



WEST PALM BEACH

**City of West Palm Beach
City Commission**

AGENDA

**November 7, 2016
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 SHANON MATERIO
COMMISSIONER PAULA RYAN COMMISSIONER CORY NEERING
COMMISSIONER KEITH JAMES COMMISSIONER SYLVIA MOFFETT**

**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 – 3):

1. Key to the City Presentation to West Palm Beach resident Julie Wang in recognition of her accomplishment to circumnavigate the globe solo, becoming the first Chinese person/woman to fly solo and pilot an aircraft around-the-world.
[Agenda Cover Memorandum No.: 21101](#)
2. Proclaiming November 12, 2016 as Lagoon Fest Day. Proclamation to be accepted by Palm Beach County Commissioner Paulette Burdick and South Florida Water Management District Governing Board Member Melanie Peterson.
[Agenda Cover Memorandum No.: 21100](#)
3. Presentation of the Human Rights Campaign Foundation Municipal Equality Index (MEI) Ranking by Rand Hoch, President and Founder of the Palm Beach Human Rights Council and Robert Telford, City of West Palm Beach Government Broadcasting Coordinator
[Agenda Cover Memorandum No.: 21102](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED:

CONSENT CALENDAR (4 – 19):

4. **Appointment of Commissioner Keith James as the City's Delegate to the 2016 National League of Cities Annual Business Meeting.**
[Agenda Cover Memorandum No.: 21127](#)

Staff Recommended Motion:

Approve the appointment of Commissioner Keith James as the City's voting Delegate to the National League of Cities Annual Business Meeting.

Background:

The National League of Cities will hold its annual City Summit on November 16 - 19, 2016 and Annual Business Meeting on Saturday, November 19, 2016. At the Annual Business Meeting, each direct member of the City is entitled to vote through its designated voting delegate.

This item designates Commissioner Keith James as the City's voting Delegate at the 2016 National League of Cities Annual Business Meeting.

Fiscal Note:

No fiscal impact.

5. **Resolution No. 347-16 calling for a General City Election to be held on Tuesday, March 14, 2017, for the purpose of electing two (2) City Commissioners and calling for a General City Run-off Election to be held on Tuesday, March 28, 2017, if necessary.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CALLING FOR A GENERAL CITY ELECTION TO BE HELD ON TUESDAY, MARCH 14, 2017 FOR THE PURPOSE OF ELECTING TWO (2) CITY COMMISSIONERS; CALLING FOR A GENERAL CITY RUN-OFF ELECTION TO BE HELD ON TUESDAY, MARCH 28, 2017 IF NECESSARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21103](#)

Staff Recommended Motion:

Approve Resolution No. 347-16.

Background:

The City Charter and the Code of the City of West Palm Beach provide that a General City Election be called by the City Commission on March 14, 2017, for the purpose of electing two (2) City Commissioners: one (1) residing in District 2 and one (1) residing in District 4. These laws also require that a General Run-off Election be called by the City Commission on March 28, 2017, and held on such date in the event of necessity thereof as to any of the aforesaid offices.

Fiscal Note:

Fully budgeted.

6. **Resolution No. 348-16 requesting the Palm Beach County Supervisor of Elections to conduct the General City Election on March 14, 2017, and, if necessary, the March 28, 2017 General City Run-Off Election, and delegating the duties of the City of West Palm Beach Canvassing Board to Susan Bucher, Palm Beach County Supervisor of Elections, and Hazeline Carson, City Clerk.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REQUESTING THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE GENERAL CITY ELECTION OF MARCH 14, 2017, AND, IF NECESSARY, THE MARCH 28, 2017 GENERAL CITY RUN-OFF ELECTION; AND DELEGATING THE DUTIES OF THE CITY OF WEST PALM BEACH CANVASSING BOARD TO SUSAN BUCHER, PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, AND HAZELINE CARSON, CITY CLERK, FOR THE GENERAL CITY ELECTION OF MARCH 14, 2017, AND THE MARCH 28, 2017 GENERAL CITY RUN-OFF

ELECTION, IF NECESSARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21104](#)

Staff Recommended Motion:

Approve Resolution No. 348-16.

Background:

Section 5.06 of the City's Charter provides for the conduct of City elections. The City requests that the Palm Beach County Supervisor of Elections conduct the general City election of March 14, 2017 and, if necessary, the March 28, 2017 general City run-off election. Under Section 30-8 of the City's Code of Ordinances, the City Commission has the option to delegate the duties of the Canvassing Board to the Palm Beach County Supervisor of Elections by resolution adopted by the City Commission. The Supervisor of Elections requires that, if duties of the Canvassing Board are delegated to the Supervisor of Elections, that a representative of the municipality be a member of the Canvassing Board. This resolution requests that the Palm Beach County Supervisor of Elections conduct the upcoming elections and delegates the duties of the City's Canvassing Board to the Palm Beach County Supervisor of Elections and the City Clerk.

Fiscal Note:

Fully budgeted.

7. **Resolution No. 323-16 approving a Special Event License Agreement with Palm Beach County Motorcyclists Toys for Tots, Inc. for "Bill's Memorial Toys for Tots Toy Run" at Dreher Park (South) on Sunday, December 11, 2016 from 12:00 p.m. to 7:00 p.m. and authorizing issuance of an alcoholic beverages license for the event.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY MOTORCYCLISTS TOYS FOR TOTS, INC., FOR THE PURPOSE OF CONDUCTING BILL'S BIKES MEMORIAL TOYS FOR TOTS TOY RUN AT DREHER PARK-SOUTH ON DECEMBER 11, 2016 FROM 12:00 PM TO 7:00 PM; AUTHORIZING THE ISSUANCE OF A PERMIT TO THE PALM BEACH COUNTY MOTORCYCLISTS TOYS FOR TOTS, INC. FOR THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES AT BILL'S BIKES MEMORIAL TOYS FOR TOTS TOY RUN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21105](#)

Staff Recommended Motion:

Approve Resolution No. 323-16.

Background:

Palm Beach County Motorcyclists Toys for Tots, Inc. will produce "Bill's Bikes Memorial Toys for Tots Toy Run" on Sunday, December 11, 2016 from 12:00 p.m. to 7:00 p.m. at Dreher Park (South). Palm Beach County Motorcyclists Toys for Tots, Inc. has held this event in West Palm Beach for 33 years. The purpose of this event is to collect toys for the children in our community that are less fortunate. During this community event, they serve food and alcoholic/nonalcoholic beverages. Palm Beach County Motorcyclists Toys for Tots, Inc. will pay the City of West Palm Beach a \$690.00 Special Event permit fee and \$500.00 Special Event security deposit. The event producer will also provide the City of West Palm Beach with general liability insurance and liquor liability insurance both additionally insuring the City of West Palm Beach. The event producers have already made arrangements for police support for this event.

Fiscal Note:

No fiscal impact.

8. **Resolution No. 244-16 approving an Interlocal Agreement between the City of West Palm Beach and West Palm Beach Community Redevelopment Agency to provide funding assistance for the Northwood "Art Square" project for a total amount of \$15,000 and Resolution No. 250-16(F) appropriating funding for the project.**

RESOLUTION NO. 244-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY FOR SPONSORSHIP OF ART SQUARE, A TEMPORARY PUBLIC ART INSTALLATION IN THE AMOUNT OF \$15,000; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 250-16(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 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 ART IN PUBLIC PLACES CAPITAL PROJECT FUND TO PROVIDE APPROPRIATIONS FOR THE NORTHWOOD ART SQUARE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21128](#)

Staff Recommended Motion:

Approve Resolution No. 244-16 and Resolution No. 250-16(F).

Background:

During 2016 and 2017, a fuel detoxification procedure will occur at the corner of Northwood Road and Broadway in Northwood Village prior to the designated land being

redeveloped. During this time-frame the land will be closed off by a four sided (square) chain link fence. This chain link fence enclosure is approximately 300 linear feet long and 6 feet high. Through a Call to Artists, proposals will be selected to create a one-of-a-kind, temporary installation(s) at Art Square. This temporary fencing will be the blank canvas for the proposed artworks and/or installations.

Art Square will be a temporary art installation during the 2016 and 2017 fiscal years in the west end of Northwood Village facilitated by the Community Redevelopment Agency. The goal of the project is to continue the CRA and City efforts to promote Northwood Village as an art centric enclave for artistic and creative activities. The Art Square project provides a unique opportunity for regional/local artists to activate a "dead" space, and the Public Art Master Plan identifies this location as the North (Art) District. This will be the first AiPP involved project, in this designated area, since the Master Plan.

The CRA has requested that the City coordinate funding and sponsorship of Art Square. On July 6, 2016 the AiPP voted to recommend the partial funding of "Art Square" to the City Commission for a total amount not to exceed \$15,000.

The Community Redevelopment Agency will take the lead on this project and will facilitate all aspects of the Call to Artists, including but not limited to technical, logistical, administrative, financial, security, installation, public relations and marketing of this project. The City will be noted as a partnering sponsor in this project. Art Square will be free and accessible to the public.

Resolution No. 244-16 authorizes the Interlocal Agreement and Resolution No. 250-16(F) appropriates and authorizes the transfer of funds. A companion item is to be considered at the regular Community Redevelopment Agency meeting - Resolution No. 16-95 authorizing the Interlocal Agreement between the City and the CRA.

Fiscal Note:

Upon passage of this resolution, the balance in Reserve for Future Projects will be approximately \$18,794.

