the site contains a large green space with mature trees. The site is contiguous to the City of West Palm Beach limits to the east.

The applicant is proposing to demolish the existing structures on the site, construct a 5,411

square foot convenience store, and add eight additional fueling stations to the existing eight for a total of sixteen. Any proposed development on the site is subject to a Staff-level site plan review. Additionally, the construction of a larger gas station and convenience store will require a Class B Special Use permit to be approved by the City's Zoning Board of Appeals.

Annexation - The subject property is immediately west of the existing City Limits, as noted above. Staff has determined that the parcel will meet the criteria for annexation as defined in Chapter 171, Florida Statutes, "Municipal Annexation or Contraction."

Future Land Use Map Amendment - In connection with the voluntary annexation, the applicant is applying for a City of West Palm Beach Commercial (C) Future Land Use designation, which will allow commercial development with a maximum Floor Area Ratio (FAR) of 0.75. The property's current Palm Beach County Commercial High and High Residential (CH-8) FLU permits a maximum 1.0 FAR. Because the maximum allowable development potential will be reduced from 1.0 FAR to 0.75 FAR, there will be a reduction in the demand on water and a decrease in waste water and solid waste. Similarly, the FLU amendment results in a projected decrease in traffic by 619 daily trips in a maximum development scenario. Staff has determined that assigning the parcel a Commercial (C) designation is appropriate as it is consistent with all surrounding parcels and complies with the Future Land Use Amendment Standards found in Policy 1.1.5c of the Future Land Use Element of the Comprehensive Plan.

Rezoning - The proposed zoning is consistent with the same zoning designation assigned to the recently-annexed parcels along North Military Trail. Based upon the compatibility with the surrounding zoning districts and the Military Trail corridor, Staff has determined that the request complies with the required Rezoning Standards found in Section 94-32 of the Zoning and Land Development Regulations.

CONCLUSION: As each of the requests meets the requirements in the Zoning and Land Development Regulations ("ZLDR"), the City's Comprehensive Plan, and Chapter 171, Florida Statutes, where applicable, Staff recommends approval of the requests.

IMPACT ANALYSIS: It is not anticipated that the proposed amendments would be detrimental to the immediate area or negatively impact the public facilities and services in the area.

PLANNING BOARD: After a Public Hearing on March 19, 2019, the Planning Board voted unanimously (6-0) to recommend approval.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and a sign was posted on the subject parcel. The Ordinances were advertised in the Palm Beach Post on May 24, 2019 for Second Reading.

COMMISSION DISTRICT: The subject site will be located within Commission District No. 2 – Commissioner Corey Neering.

APPEALS (22):

22. **Appeal of Historic Preservation Board's decision in Case #18-74, denying the request for demolition of a historic structure located at 464 Fern Street. DENIED**
[Agenda Cover Memorandum No.: 22278](#)

Staff Recommended Motion:

Deny the request for a Certificate of Appropriateness for the demolition.

The City Commission may deny the certificate of appropriateness, approve the certificate, or approve the certificate with conditions.

MOTION FOR DENIAL: Deny the Certificate of Appropriateness for demolition of the Locust House at 464 Fern Street based on the factual testimony presented, the application submitted and the staff report, along with the findings that, pursuant to Section 94-49(c) of the Code of Ordinances, the following conditions for the basis of denial exist: [State the specific conditions].

MOTION FOR APPROVAL WITHOUT CONDITIONS: Approve the Certificate of Appropriateness for demolition of the Locust House at 464 Fern Street based on the factual testimony presented, the application submitted and the staff report, along with the findings that ... [the structure is not capable of being repaired and reused in a practical and feasible manner].

Background:

BACKGROUND: The site at 464 Fern Street consists of two structures that were relocated from the Hillcrest area when the airport expanded in the 1990's.

This site was previously owned by the City of West Palm Beach. One building served as the City's Health Center and the other building had not been occupied since 2002 when the Horticultural Society used the space. In February 2018, Linton Jog Associates, Ltd., purchased the land and structures from the City.

The building located at the southwest corner of the parcel was originally located at 917 Locust Avenue and was built in 1925 by Warren R. Hale. The two-story Mission Revival structure, surfaced with stucco, with front elevation oriented toward Quadrille Avenue, features a side facing gable roof surfaced with barrel tile. One story portions of the structure on the south and east elevations feature a flat roof with a parapet. A chimney is located to the rear of the structure along with an open-air loggia with arched openings covered by a hip roof surfaced with barrel tile. The front elevation features a wood bracketed hip roof overhang surfaced with barrel tile. Fenestration includes wood multi-light French doors and multi-light windows on the front elevation with the exception of one over one (1/1) sash style windows. The side and rear elevations have sash style 1/1 and casements windows. The applicant is requesting approval to demolish the entire structure located at SW portion of the property due to its state of deterioration. This structure (currently painted

pink) is also known as the Locust House. The Locust House is listed on the City's Registry of Historic Properties.