9. **Resolution No. 317-16 accepts the Division of Library and Information Services, Library Services and Technology Grant for the Mandel Public Library's Square One Initiative program and approves the Grant Agreement.**

Resolution No. 319-16(F) authorizes the appropriation of funds in the amount of \$85,000 for staffing and the purchase of hardware, furniture and computers to outfit the Square One Initiative space at the Mandel Public Library of West Palm Beach.

Resolution No. 320-16(F) provides appropriations for the Associate Librarian.

RESOLUTION NO. 317-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A GRANT

AGREEMENT WITH THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES ACCEPTING GRANT FUNDING FOR THE SQUARE ONE PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 319-16(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 2016/2017 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE "SQUARE ONE INITIATIVE" PROGRAMMING FOR ONE YEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 320-16(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21129](#)

Staff Recommended Motion:

Approve Resolution No. 317-16, Resolution No. 319-16(F) and Resolution No. 320-16(F).

Background:

By Resolution No. 246-16, the City Commission authorized the submittal of an application to the Florida Department of State, Division of Library and Information Services for a Library Services and Technology Grant for furnishing, staffing and programming for disconnected young adults.

On September 9, 2016, the Mandel Public Library was awarded \$85,000 from the Division of Library and Information Services under the Library Services and Technology Act for fiscal year 2016-2017 to fund a year-long program series entitled, "Square One Initiative - Reconnecting Disconnected Young Adults".

The Square 1 Initiative will provide programming for disconnected young adults 16 to 24. The Mandel Public Library of West Palm Beach will work with CareerSource and other departments within the City including the Mayor's Village Initiative, Vickers' House and the Youth Empowerment Center to expand services to 16 to 24 year old young adults who are unemployed and not attending school. The grant will provide funds to furnish and staff a multi-use room in an existing space on the Library's Technology Floor (2nd Floor). This space will be staffed up to 32 hours/week by an associate librarian and a Literacy AmeriCorps member. This will enable the Library to provide enhanced services to enable these young adults to navigate the challenges facing them. These

include getting a driver's license, graduating from high school or getting a GED, job skills and instruction in Microsoft Word, Excel and PowerPoint as basic skills in these programs are required for many jobs. The Library will also provide training in more advanced technology including robotics, coding, programming, Adobe PhotoShop and Final Cut Pro. The Library will connect with local business leaders to provide seminars designed to discuss issues relevant to the young job-seeker and volunteer/internship possibilities. Included in the grant are funds to purchase career assistance and technology skills materials to expand the special collection available on the Second Floor. The Mandel Public Library of West Palm Beach is excited about this unique opportunity to further address the needs of our local young adults, as well as the opportunity to further develop the mutually-beneficial relationships with CareerSource of Palm Beach County and other organizations in the area.

The hiring of an Associate Librarian to staff the Square One Initiative space is grant funded for one (1) year.

Resolution No. 317-16 approves the Grant Agreement.

Resolution No. 319-16(F) authorizes the appropriation of funds in the amount of \$85,000 for staffing and the purchase of hardware, furniture and computers to outfit the Square One Initiative space at the Mandel Public Library of West Palm Beach.

Resolution No. 320-16(F) provides appropriations for the Associate Librarian.

Fiscal Note:

Approval will provide for the receipt and appropriation of \$85,000 in Fiscal Year 2017. Matching funds or in-kind services equivalent to one-third of the grant amount are required under the grant.

10. **Resolution No. 340-16(F) amending the Fiscal Year 2016/17 Miscellaneous Trust Fund Budget to authorize appropriations from State Law Enforcement Forfeiture Receipts for a \$12,000 law enforcement donation.**

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 MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR A DONATION TO THE WEST PALM BEACH POLICE FOUNDATION, A LAW ENFORCEMENT RELATED NON-PROFIT CORPORATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21106](#)

Staff Recommended Motion:

Approve Resolution No. 340-16(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 15 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.

Qualifying Florida registered, non-profit agencies or organizations that wish to receive such funds must apply to the Chief of Police for an appropriation. Requests must be accompanied by written documents stating what funds will be used for and how the program or services support law enforcement purposes. Prior to payment of funds, a registered signer for the non-profit recipient must sign a written certification that the funds will be used for an authorized purpose in compliance with Section 932.7055 of Florida Statutes. Resolution No. 340-16(F) amends the Miscellaneous Trust Fund budget to authorize the appropriation from the State Law Enforcement Forfeiture Receipts for the purposes described below.

The State Law Enforcement Trust Fund expenditure of \$12,000, which the Chief of Police certifies is in compliance with Section 932.7055(4)(a) Florida Statutes, is described below. The entity receiving the donation is currently licensed with the State of Florida as Non Profit Corporations.

The West Palm Beach Police Foundation (\$12,000) is a 501(c)(3) not for profit organization that provides funding and resources for educational, outreach and scholarship programs for West Palm Beach Police Department and Community. This request is to cover costs associated with the Shop with a Cop event scheduled for December of 2016. This event provides funds for children of indigent families to shop with volunteer police officers during the holidays. The Program's main purpose is to develop a relationship of trust with police that enhances the reporting of crimes in neighborhoods where mistrust of law enforcement allows crimes to go under reported. The desired results are enhanced community relations between law enforcement and at risk, low income children and their families, provide Gang Resistance Education to participants and encourage positive law enforcement interactions. Additionally, some of the funds will be used for scholarships being offered to West Palm Beach students who have expressed an interest in a criminal justice education.

Fiscal Note:

All funds will come from State Forfeiture monies and will not impact the General Fund.

- 11. Resolution No. 322-16 authorizing the City to enter into a Settlement Agreement in the amount of \$482,500 between the City of West Palm Beach and Ric-Man International, Inc.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT IN THE AMOUNT OF \$482,500 BETWEEN THE CITY OF WEST PALM BEACH AND RIC-MAN INTERNATIONAL, INC. FOR CLAIMS ARISING UNDER THE MARCH 28, 2014 CONTRACT IN PROJECT NUMBER 04828359 FOR THE MONCEAUX ROAD GROUP 1 DRAINAGE AND UTILITY PROJECT.

[Agenda Cover Memorandum No.: 21107](#)

Staff Recommended Motion:

Approve Resolution No. 322-16.

Background:

City and Ric-Man International, Inc. entered into a contract for the Monceaux Road Group I Drainage and Utility Improvement Project in March of 2014. Ric-Man has various claims for additional compensation arising out of the contract and City has claims for liquidated damages under the contract. The parties have reached a proposed settlement agreement where City agrees to pay Ric-Man \$280,387.64 under a Final Payment Application for completed work and agrees to pay Ric-Man \$202,112.36 for additional costs Ric-Man claims to have occurred during the project, which costs includes additional labor and equipment. In addition, the proposed settlement jointly releases both parties from any additional claims arising from the contract, including City's claims for liquidated damages. The amounts for the proposed settlement will come from accounts associated with the project.

- 12. Resolution No. 334-16 authorizing the assessment of city liens in the total amount of \$46,940.73 for unpaid water service, sewer service, and stormwater service for the month of August 2016.**

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.: 21111](#)

Staff Recommended Motion:

Approve Resolution No. 334-16.

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. 334-16 are for unpaid water, sewer service and stormwater service charges for the month of August 2016. The list of properties to be assessed and the associated charges totaling \$46,940.73 are attached to Resolution No. 334-16 as EXHIBIT A - Utility Lien List - August 2016. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

13. Resolution No. 341-16 recommending Project Wedge be approved as a Qualified Target Industry Business.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RECOMMENDING PROJECT WEDGE BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS FOR STATE INCENTIVES PURSUANT TO SECTION 288.106, FLORIDA STATUTES; AUTHORIZING PAYMENTS OF UP TO \$21,000 AS THE REQUIRED LOCAL PARTICIPATION FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND (QTI) PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21112](#)

Staff Recommended Motion:

Approve Resolution No. 341-16.

Background:

Project Wedge is an information technology and logistics business which currently has its International Headquarters in the City. The company currently has 32 employees and is considering expanding its headquarters; however, it is also considering outsourcing functions to third parties overseas.

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

- Retain 32 jobs;
- Create 35 new jobs;
- The annual average wage for all new jobs would be \$50,675 which is at least 115% of the State of Florida average wage;
- Have a total of \$1,200,000 in capital investment over four years;
- Lease a total of 12,100 sf of office space.

The company is currently seeking incentives in the amount of \$105,0000 from the State of Florida in the form of the Qualified Targeted Industry (QTI) Tax Refund Program. The

QTI requires a local contribution of 20% of the state QTI award. The company is seeking this from the City of West Palm Beach. The City would be responsible for an incentive in the amount of \$21,000 paid over a four (4) year period beginning in 2017.

If Project Wedge elects to expand in the City, since the 20% local match will be paid completely by the City, Project Wedge will be required to enter into an incentive agreement with the City.

Fiscal Note:

2017 - \$5,250

2018 - \$5,250

2019 - \$5,250

2020 - \$5,250

14. Resolution No. 349-16 adopting the City of West Palm Beach 2016-2020 Strategic Plan.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ADOPTING THE CITY OF WEST PALM BEACH STRATEGIC PLAN 2016-2020; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21113](#)

Staff Recommended Motion:

Approve Resolution No. 349-16.