The Agreement for Sale and Purchase of Real Property, executed by the City of West Palm Beach and Linton Jog Associates, Ltd., dated March 1, 2018, specifically provided: "As the Karl Riddle House and the Locus House ("Historic Structures"), located on the Property, are listed on the City's Registry of Historic Properties, the Buyer shall be responsible for compliance with the Historic Preservation guidelines and procedures outlined in the City's Zoning and Property Development Regulations Section 94-45

through 94-53 of the Code of Ordinances, including the requirements regarding the preservation of the existing structures."

This property was purchased in this condition and with the knowledge of its historic designation, therefore, staff and the Historic Preservation Board recommend retaining and repairing and/or relocation of the structure by the applicant.

HISTORIC PRESERVATION BOARD. This request came to be heard by the Historic Preservation Board on November 27, 2018. Planning Staff presented the application for a Certificate of Appropriateness for demolition of the Locust House with the recommendations of DENIAL based on the existence of at least four (4) conditions listed in Section 94-49(c)(4)b of the City Code of Ordinances on which denial may be based (reference in the attached staff report). The Historic Preservation Board voted (6-0) to DENY the application.

APPEAL. The Applicants appeal of the Historic Preservation Board's decision was timely received on December 12, 2018. Pursuant to Sec. 94-50 of the Code of Ordinance, Historic Preservation Board decisions are appealed to the City Commission. The appeal hearing must be held within 60 days of the appeal request. The City Commission's review is de novo and the decision shall be based on the testimony and evidence presented to the Commission at this hearing. A decision of the City Commission may be appealed to a court of competent jurisdiction within 30 days.

RELEVANT CODE PROVISIONS:

94-49(c)(4)(b)(1): "...Upon approval by the board of a certificate of appropriateness for demolition, the demolition permit shall not be issued until all demolition and new constructions plans for the property have received all other required governmental approvals."

94-49(c)(4)(b)(2): Denial. The existence of one or more of the following conditions may be the basis for denial of a demolition application:

- i. The resource contributes significantly to the historic character of designated property or district.
- ii. The resource is listed on the National Register.

iii. The resource is one of the last remaining examples of its kind in the neighborhood or city.

iv. The resource is capable of being repaired and reused in a practical and feasible manner.

v. Retention of the resource would promote the general welfare of the city by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture or heritage.

vi. Granting a certificate of appropriateness for the demolition would result in an irreparable loss to the city of a significant resource.

vii. The plans for the simultaneous new construction (if the demolition is granted) are not compatible with the property or district.

viii. The report provided to the Historic Preservation Board by an Historic Preservation Professional meeting the National Park Service Qualification Standards for Historic Preservation indicates the property may be considered contributing.

94-49(c)(4)(b)(3): Demolition delay period. The board may grant a certificate of appropriateness for demolition which may contain a delayed effective date. The effective date will be determined by the board based on the relative significance of the resource and the probable time required to arrange a possible alternative to demolition. The board may delay demolition for up to three months. During the demolition delay period, the board may take such steps as it deems necessary to preserve the resource. Such steps may include but are not limited to consultations with community groups, public agencies and interested citizens; recommendations for acquisition of the property by public or private bodies, or agencies; and exploration of the possibility of moving the resource.

94-49(c)(4)(b)(4): Salvage and preservation of specific features. The city commission upon recommendation by the board may require the property owner, at city expense, to salvage and preserve specified classes of building materials, architectural details, ornaments, fixtures and the like.

94-49(c)(5): Decisions regarding applications for certificates of appropriateness shall be based on the application, the application's compliance with the historic preservation provisions of this chapter, and the evidence and testimony presented in connection with the application. In reviewing an application, the division and the board shall be aware of the importance of finding a way to meet the current needs of the property owner. The division and the board shall also recognize the importance of recommending approval of plans that will be reasonable for the property owner to carry out. Any conditions or requirements imposed shall be reasonably related to the certificate of appropriateness sought by the applicant.

COMMISSION DISTRICT: The property is located in Commission District 3, Commissioner Richard Ryles.

Fiscal Note:

No fiscal impact.

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.