Background:

Since the early 1990s the City of West Palm Beach has engaged in strategic planning to direct the use of City resources, provide the community with a clear vision of where West Palm Beach is headed and policy direction for staff. While the vision, mission and values remain fairly constant, they are periodically reviewed to ensure they continue to reflect the long-term direction of West Palm Beach. The process also includes evaluating emerging issues, developing an environmental scan to educate and facilitate a strategy discussion and conducting an online SWOT survey of residents, business owners and city volunteers to obtain their perspective on the key issues in the community.

After an all day retreat and subsequent discussions, the Mayor and City Commissioners reaffirmed the City's Mission, Vision and Values and identified seven (7) strategic priorities to guide the City over the next five (5) years. This 2016-2020 Strategic Plan is being presented for formal adoption.

Resolution No. 349-16 adopts the Strategic Plan as the policy direction and high-level priorities for the City for the next five (5) years.

15. Resolution No. 352-16 authorizing the Mayor to sign an Owner's Consent Form for submission of an application for site plan review by Palm Harbor Hotel, LLC

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN OWNER'S CONSENT FORM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21114](#)

Staff Recommended Motion:

Approve Resolution No. 352-16.

Background:

The City has received a request from Samuel Poole, of Berger Singerman, on behalf of Palm Harbor Hotel, LLC, for site plan approval for development of 300 N. Flagler Drive. The City is the owner of the property. In 1968, the City authorized and approved a 99-Year Lease of the property and on June 11, 1979, the City executed a Consolidated and Amended Lease between the City of West Palm Beach and West Palm Beach Marina, Inc. In 2009, the City of West Palm Beach entered into a development agreement for the property. That agreement requires the City to sign all permit and approval applications provided such applications.

- 16. Resolution 354-16 authorizing execution of an interlocal agreement between the City of West Palm Beach and the West Palm Beach Community Redevelopment Agency for funding the manufacture and installation of an historical informational sign at the Storm of '28 Memorial Site.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AN INTERLOCAL AGREEMENT WITH THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY REGARDING FUNDING FOR MANUFACTURE AND INSTALLATION OF ONE HISTORICAL INFORMATIONAL SIGN AT THE STORM OF '28 SITE WITHIN THE CRA BOUNDARY; AUTHORIZING EXECUTION OF A CONTRACT WITH AMPERSAND GRAPHICS; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21115](#)

Staff Recommended Motion:

Approve Resolution No. 354-16.

Background:

The City is the owner of property located at 25th Street and Tamarind Avenue in West Palm Beach, Florida. That site is the location of a mass gravesite, the final resting place for 674 black victims of the Storm of '28. The Storm of '28 was devastating in West Palm Beach and especially in the towns that surrounded Lake Okeechobee. It was estimated that 2,500 to 3,000 people, the majority of whom were African American migrant workers, had died. The bodies of hundreds of African Americans were piled in trucks brought from the Glades and laid in the mass gravesite.

Throughout the years the site has been host to a variety of activities, a paupers' gravesite and a sewage plant, to name a few. The mass gravesite remained unkept until 2003. At that time the City of West Palm Beach and the Storm of '28 Memorial Park Coalition, Inc. placed a historic marker during the 75th anniversary of the Storm of '28 acknowledging and mourning those who were lost.

Again, working with the Storm of '28 Memorial Park Coalition, Inc., the CRA would like to construct a sign at the site for information purposes which will be the first piece of the African American Cultural Tourism movement happening in West Palm Beach. The interlocal agreement between the City and the CRA allows the CRA to fund the cost of the manufacture and installation of an historic sign. The contract between the City of West Palm Beach and Ampersand Graphics provides the terms for the services to be preformed.

17. Resolution No. 325-16 granting an ad valorem tax exemption for completion of the rehabilitation of the historic property located at 1208 Florida Avenue.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 1208 FLORIDA AVENUE, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21121](#)

Staff Recommended Motion:

Approve Resolution No. 325-16.

Background:

At the September 27, 2016, meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (7-0) of the Completed Work Application for the property at 1208 Florida Avenue. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new additions and construction was determined compatible. The subject property is listed as Mediterranean Revival residence constructed in 1924 originally at 4416 North Flagler Drive. It was moved into the Grandview Heights Historic District and is considered a contributing structure.

On July 24, 2012, Bruce and Ashley Barber filed an application and received preliminary approval from the HPB for an Ad Valorem Tax Exemption for the relocation, renovation, and restoration of the property. Significant improvements to the property include: relocation to avoid demolition, new foundation, restoration of original wood windows and interior woodwork, interior remodel including the expansion of the kitchen area. The applicant estimates the work to total \$375,000.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten year ad valorem tax exemption on the value of the improvements made to historic properties. To qualify, the property must be designated as an individual site or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

The subject property is located in Commission District 5, Commissioner Shanon Materio.

Fiscal Note:

Taxes will be assessed based on the value of the property prior to improvement.

18. Resolution No. 328-16 approving an Interlocal Agreement with Palm Beach County regarding work performed by the City on County roads.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH REGARDING OPEN CUTS UNDER COUNTY THOROUGHFARE AND NON-THOROUGHFARE ROADS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21122](#)

Staff Recommended Motion:

Approve Resolution No. 328-16.

Background:

Several rights-of-way and roads within the City of West Palm Beach are County roads, managed and maintained by Palm Beach County.

From time to time, the City must perform utility or other work within County right-of-way or under County roads. The County has adopted certain policies and procedures regarding open cuts across its roads which are applicable to the City and/or the City's contractors. Such policies and procedures require the City to be responsible for making any additional repairs needed to the open cut for six months after the project restoration. For work having a value of more than \$200,000, the City's contractor shall provide a performance and payment bond for the benefit of the County. The agreement also sets out minimum insurance requirements for City contractor's working within the County roads.

The City agrees to be responsible for repairing any open cuts it makes to County roads and complying with the other applicable County policies.

Resolution No. 328-16 approves the Interlocal Agreement.

Fiscal Note:

No fiscal impact.

19. **Resolution No. 344-16 authorizing the approval of a grant agreement with the Florida Inland Navigation District (FIND) providing \$428,000 in funding for Currie Park Boating Access Improvements; and Resolution No. 345-16(F) recognizing the grant funds.**

RESOLUTION NO. 344-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PROJECT AGREEMENT BETWEEN FLORIDA INLAND NAVIGATION DISTRICT AND THE CITY OF WEST PALM BEACH PROVIDING \$428,000 IN FUNDING FOR THE CURRIE PARK BOAT ACCESS IMPROVEMENT PROJECT -PHASE II; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 345-16(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 2016/17 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANTS CAPITAL PROJECT FUND BUDGET AND THE CAPITAL ACQUISITION FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF A FLORIDA INLAND NAVIGATION DISTRICT (FIND) GRANT FOR CURRIE PARK BOATING ACCESS IMPROVEMENTS AND ADDITIONAL FUNDS FOR THE CITY MATCH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21124](#)

Staff Recommended Motion:

Approve Resolutions No. 344-16 and Resolution No. 345-16(F).

Background:

By Resolution No. 79-16, the City Commission authorized submission to FIND for a matching 50/50 Waterway Assistance Grants for Phase II of the Currie Park Boating Improvements. Phase II includes completion of the final staging dock designs, construction of the docks and dredging of the boat basin and water taxi access.

The City was successfully awarded the FIND grant in the amount of \$428,000 which is 50% of the estimated cost for the boating access improvements.

These improvements are recommended as the six public boat ramps are heavily used by West Palm Beach residents and surrounding communities for access to the Intracoastal Waterway. Access to the docks and ramps in the boat basin is severely limited due to build-up of silt material directly in front of the boat ramps. Dredging of the boat basin is required to facilitate access to the ramps and docks during low tide. Additionally, construction of the a staging dock is for busy boating days when boats are stacked up waiting to launch or exit the waterway. This will allow a more efficient best practices ramp operation making it safer for boaters.

Fiscal Note:

The City's 50% match is budgeted. Approval will provide the matching funds to complete the Currie Park Boating Improvements.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (20 – 21):

- 20. Resolution No. 331-16 waiving a potential conflict of interest relating to Gunster Yoakley & Stewart representing the City of West Palm Beach in an administrative matter pending before the South Florida Water Management District and also representing developers who bring matters before the City Commission for consideration.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, WAIVING A POTENTIAL CONFLICT OF INTEREST PURSUANT TO SECTION 2-222 OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH RELATED TO HIRING GUNSTER, YOAKLEY & STEWART P.A. ; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21123](#)

Staff Recommended Motion:

Approve Resolution No. 331-16.

Background:

Luna E. Phillips, Esq. of Gunster, Yoakley & Stewart P.A. (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 other development clients and handles matters which may require city board and commission approval. The City would like to hire the firm to represent it in actions brought against it and against Northern Palm Beach County Improvement District by the South Florida Water Management District. The administrative matters are unrelated to the development approval work being handled by the firm and 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.

Luna E. Phillips, 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 development clients and the City, in the potential matters. By waiving the potential conflict of interest, the City agrees that the firm may continue in representation of the other development clients and the City in the potential matter. However, Luna E. Phillips, Esq. and the firm agree that they will not represent other development clients in any formal litigation or similar adversarial proceedings against the City.

- 21. Resolution No. 353-16 approving a contract amendment to extend the term of the agreement with Redevelopment Management Associates for the management and staffing of the CRA for one year.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT BETWEEN REDEVELOPMENT MANAGEMENT ASSOCIATES, LLC, AND THE CITY OF WEST PALM BEACH EXTENDING THE TERM OF THE AGREEMENT FOR MANAGEMENT AND STAFFING OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND WEST PALM BEACH REDEVELOPMENT ACTIVITIES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21116](#)

Staff Recommended Motion:

Approve Resolution No. 353-16.

Background:

The City entered into Agreement for Management and Staffing of the West Palm Beach Community Redevelopment Agency and West Palm Beach Redevelopment Activities with Redevelopment Management Associates, LLC, dated December 16, 2013 (Contract No. 13757).

The initial term of the Agreement will expire December 31, 2016. Section 2 of the Agreement provides the option to extend the term of the Agreement for up to two additional years, by execution of a written amendment by the parties.

Resolution No. 353-16 will extend the Agreement for one additional year.

PUBLIC HEARING (22 – 30):

- 22. Public Hearing and Second Reading of Ordinance No. 4666-16: Prohibiting the practice of conversion therapy efforts as to minors.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 54 (OFFENSES), ARTICLE V (RESERVED) OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, TO PROHIBIT THE PRACTICE OF CONVERSION THERAPY ON PATIENTS WHO ARE MINORS; PROVIDING A CODIFICATION CLAUSE; PROVIDING A CONFLICTS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
[Agenda Cover Memorandum No.: 21117](#)

Staff Recommended Motion:

Approve Ordinance 4666-16.

Background:

Major professional associations of mental health practitioners and researchers in the United States and elsewhere for nearly 40 years have agreed that being lesbian, gay, bisexual, transgender or gender nonconforming, or questioning (LGBTQ) is not a mental disease, disorder or illness, deficiency or shortcoming.

The American Psychological Association's Task Force on Appropriate Therapeutic Responses to Sexual Orientation ("APA Task Force") conducted a systematic review of peer-reviewed journal literature on sexual orientation change efforts ("SOCE") (also referred to as "conversion" or "reparative" therapy), and issued its report in 2009, citing research that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources. In this context, as detailed more fully in the attached ordinance, conversion therapies have been deemed harmful, without medical basis, and overwhelmingly "contraindicated" as tools to "help" LGBTQ individuals, and only serve to further ostracize, harm and pose risk to such individuals.

The proposed ban on the practice of conversion therapy efforts within the City of West Palm Beach would only apply to minors (i.e., persons under 18 years old) and, significantly, is not intended to prevent mental health providers from expressing their views to patients, whether children or adults, about SOCE, homosexuality, or any other topic; prevent mental health providers from recommending SOCE to patients, whether children or adults; prevent mental health providers from administering SOCE to any person who is 18 years of age or older; prevent mental health providers from referring minors to unlicensed counselors, such as religious leaders; prevent unlicensed providers, such as religious leaders, from administering SOCE to children or adults; or prevent minors from seeking SOCE from mental health providers in other municipalities, counties, or states which do not prohibit such therapies already.

The City seeks to adopt this ordinance as a local law to protect minors subject to conversion therapy efforts as minors are not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.

The Commission approved Ordinance 4666-16 at First Reading on October 24, 2016.

23. Public Hearing and Second Reading of Ordinance No. 4670-16 amending Section 54, Article VII ; Curfew for Minors.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 54 (OFFENSES) OF THE CODE OF ORDINANCES, ARTICLE VII (CURFEW FOR MINORS), SECTION 54-231 (DEFINITIONS) TO TEMPORARILY CHANGE THE CURFEW RESTRICTED HOURS; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING AN EFFECTIVE DATE AND A SUNSET DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21118](#)

Staff Recommended Motion:

Approve Ordinance No. 4670-16 on Second Reading.

Background:

Chapter 54, Article VII of the Code of Ordinances (Curfew for Minors) imposes a curfew for minors from 10:00 p.m. - 6:00 a.m. Sunday through Thursday and from 11:00 p.m. - 6:00 a.m. on Friday and Saturday. To further promote the health, safety, and general welfare of its citizens, it is desired to implement a three (3) month pilot curfew to determine whether the goals and objectives of the Curfew for Minors Ordinance are better met by setting the curfew at 10:00 p.m. seven (7) days a week rather than 11:00 p.m. on Friday and Saturday night.

24. Public Hearing and Second Reading of Ordinance No. 4672-16 to allow tax exemptions for historic properties.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE II, ORGANIZATION, ADMINISTRATION AND ENFORCEMENT, SECTION 94-51, TO ALLOW CERTAIN TAX EXEMPTIONS FOR HISTORIC PROPERTIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21126](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4672-16.

Background:

The Florida Constitution authorizes municipalities to allow certain tax exemptions for historic properties. The Florida Legislature enacted Sections 196.1997 and 196.1998, Florida Statutes, to govern the allowance of such exemptions. Section 196.1997(4), Florida Statutes, provides that the historic tax exemption does not apply to taxes levied for the payment of bonds.

The City of West Palm Beach is a certified local government approved by the Florida Department of State to make determinations as to municipal tax exemption for historic properties. The City Commission of the City of West Palm Beach, by Ordinance No. 2710-94, determined that it is in the public interest to provide tax exemptions to encourage and promote rehabilitation and renovation of historic properties and designated the Historic Preservation Board to review and make recommendation to the City Commission regarding applications for historic tax exemptions.

In recent years, the West Palm Beach Community Redevelopment Agency ("CRA") has issued several series of tax increment revenue bonds to finance various programs under the CRA's Redevelopment Plan and Strategic Finance Plans.

The City desires to amend and re-state its historic preservation property tax exemption program to provide for historic tax exemptions within CRA districts provided there is no deficiency in bond debt service coverage.

Ordinance No. 4672-16 provides that during each year's budget process, the finance director shall perform an analysis of tax increment revenue and debt service coverage for any outstanding community redevelopment agency bonds for the next fiscal year. In the event that the historic tax exemptions in that agency district negatively impact debt service coverage, the finance director shall notify the property appraiser, prior to September 15th and certification of the tax rolls, that the historic tax exemption is suspended for the properties within that district for the next fiscal year. The tax exemption may be re-instituted for the next fiscal year provided there is sufficient debt coverage.

It is not anticipated that there will be any issue regarding CRA bond debt service coverage or that this Ordinance will directly impact any historic tax exemption. However, this Ordinance is determined to be necessary to comply with statute and to satisfy the City's bond and disclosure counsel regarding any worst-case scenario.

- 25. Resolution No. 268-16 finding that a City-owned lot located at 1008 17th Street is not needed for City purposes, declaring the property surplus and providing the method of disposition; and Public Hearing and First Reading of Ordinance No. 4656-16 authorizing conveyance of the surplus Property to Cortney J. Lowery.**

RESOLUTION NO. 268-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT A CITY-OWNED LOT LOCATED AT 1008 17TH STREET IS NOT NEEDED FOR CITY

PURPOSES; DECLARING SAID PROPERTY SURPLUS; AUTHORIZING THE METHOD OF DISPOSITION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4656-16: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA (“CITY”) AUTHORIZING THE CONVEYANCE OF AN UNBUILDABLE LOT LOCATED AT 1008 17TH STREET, TO CORTNEY J. LOWERY, AN ADJACENT PROPERTY OWNER; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE CONVEYANCE OF SAID PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21108](#)

Staff Recommended Motion:

Approve Resolution No. 268-16 and approve Ordinance No. 4656-16 on First Reading and schedule a Public Hearing and Second Reading for November 21, 2016.

Background:

In an effort to have a viable impact in the Coleman Park area, the City of West Palm Beach is continuing its revitalization efforts in this area. In April of 2004, the City received a 600 square foot lot from Palm Beach County located at 1008 17th Street. This lot has a City Zoning designation of Commercial and due to its size, is unbuildable. Such lots must be maintained at the expense of the City.

The adjoining property owner, Cortney J. Lowery, operates a barbershop business and has asked the City to transfer the lot to him in an effort to increase the amount of available parking spaces for his business. This lot is unbuildable and the City incurs an expense in maintaining the lot. The conveyance of this parcel is an integral component of the City’s redevelopment plans the Coleman Park Neighborhood as it impacts the business and commercial corridor. As such, the Department of Housing and Community Development recommends that this lot be transferred to Mr. Lowery to be used as a parking lot. The lot is valued at \$1,350. The transfer will include restrictions designed to ensure that the use of the lot for parking purposes cannot change without the City’s approval.

Resolution No. 268-16 declares the Property Surplus and selects the method of disposition and the first reading of Ordinance No. 4656-16 authorizes transfer of the Property to Cortney J. Lowery.

Commission District 1 - Sylvia Moffett.

- 26. Public Hearing and First Reading of Ordinance No. 4669-16 amending the Code of Ordinances to create an article providing requirements for Property Assessed Clean Energy (PACE) and providing consumer protections.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, AT CHAPTER 34 (ENVIRONMENT) TO CREATE ARTICLE VI (PROPERTY ASSESSED CLEAN ENERGY PROGRAM) TO PROVIDE REQUIREMENTS FOR PROPERTY ASSESSED CLEAN ENERGY PROGRAMS AND PROVIDE CONSUMER PROTECTIONS; PROVIDING FOR CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21120](#)

Staff Recommended Motion:

Approve Ordinance No. 4669-16 on First Reading and schedule a Public Hearing and Second Reading for November 7, 2016.

Background:

In 2012, the City of West Palm Beach adopted Resolution No. 152-12 approving implementation of a voluntary Property Assessed Clean Energy (PACE) program aimed at promoting energy conservation and protecting properties from wind damage. The PACE program focused on commercial properties at that time. The same year the City also adopted the Rethink Paradise, Sustainability Action Plan aimed in part at reducing the Green House Gas Emissions of the community. Providing PACE financing opportunities is a good strategy to increase energy efficiency in residential and commercial buildings thus reducing community GHG emissions.

As PACE has developed nationally, it has become a more viable option for residential properties and the City is looking to add to our current PACE program. To provide more choices of PACE programs to both our businesses and residences, we would like to expand the number of PACE providers able to operate within the City.

PACENation* released Consumer Protection Policies for the residential PACE programs and we have used these as a model for our City Ordinance. These policies provide the strongest protections for homeowners using PACE or any other type of financing who want to invest in clean energy and water efficiency upgrades to their properties. They address a homeowner's eligibility for financing and ability to repay, comprehensive financial disclosures, appropriate contractor conduct, acceptable products and projects (with pricing guidelines), post-funding support, treatment of protected classes, grievance procedures, data security and privacy matters. They also emphasizes the operational requirements that PACE programs and financial and administrative service providers must meet to ensure that standards set by these policies are met.

PACE programs enable a much broader range of homeowners to implement energy efficiency, renewable energy, and water efficiency improvements that increase the value, functionality, and sustainability of their homes. Such improvements make homes less costly to operate and more comfortable to live in, while simultaneously reducing energy and water consumption. Without PACE Programs many homeowners would have no, or only costlier, access to these improvements. PACE Programs provide advice, tools and

resources that enable homeowners to make smart, informed and responsible choices regarding such Measures.

PACE Programs must be responsible for ensuring that the advice, tools and resources are appropriate and accurate, which means that care must be taken with homeowners before, during and after the origination of Program financing. Consumer protections that serve homeowners must be a core value of PACE Programs and Partners (the government authority or third party non-government administrator).

PACENation recommends that PACE Programs implement consumer protection policies addressing the following areas: Eligibility and Risk, Disclosures and Documentation, Financing Terms, Operations, Post- Funding Support, Data Security, Privacy, Marketing and Communications, Protected Classes, Registered Contractors, Eligible Products, Pricing, Reporting, and Closing & Funding. PACE Programs that meet or exceed these standards provide homeowners with a greater level of consumer protection than any other form of financing.

Ordinance No. 4669-16 establishes requirements for PACE Programs, including consumer protection requirements, and is intended to reflect best practice standards to ensure high quality PACE providers and programs.

*PACENation is a national, non-profit, organization serving the interests and needs of over 300 member organizations that share a common goal of making PACE financing available to all building owners throughout the United States. PACENation is building a broader PACE network by providing information, resources, and advice to a growing universe of PACE market stakeholders. To learn more, visit <http://www.PACENation.us>.

Fiscal Note:

No fiscal impact.

- 27. Public Hearing and First Reading of Ordinance No. 4671-16 adopting the Five (5) Year Capital Improvement Schedule 2017-2021 as required by Section 163.3177, Florida Statutes.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ADOPTING THE 2017-2021 FIVE YEAR CAPITAL IMPROVEMENT PROGRAM SCHEDULE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21130](#)

Staff Recommended Motion:

Approve Ordinance No. 4671-16 on First Reading and schedule a Public Hearing and Second Reading for November 21, 2016.

Background:

Proposed Ordinance No. 4671-16 is intended to update the Capital Improvement Schedule included in the Capital Improvement Element of the City's Comprehensive Plan. The five-year Capital Improvement Schedule contains both funded and unfunded projects needed to maintain the Level of Service Standards outlined in the City's Comprehensive Plan.

Chapter 163.3177 of the Florida Statutes requires that local government comprehensive plans contain a Capital Improvement Element designed to consider the need for and the location of public facilities. In addition, the Florida Statutes also require that local government review the Capital Improvements Element on an annual basis and modifications to updates to the 5-year capital improvement schedule may be accomplished by adoption of an ordinance which is not to be considered an amendment to the Comprehensive Plan.

The City's Comprehensive Plan defines a "capital improvement" as a "physical asset constructed or purchased to provide, improve or replace a public facility and which is large scale and high in cost. The cost of a capital improvement may be recurring or nonrecurring and may require multi-year financing. ... Physical assets, which have been identified as existing or projected needs in the individual comprehensive plan elements, shall be considered capital improvements." Florida Statutes also require that projects necessary to achieve and maintain adopted levels of service for at least a five-year planning period be included in the capital improvement schedule; and

Staff believes that the Capital Improvements Schedule being adopted through Ordinance No. 4671-16 complies with Section 163.3177 Florida Statutes and with all other appropriate Florida statutory requirements and as such is recommending its approval.

Fiscal Note:

This ACM is for scheduling future CIP projects with proposed funding options. Projects are required to meet the City's minimum level of service.

- 28. Public Hearing and First Reading of Ordinance No. 4665-16 amending the different elements and maps of the Comprehensive Plan based on the Evaluation and Appraisal process.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN INCLUDING THE INTRODUCTION AND ADMINISTRATION ELEMENT, FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, UTILITIES ELEMENT, COASTAL MANAGEMENT ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, HISTORIC PRESERVATION ELEMENT, PUBLIC SCHOOL FACILITIES ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, DOWNTOWN MASTER PLAN ELEMENT AND THE MAP SERIES BASED ON THE EVALUATION AND

APPRAISAL (EAR) PROCESS OF THE COMPREHENSIVE PLAN; STATING THE INTENT OF THE CITY COMMISSION TO AMEND THE COMPREHENSIVE PLAN IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
[Agenda Cover Memorandum No.: 21110](#)

Staff Recommended Motion:

Approve of Ordinance No. 4665-16 on First Reading.

Background:

REQUEST:

City-initiated amendments to the different elements and to the Map Series of the City's Comprehensive Plan. The proposed amendments reflect changes in State requirements or legislation, clarify the language in the policies for ease of understanding, combine or eliminate similar or redundant policies, more accurately reflect current practices, processes or conditions, and update outdated references or definitions. The amendments included in Ordinance 4665-16 are being undertaken by the City as part of the Evaluation and Appraisal (EAR) process outlined by the State.

BACKGROUND AND ANALYSIS:

Florida Statutes Chapter 163.3191 indicates that: "At least once every seven (7) years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements since the last update of the comprehensive plan, and notify the state land planning agency as to its determination." The City completed its last evaluation of the Comprehensive Plan, or Evaluation and Appraisal Report (EAR), in 2007 and adopted a series of EAR-based amendments to the Comprehensive Plan in 2008.

Chapter 73C-49 of the Florida Administrative Code identified a schedule for Florida local governments' Evaluation and Appraisal Notification Letter. West Palm Beach's deadline for submitting such letter was December 1, 2015. On November 30, 2015, the City indicated to the Florida Department of Economic Opportunity (DEO) that the City's Comprehensive Plan would be amended to reflect changes in state requirements as well as to reflect changes in local conditions and the City's vision and desired future outcomes (See Exhibit I of the attached staff report). Based on state requirements, the DEO indicated to the City that the proposed Comprehensive Plan amendments based on the Evaluation and Appraisal should be transmitted to the State by December 1, 2016 (See Exhibit II of the attached staff report).

Currently there are 13 elements in the City's Comprehensive Plan. Most of these elements are required by the Florida Statutes while some are optional. In addition, there are 30 maps in the Comprehensive Plan's Map Series.

For the last several months, the City's Planning Division has been working with several city departments and with stakeholder agencies in determining what changes, if any, were required for all the elements and maps which are part of the City's Comprehensive Plan.

For the most part the proposed EAR-Based amendments to the City of West Palm Beach's Comprehensive Plan being adopted by Ordinance 4665-16 are intended to:

- a) Reflect changes in State requirements or legislation
- b) Clarify the language in the policies for ease of understanding
- c) Combine or eliminate similar or redundant policies
- d) More accurately reflect current practices, processes or conditions
- e) Update outdated references or definitions

Items to highlight within the proposed amendments are:

1) The Public Schools Facilities Element is being deleted and most of its policies are being relocated to a new goal and to new objectives within the Intergovernmental Coordination Element. These changes are the result of changes in the Florida Statutes which eliminated requirements for school level of service and school concurrency and for the inclusion of a Public Schools Facilities Element within the Comprehensive Plan. These proposed changes are also being done for consistency with the Interlocal Agreement for Coordinated School Planning between the City of West Palm Beach and the School District of Palm Beach County which was approved by the City Commission on June 6, 2016.

2) New Coastal Management Element Goal 6 and related objectives and policies are being added in order to comply with Senate Bill 1094 (SB 1094) which was recently enacted by the Florida State Legislature. SB 1094 requires local governments in Florida with coastal access to consider sea level rise and other factors that increase flood risk. SB 1094 also requires that local governments include provisions in the Coastal Management Element of their Comprehensive Plans to implement this mandate.

3) The City's new 10 Year Water Supply Facility Work Plan (Work Plan) is being adopted as part of these amendments as a Sub Element of the Utilities Element. Florida Statutes require local governments to prepare and adopt Work Plans into their comprehensive plans after the water management district approves a regional water supply plans or its update. The City believes that the updated Work Plan Sub Element included in these amendments complies with these state requirements.

For the most part, the proposed Comprehensive Plan amendments included in this report are not intended to deal with significant policy issues. Staff does not want to potentially delay transmittal of the EAR-based amendments beyond the December 1, 2016, DEO-imposed deadline because of the potential sensitive nature of significant policy issues. As a result, potential policy issues which may require more detailed analysis or which could be considered more significant are being addressed through separate amendments to the Comprehensive Plan. Specifically, in addition to the amendments to the Downtown

Master Plan (DMP) Element being proposed as part of this report, there is another text amendment to the DMP which is being processed concurrently through a separate ordinance (Ordinance No. 4673-16) which is NOT part of the EAR-based amendments to the Comprehensive Plan:

1) Ordinance 4673-16 is modifying DMP Policy 1.1.1 and DMP Policy 3.1.3 as well as figures DMP-1 District Boundaries, DMP-2 Sub-district Boundaries and DMP-3 Incentive Areas in relation to the Northwest Neighborhood District and the Industrial Chic District.

The attached Staff Report includes an explanation of the main changes proposed for each of the elements of the Comprehensive Plan. As far as the proposed changes to the Comprehensive Plan Map Series, currently there are thirty (30) maps in the Comprehensive Plan Map Series. Twelve of those maps are maps associated with the Transportation Element (TE) while the others maps are related to other elements of the Comprehensive Plan. As part of these proposed amendments, a couple of school-related maps are being deleted to reflect State changes in School concurrency requirements and a few transportation maps are being combined. Most of the other maps are being updated to reflect new data, while a few maps are not being amended in their content but are being reformatted for ease of display and to make them easier to read. The proposed revisions to the different elements of the Comprehensive Plan are included as Exhibit III of the attached staff report. The proposed revisions to the Map Series of the Comprehensive Plan are included as Exhibit IV of the staff report.

INTERJURISDICTIONAL REVIEW & PUBLIC COMMENT

Interlocal Plan Amendment Review Committee (IPARC):

Notification of the proposed Comprehensive Plan text amendments was sent to IPARC on September 6, 2016, and to date, the City has not received any objections or comments.

Meetings and Public Involvement:

The initial discussion of the EAR-Based amendments to the Comprehensive Plan started in 2015 when City Staff determined that the Comprehensive Plan needed to be amended in order to reflect changes in state requirements as well as to reflect changes in local conditions and the City's vision and desired future outcomes. As referenced earlier, the City indicated to the Florida DEO on November 30, 2015, that it would proceed with amendments to the Comprehensive Plan as part of the EAR-based process.

Starting in February of 2016, Planning Division Staff communicated and held multiple meetings with different City departments and with external stakeholder agencies in order to discuss potential revisions to the different elements and maps of the City's Comprehensive Plan. In addition, Staff discussed some or multiple aspects of the EAR-based amendments at several workshops or public hearings during the last few months. Planning Staff revised the proposed amendments to reflect, when appropriate, comments received during these workshops and hearings.

The City's Zoning and Land Development Regulations indicate that the Downtown Action Committee and the Historic Preservation Board should provide a recommendation on proposed amendments to the Downtown Master Plan and the Historic Preservation elements, respectively, of the City's Comprehensive Plan. Staff presented the proposed amendments to the Historic Preservation Element and to Map 9: Historic District Boundaries and Designated Historically Significant Properties of the Comprehensive Plan Map Series at the May 14, 2016 meeting of the Historic Preservation Board. In addition, the proposed amendments to the Downtown Master Plan Element were presented to the Downtown Action Committee at their August 10, 2016 meeting. Both boards recommended approval of the amendments to those respective elements.

The Planning Board recommended approval of the proposed amendments to the different elements and to the map series of the Comprehensive Plan on a 7-0 vote at the September 22, 2016 Planning Board Hearing.

CONCLUSION

For the last several months, the City's Planning Division has been working with several city departments and with stakeholder agencies in determining what changes, if any, were required for all the elements and maps which are part of the City's Comprehensive Plan.

The amendments being adopted through Ordinance 4665-16 are being undertaken by the City as part of the Evaluation and Appraisal Report's (EAR) process outlined by the State. These amendments reflect changes in State requirements or legislation, clarify the language in the policies for ease of understanding, combine or eliminate similar or redundant policies, more accurately reflect current practices, processes or conditions, and update outdated references or definitions.

Throughout this year numerous workshops and public hearings have been held to present and get feedback on these amendments. The amendments meet Chapter 163, Florida Statutes and all other appropriate Florida statutory requirements and are internally consistent with the different elements of the City's Comprehensive Plan. Therefore, staff is recommending approval of the proposed amendments to the Comprehensive Plan included in Ordinance No. 4665-16.

- 29. Public Hearing and First Reading of Ordinance No. 4673-16 amending the Comprehensive Plan Downtown Master Plan Element Policy 1.1.1 and Policy 3.1.3 to modify the boundaries of the Northwest Neighborhood District and the Industrial Chic District, include provisions regarding the maximum development capacity and height for the new areas of the Northwest Neighborhood District, and allow additional height and development capacity for certain properties on the west side of Rosemary Avenue between 3rd Street and 7th Street to promote the redevelopment of the Northwest Neighborhood.**

Discussion of Ordinance No. 4674-16 amending Article IV Downtown Master Plan Table IV-3: Permitted use table for DMP; Table IV-6: Open Space types by sub-district; Table IV-11: Curb cuts and passenger loading and drop-off standard; Sec.

94-128 Northwest Neighborhood District; Sec. 94-124 Industrial Chic District; Sec. 94-133 Special District Incentives; and Figure IV-35 TDR Sending and Receiving Sites to implement the Comprehensive Plan amendments adopted through Ordinance No. 4673-16 pertaining the redevelopment of the Rosemary Avenue corridor within the Northwest Neighborhood.

Discussion of Ordinance No. 4677-16 amending the Downtown "Zoning Atlas" Figure 1 through 4 to implement the Comprehensive Plan amendments adopted through Ordinance No. 4673-16 pertaining the redevelopment of the Rosemary Avenue corridor within the Northwest Neighborhood.

ORDINANCE No. 4673-16: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TO AMEND THE DOWNTOWN MASTER PLAN ELEMENT AT POLICY 1.1.1 TO AMEND THE BOUNDARIES OF THE NORTHWEST NEIGHBORHOOD DISTRICT AND THE INDUSTRIAL CHIC DISTRICT AND POLICY 3.1.3 TO INCLUDE PROVISIONS REGARDING THE MAXIMUM DEVELOPMENT CAPACITY AND HEIGHT FOR THE NEW AREAS OF THE NORTHWEST NEIGHBORHOOD DISTRICT AND ALLOW ADDITIONAL HEIGHT AND DEVELOPMENT CAPACITY FOR CERTAIN PROPERTIES ON THE WEST SIDE OF ROSEMARY AVENUE BETWEEN 3RD STREET AND 7TH STREET; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

FOR DISCUSSION:

ORDINANCE No. 4674-16: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ARTICLE IV DOWNTOWN MASTER PLAN, TABLE IV-3: PERMITTED USE TABLE FOR DMP; TABLE IV-6: OPEN SPACE TYPES BY SUBDISTRICT; TABLE IV-11: CURB CUTS AND PASSENGER LOADING AND DROP-OFF; SECTION 94-124 INDUSTRIAL CHIC DISTRICT; SECTION 94-128 NORTHWEST NEIGHBORHOOD DISTRICT; SECTION 94-133 SPECIAL DISTRICT INCENTIVES, AND FIGURE IV-35 TDR SENDING AND RECEIVING SITES, TO PROMOTE THE REDEVELOPMENT OF THE ROSEMARY CORRIDOR WITHIN THE NORHTWEST NEIGHBORHOOD DISTRICT; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF 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.

ORDINANCE No. 4677-16: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE

DOWNTOWN “ZONING ATLAS” TO INCLUDE FIGURE 1 “PLANNING AREAS” MAP, FIGURE 2 “DISTRICTS” MAP, FIGURE 3 “SUBDISTRICT BOUNDARIES” MAP, AND FIGURE 4 “STREET DESIGNATIONS” MAP, UTILIZED AS THE DOWNTOWN MASTER PLAN ZONING DESIGNATIONS TO IMPLEMENT THE CHANGES ADOPTED IN THE COMPREHENSIVE PLAN BY ORDINANCE 4673-16 REGARDING THE REDEVELOPMENT OF THE ROSEMARY AVENUE CORRIDOR WITHIN THE NORTHWEST NEIGHBORHOOD; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

[Agenda Cover Memorandum No.: 21109](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4673-16 amending the Comprehensive Plan Downtown Master Plan Element Policy 1.1.1 and Policy 3.1.3 to modify the boundaries of the Northwest Neighborhood District and the Industrial Chic District; to include provisions regarding the maximum development capacity and height for the new areas of the Northwest Neighborhood District; to allow additional height and development capacity for certain properties on the west side of Rosemary Avenue between 3rd Street and 7th Street; and authorize staff to transmit the proposed amendment to the Department of Economic Opportunity for review as WPB Amendment Round 16-4.

Discuss Ordinance No. 4674-16 amending Article IV Downtown Master Plan Table IV-3: Permitted use table for DMP; Table IV-6: Open Space types by sub-district; Table IV-11: Curb cuts and passenger loading and drop-off standard; Sec. 94-128 Northwest Neighborhood District; Sec. 94-124 Industrial Chic District; Sec. 94-133 Special District Incentives; and Figure IV-35 TDR Sending and Receiving Sites.

Discuss Ordinance No. 4677-16 amending the Downtown "Zoning Atlas" Figure 1 through 4.

Background:

In the last several years, the City and its Community Redevelopment Agency (CRA) have engaged in an aggressive strategy to revitalize the Northwest Neighborhood including initiatives like the renovation of the historic Alice Moore house into a Bed and Breakfast establishment, the renovation of the historic Sunset lounge, and the construction of the adjacent jazz park proposed at 7th Street and Rosemary Avenue.

In line with the redevelopment expectations set by the City and the CRA, early in 2015, the property owner of the site located on the east side of Rosemary Avenue between 3rd street and the Salvation Army building, approached the City with a proposal to build three new buildings on the site, including a 218 room Aloft hotel, a 136 unit residential building, and a 234 room Indigo hotel. The proposed project exceeds the maximum height and density allowed by the zoning designation (Industrial Chic District-5).

Considering the importance of the possible redevelopment of the largest vacant site north of Banyan Boulevard, the City started a process to explore the implications that a higher building could have along Rosemary Avenue. After an extensive analysis and a community engagement process the Planning Division is recommending the following changes to the Comprehensive Plan and the Zoning and Land Development Regulations:

Ordinance No. 4673-16 - Amendments to the Downtown Master Plan Element of the Comprehensive Plan:

1. Modify the Northwest District boundaries to include as part of the district the area between Rosemary Avenue and the FEC railway line, 3rd Street to Palm Beach Lakes Boulevard. The area is currently part of the Industrial Chic District.
2. Allow an increase in height (from 5 stories to 8 stories) for properties between Rosemary Avenue between and the FEC railway line, 3rd Street and 7th Street.
3. Allow commercial uses within certain properties along the west side of Rosemary Avenue from 3rd Street to 7th Street currently zoned residential, and create an incentive area to allow additional height and development capacity for the same properties.

Ordinance No. 4674-16- Amendments to Article IV Downtown Master Plan to implement the Comprehensive Plan changes approved through Ordinance 4673-16 including:

1. Revisions to Table IV-3: Permitted use table for DMP to regulate uses permitted in new NWD-8 and NWD-2C sub-districts.
2. Revisions to Table IV-6: Open Space types by sub-district to regulate open spaces permitted in new NWD-8 and NWD-2C sub-districts.
3. Revisions to Table IV-11: Curb cuts and passenger loading and drop-off standards to regulation curb cuts and drop-off areas permitted in new NWD-8 and NWD-2C sub-districts.
4. New building requirements tables for new sub-districts for NWD-8 and NWD-2C, and changes to NWD-2, NWD-4 and NWD-5.
5. New regulations for the Rosemary Avenue incentive and associated building requirement table for NWD-3-4.

Ordinance No. 4677-16 - Amendments to the four figures of the Downtown Zoning Atlas to reflect the new district boundaries for the Northwest Neighborhood District and the Industrial Chic District, the new zoning designation for NWD-8, NWD-5 NWD-2 and NWD-2C, and the proposed future right of ways.

The proposed changes were discussed with the community through an extensive engagement process. Input from the community was obtained through a series of meetings as follows:

Phase I

1. January 23, 2016, Salvation Army Community Center – Workshop- Northwest Neighborhood stakeholders and students from the Florida Atlantic University School of Architecture provided ideas for the redevelopment of the area.

2. March 30, 2016, Salvation Army Community Center - Community meeting.
3. April 28, 2016, City Hall – Business owners stakeholder meeting.
4. May 12, 2016, City Hall – Residents stakeholder meeting.

Phase II

5. July 21, 2016, City Hall – Rosemary business owners focus group.
6. July 26, 2016, City Hall – Northwest Community Consortium Incorporated.
7. 7. July 26, 2016, City Hall – Sankofa Organization.
8. 8. September 7, 2016, American Legion – Residential Stakeholders Meeting.
9. 9. September 21, 2016, American Legion - Stakeholders Meeting.

Detailed background and analysis of the proposed changes is included in the Planning Board report prepared by staff and included as Attachment to this document.

DOWNTOWN ACTION COMMITTEE: At a public hearing held on October 18, 2016, the Downtown Action Committee recommended approval (6-1) for the proposed amendment to the Comprehensive Plan.

PLANNING BOARD: At a public hearing held on October 18, 2016, the Planning Board recommended approval (7-0) for the proposed amendment to the Comprehensive Plan.

30. **Public Hearing and First Reading of Ordinance No. 4680-16 revising Chapter 6 of the Code of Ordinances of the City of West Palm Beach to include prohibiting off premises consumption after 10:00 p.m. and for additional compliance measures regarding alcoholic beverage establishments.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING AND RESTATING CHAPTER 6 (ALCOHOLIC BEVERAGES) OF THE CODE OF ORDINANCES TO REQUIRE ADDITIONAL COMPLIANCE MEASURES PERTAINING TO THE EXTENDED HOURS PERMIT AND TO PROHIBIT THE SALE OF ALCOHOL FOR OFF-PREMISES CONSUMPTION DURING THE HOURS OF 10:00 P.M. AND 7:00 A.M.; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21119](#)

Staff Recommended Motion:

BACK UP TO BE PROVIDED UNDER SEPARATE COVER.

Background:

The City of West Palm Beach regulates the location, hours of operation, and patron age of uses, that permit the sale and consumption of alcoholic beverages in Chapter 6 of the

Code of Ordinances of the City of West Palm Beach, entitled “Alcoholic Beverages” and the State expressly grants the City the authority to establish its own regulations for the time for sale of alcoholic or intoxicating beverages. Pursuant to §562.14, Florida Statutes, no alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place licensed to sell alcoholic beverages between the hours of midnight and 7:00 a.m., unless a municipality elects to establish its own regulations for the time for sale of alcoholic or intoxicating beverages.

By Ordinance No. 4394-11, the City Commission established an alcoholic beverage extended hours permit program that allows alcoholic beverage establishments the privilege to sell alcohol past midnight. Permitted establishments and alcoholic beverage establishments outside the Downtown Master Plan area may currently serve alcohol Sunday through Thursday until 3 a.m. and Friday and Saturday until 4 a.m. It is in the best interest of the City, and it serves the health, safety, and welfare of the City’s residents and visitors, to require additional compliance measures including, but not limited to: annual inspection of an alcoholic beverage establishment prior to the renewal of an extended hours permit; the inclusion of prior code violations in determining whether to deny, suspend or revoke an extended hours permit; and a prohibition for the sale of alcohol for off-premises consumption during the hours of 10:00 p.m. and 7:00 a.m.

**PUBLIC HEARING – QUASI-JUDICIAL (31):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

- 31. Public Hearing and Second Reading of Ordinance No. 4660-16: A City-initiated text amendment to Chapter 94 (Zoning and Land Development Regulations) of the City’s Code of Ordinances, to establish the Industrial Light (IL) Zoning District and corresponding development regulations.**

Public Hearing and Second Reading of Ordinance No. 4652-16: A Rezoning to change the zoning designation of parcels located in the following five (5) areas from Industrial (I) to the newly created Industrial Light (IL) District:

- 1) Northwood Area –There are two (2) separate sub-areas located in this district, the first is located north of 27th Street and south of Service Street between Windsor Avenue and the FEC Railroad tracks. The other sub-area is located south of 25th Street and north of 22nd Street between 25th Court and the FEC Railroad tracks. These two sub-areas total approximately 22.72 acres.**
- 2) 45th and I-95- This area is comprised of three (3) parcels and is located on the northwest corner of I-95 and 45th Street. The three (3) parcels total approximately 6.76 acres.**
- 3) Corporate Way- This office area is located on Corporate Way, north of 45th Street and east of I-95. This area covers approximately 24.21 acres.**
- 4) Old Okeechobee Road/Florida Mango Area- This office/flex space area is located south and west of Okeechobee Road, west of Australian Avenue, east of**

Florida Mango Road, and north of Belvedere Road. This area covers approximately 73.55 acres.

5) Georgia Avenue-This industrial area is located between Southern Boulevard and Hunter Street on the west side of Georgia Avenue. This area covers approximately 13.63 acres.

ORDINANCE NO. 4660-16: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS, CREATING THE INDUSTRIAL LIGHT ZONING DISTRICT (IL) IN SECTION 94-4 (ZONING DISTRICTS ESTABLISHED), ESTABLISHING SECTION 94-173 (INDUSTRIAL LIGHT DISTRICT) AND SECTION 94-175 (NEIGHBORHOOD COMPATIBILITY REQUIREMENTS) AMENDING SECTION 94-207 (PLANNED DEVELOPMENT DISTRICT) SECTION 94-244 (INDUSTRIAL DISTRICT SCHEDULE OF DISTRICT REGULATIONS), SECTION 94-272 (PERMITTED USES TABLE), SECTION 94-273 (EXTRA REQUIREMENTS FOR SPECIAL USES OR PERMITTED USES), SECTION 94-305 (SETBACKS), SECTION 94-310 (PERFORMANCE STANDARDS), SECTION 94-311 (DEDICATION OF REQUIRED RIGHTS-OF-WAY), SECTION 94-312 (TRAFFIC PERFORMANCE STANDARDS), SECTION 94-313 (ACCESS TO STREETS), SECTION 94-314 (DOCKS), SECTION 94-315-94-319 (RESERVED), SECTION 94-323 (PERMITS) AND SECTION 94-482 (PARKING REQUIREMENTS FOR LESS THAN THREE RESIDENTIAL DWELLING UNITS); 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.

ORDINANCE NO. 4652-16: 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 FROM INDUSTRIAL (I) TO INDUSTRIAL LIGHT (IL) THE FOLLOWING FIVE (5) AREAS NORTHWOOD AREA: GENERALLY LOCATED NORTH OF 27TH STREET AND SOUTH OF SERVICE STREET BETWEEN WINDSOR AVENUE AND THE FEC RAILROAD TRACKS AND SOUTH OF 25TH STREET AND NORTH OF 22ND STREET BETWEEN 25TH COURT AND THE FEC RAILROAD TOTALING ±22.72 ACRES; 45TH AND I-95 AREA: THREE (3) PARCELS GENERALLY LOCATED ON THE NORTHWEST CORNER OF I-95 AND 45TH STREET TOTALING ±6.76 ACRES; CORPORATE WAY AREA: LOCATED ON CORPORATE WAY, NORTH OF 45TH STREET AND EAST OF I-95 TOTALING ±24.21 ACRES; OLD OKEECHOBEE ROAD/FLORIDA MANGO AREA: LOCATED SOUTH AND WEST OF OKEECHOBEE ROAD, WEST OF AUSTRALIAN AVENUE, EAST OF FLORIDA MANGO ROAD AND NORTH OF BELVEDERE ROAD TOTALING ±73.55 ACRES; GEORGIA AVENUE AREA: LOCATED BETWEEN SOUTHERN BOULEVARD AND

HUNTER STREET ON THE WEST SIDE OF GEORGIA TOTALING ±13.63 ACRES; ; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21125](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4660-16, a text amendment to Chapter 94 (Zoning and Land Development Regulations) of the City's Code of Ordinances, to establish the Industrial Light (IL) zoning district and corresponding development regulations. 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 Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

APPROVE Ordinance No. 4652-16, changing the zoning designation of five (5) areas, totaling ±140.87 acres generally located north of 27th Street and south of Service Street between Windsor Avenue and the FEC Railroad tracks and south of 25th Street and north of 22nd Street between 25th Court and the FEC Railroad tracks; the northwest corner of I-95 and 45th Street; Corporate Way, north of 45th Street east of I-95; south of Okeechobee Boulevard, north Belvedere Road, west of Australian Avenue and east of Florida Mango Road; and between Southern Boulevard and Hunter Street on the west side of Georgia Avenue from Industrial to Industrial Light. 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 Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT 1.

BACKGROUND AND ANALYSIS

In 2011, the City Commission directed staff to review the existing Industrial (I) zoning regulations to determine the impacts on surrounding residential neighborhoods. To this end, an Industrial Zoning Code Review Committee was established. With the changes in administration, the committee was disbanded and the code/zoning changes were put on hold. After several inquiries from the public and due to the fact that several high intense industrial uses opened businesses in close proximity to residential neighborhoods, the issue was made a priority for the Planning and Zoning Division.

After staff held several public meetings, conducted site analysis and obtained input from the Planning Board, it was determined that going back to an Industrial Light (IL) zoning district would be the best way to protect the existing residential neighborhoods. In addition, it was also determined that certain areas that are zoned I and not located adjacent to residential zoning districts should also be zoned IL given the nature of the uses and building types located in those areas. It is important to mention that the City

originally had a Light Industrial Zoning district, but merged it into one district in the 1987 ZLDR's rewrite. Prior to the 1987 ZLDR's rewrite and subsequent rezoning, the five areas had the following zoning designations:

- Areas 2,3 and 5- "M-1" Light Industrial District (45th and I-95, Corporate Way and Georgia Avenue)
- Area 1- "M-2" Industrial District (Northwood)
- Area 4- "C-3" Commercial Industrial District (Old Okeechobee Road/Florida Mango)

Therefore, staff is proposing to amend Article VI, "Industrial District" of the City's ZLDRs to create a new IL Zoning District. This district will be located where the current I Zoning district is adjacent to or in close proximity to a residential zoning district and areas that are currently comprised of office buildings and office/warehousing. The proposed changes are discussed below in detail.

AMENDMENT TO THE ZLDRs –ORDINANCE NO. 4660-16

In order to create a new IL zoning district and allow for its implementation, the City's ZLDRs are proposed to be amended in various locations to provide for the development regulations (i.e. additional standards, setbacks, building height, etc.) of the new district. Additional standards and requirements include, but are not limited, to the following:

- Locational Requirements for Specific uses
- Site and/or Facility Dimensional Regulations
- Wall/Landscaping/Buffering Requirements
- Hours of Operation
- Minimum Distances for Structures or Facilities
- Access and Internal Circulation Requirements
- Limitations on Outdoor Activities or Facilities

Staff is also proposing amortization regulations to require the installation of a wall/landscape buffer for existing properties in an IL zoning districts adjacent to residential zoning districts before December 31, 2021. The installation of a wall/landscape buffer would only be required if they do not cause one of the following on the IL property:

- Demolition of a portion of the building
- Reduction in parking
- Relocation of an existing wall
- Access to the land would be impaired
- Would require the removal of an existing wall or comparably durable and aesthetic wood or metal fence
- Installation of a wall would require a modification of the existing vehicular use area

This section would also permit the industrial property owner to enter into an agreement with the adjacent residential property owner to construct the required landscape buffer on the residential property.

With the exception of the regulation mentioned above, the other regulations remain the same as the current I zoning district regulations.

REZONING –ORDINANCE NO. 4652-16

To effectuate the zoning regulations described above, it is required that five (5) areas containing multiple properties be rezoned. A map showing each of the five (5) areas is shown in Attachment I and described below:

Area No. 1- Northwood Area

There are two (2) separate sub-areas located in this district, the first is located north of 27th Street and south of Service Street between Windsor Avenue and the FEC Railroad tracks and is occupied by motor vehicle repair uses, tile and marble retail and manufacturing uses. The residential zoning district in this area is located on the north side of Service Street. The other sub-area is located south of 25th Street and north of 22nd Street between 25th Court and the FEC Railroad tracks and is occupied by a salvage yard, church, automotive repair business, warehouses and vacant land. The residential zoning district in this area is located south of 23rd and 22nd Streets.

Area No. 2-45th and I-95

This industrial area is located on the northwest corner of I-95 and 45th Street. This area is comprised of three (3) parcels that are occupied with automotive and entertainment uses. While there is no residential zoning district adjacent to this area, the character of the surrounding properties as mainly office/commercial uses and the current use of these three (3) lots does not support any heavy industrial uses.

Area No. 3- Corporate Way

This area is located on Corporate Way, north of 45th Street east of I-95. This area is comprised of office buildings/flex spaces that are occupied with office and retail related uses. There are no adjacent residential zoning district, however, this area is an office business park and is the only area that will permits all types of office uses by right.

Area No. 4-Old Okeechobee Road/Florida Mango Area

This area is located south of Okeechobee Boulevard, north Belvedere Road, west of Australian Avenue and east of Florida Mango Road. While there are no adjacent residential zoning districts in the City limits, this area is primarily comprised of office/flex space buildings, warehouses, small wholesaler businesses, schools and office buildings that do not support heavy industrial uses.

Area No. 5-Georgia Avenue Area

This area is located between Southern Boulevard and Hunter Street on the west side of Georgia Avenue. This area is comprised of automotive repair businesses, contractor offices, outside storage business, wholesale businesses, warehouses and some retail uses.

The residential zoning district is located immediately west of the properties along Georgia Avenue. Many of the buildings on the west side of Georgia Avenue were built prior to 1966, before the ZLDR's had setbacks and buffering requirements from residential zoning districts. Therefore, many of the properties have buildings on the property line, outdoor work and storage areas, parking and loading areas adjacent to residential homes. In Staff opinion, this is the area that impacts residential zoning districts the most.

CONCLUSION: It is Staff's professional opinion that the newly created IL zoning district and application to the five existing I zoning areas protection will provide additional protection for adjacent residential neighborhoods. The new zoning designation will also allow areas that are currently comprised of office buildings and flex spaces more office/general commercial uses. Staff 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 subject to the conditions contained herein.

PLANNING BOARD: After a Public Hearing on August 16, 2016, the Planning Board voted unanimously (6-0) to recommend approval of the requests. Five members of the public spoke on this requests.

PUBLIC NOTICE: Individual notices were mailed to all property owners impacted and property owners within 500 feet of the property. All ordinances were advertised on November 2, 2016.

The Planning and Zoning Division has also held the following public meetings/workshops over the past 3 years with property owners to discuss the proposed changes:

- October 29, 2013
- June 17, 2014
- September 16, 2015
- February of 2016 (meeting with Georgia Avenue west property owners)

Staff scheduled a special meeting with the Georgia Avenue property owners to discuss the proposed changes. There were about 15 property owners in attendance and staff discussed how their individual properties would be affected. Staff also volunteered to review and analyze any existing or proposed uses to determine how the new regulations would impact those uses. Staff repeated this offer at the Planning Board meeting and at the time this agenda item was written, no one had contacted staff.

COMMISSION DISTRICT: The subject properties within Areas 1 and 3 are located within Commission District No. 1- Commissioner Sylvia Moffett, Area 2 is within Commission District No. 2- Commissioner Cory Neering, and Areas 4 and 5 are within Commission District No. 5- Commissioner Shanon Materio.

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.