



WEST PALM BEACH

**City of West Palm Beach  
City Commission**

**AGENDA**

**May 22, 2017  
5:00 P.M.**

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

**MAYOR  
GERALDINE MUOIO**

**CITY COMMISSION  
PRESIDENT CORY NEERING**

**COMMISSIONER SYLVIA MOFFETT  
COMMISSIONER KEITH JAMES**

**COMMISSIONER PAULA RYAN  
COMMISSIONER SHANON MATERIO**

**ADMINISTRATION  
CITY ADMINISTRATOR, JEFFREY GREEN  
CITY ATTORNEY, KIMBERLY ROTHENBURG  
CITY CLERK, HAZELINE CARSON**

**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

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

- Officials shall be recognized by the Chair and shall not interrupt a speaker.

- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

**PRESENTATION AND AWARDS OF MERIT (1 – 2):**

1. Presentation of activities for the 3rd Annual Summer in Paradise.  
[Agenda Cover Memorandum No.: 21399](#)
2. Proclaiming May 2017 as Trauma Awareness Month. Proclamation to be accepted by Gabrielle Finley-Hazle, CEO of St. Mary's Medical Center and Palm Beach Children's Hospital.  
[Agenda Cover Memorandum No.: 21412](#)

**ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:**

**RECEIVED / FILED:**

**RATIFICATION (3):**

3. **Ratification of the Mayor's appointment of Diana J. Matty to the position of Fire Chief.**  
[Agenda Cover Memorandum No.: 21409](#)

**Staff Recommended Motion:**

Ratify the Mayor's appointment of Diana J. Matty to the position of Fire Chief.

**Background:**

It is requested that the City Commission ratify the appointment of Diana J. Matty as the Fire Chief for the West Palm Beach Fire Rescue Department.

According to Section 2.09 of the City's Charter and related laws, "the Chiefs of Police Department and Fire Department and the City Attorney shall be appointed by the Mayor subject to the ratification of the City Commission acting by three (3) affirmative votes."

It is recommended that the City Commission ratify the appointment of Diana J. Matty as the Fire Chief.

**CONSENT (4 – 17):**

4. **Minutes of the Regular City Commission Meeting of May 8, 2017.**  
[Agenda Cover Memorandum No.: 21410](#)

**Staff Recommended Motion:**

Approve the Minutes of the Regular City Commission Meeting held on May 8, 2017.

**Fiscal Note:**

No fiscal impact.

5. **Resolution No. 156-17 accepting a grant from the USA swimming foundation for a Make a Splash grant in the amount of \$5,000 for a learn-to-swim program; providing an effective date and Resolution No. 168-17(F) accepting the funding.**

**RESOLUTION NO. 156-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE USA SWIMMING FOUNDATION FOR A MAKE A SPLASH GRANT IN THE AMOUNT OF \$5,000 TO BE USED TOWARD FUNDING A LEARN-TO-SWIM PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 168-17(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 FOR THE RECEIPT OF A MAKE A SPLASH GRANT FROM THE USA SWIMMING FOUNDATION FOR THE LEARN-TO-SWIM PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

[Agenda Cover Memorandum No.: 21394](#)

**Staff Recommended Motion:**

Approve Resolution No. 156-17 and Resolution No. 168-17(F).

**Background:**

The City of West Palm Beach is an entitlement recipient of funds from the USA Swimming Foundation for a Make A Splash Grant. The City of West Palm Beach will provide a quality, multi-level learn-to-swim program. The lessons will expand opportunities for at-risk students to learn to swim and to use the sport of swimming to expand fitness and recreational opportunities.]

**Fiscal Note:**

Upon approval of this F-Resolution, this grant will provide for free/reduced swim lessons during the Summer and Fall of 2017.

6. **Resolution No. 175-17 approving submittal of an application to the Division of Library and Information Services for a Library Services and Technology Act (LSTA) Grant for continued funding of the Square One initiative.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES, FOR A LIBRARY SERVICES AND TECHNOLOGY GRANT TO BE USED TO PROVIDE CONTINUED STAFFING FOR THE SQUARE ONE INITIATIVE TO PROVIDE ENHANCED PROGRAMMING FOR DISCONNECTED YOUNG ADULTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21402](#)**

**Staff Recommended Motion:**

Approve Resolution No. 175-17.

**Background:**

The Mandel Public Library of West Palm Beach desires to submit an application to the Division of Library and Information Services for a Library Services and Technology Act (LSTA) Grant in an amount up to \$70,000 for funds to continue staffing the Square One Initiative at the Mandel Public Library of West Palm Beach and provide enhanced programming for disconnected young adults 16-28.

The City/Mandel Public Library received a \$85,000 grant in 2016 for the Square One program.

Grant funds will allow the library to continue to provide assistance to young adults in the following areas: studying for and taking the GED exam, improving upon job skills, providing opportunities to explore specialized trades and providing instruction in Microsoft Word, Excel and PowerPoint. Many of the young adults visiting Square One are in need of learning the basic skills required for most jobs. The Library will also continue to develop relationships with local business leaders and organizations to provide seminars designed to discuss issues relevant to the young job-seeker and volunteer/internship possibilities.

Timeframe of Grant: September, 2017 - applicants notified whether they will receive a grant. Projects begin on October 1, 2017 and end one (1) year later on September 30, 2018.

**Fiscal Note:**

Up to \$23,000 of in-kind services will be required as a City match, if the grant is awarded.

7. **Resolution No. 179-17 approving the Interlocal Agreement with the Florida PACE Funding Agency to offer a Property Assessed Clean Energy (PACE) program within the City.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, PROVIDING FOR THE FLORIDA PACE FUNDING AGENCY PROGRAM TO BE OFFERED WITHIN THE CITY TO PROVIDE A VOLUNTARY PROGRAM TO FINANCE ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS, RENEWABLE ENERGY IMPROVEMENTS, AND WIND RESISTANCE IMPROVEMENTS TO REAL PROPERTY, AS AUTHORIZED BY THE LEGISLATURE THROUGH NON-AD VALOREM ASSESSMENTS ON THE PROPERTY TAX BILL; APPROVING A NON-EXCLUSIVE INTERLOCAL SUBSCRIPTION AGREEMENT WITH THE FLORIDA PACE FUNDING AGENCY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21403](#)**

**Staff Recommended Motion:**

Approve Resolution No. 179-17.

**Background:**

Section 163.01, Florida Statutes, the “Florida Interlocal Cooperation Act of 1969” authorizes local governments to enter into interlocal agreements for their mutual benefit. Section 163.08, Florida Statutes, authorizes local governments to form partnerships with other local governments and programs to allow property owners to voluntarily finance approved energy-related improvements through programs developed in accordance with Florida’s Property Assessed Clean Energy (“PACE”) statute.

The Florida PACE Funding Agency is a separate legal entity and distinct unit of local government, and was established by separate interlocal agreement for the express purpose of providing a scalable and uniform platform to provide a PACE program to finance Qualifying Improvements to private property owners throughout Florida. The Agency asks for no money, credit or staff assistance to implement its Program.

Ordinance No. 4669-16, the WPB City Commission created the City’s Property Assessed Clean Energy program, found at Section 34-140, et seq. of the West Palm Beach Code of Ordinances.

The City Commission desires to offer options to its property owners for participation in PACE programs to voluntarily finance approved energy-related improvements. The City Commission has approved other PACE programs and desires to authorize another PACE program alternative within the City.

Resolution No. 179-17 authorizes the Florida PACE Funding Agency program to be offered within the City and authorizes the execution of a Non-Exclusive Interlocal Subscription Agreement with the Florida PACE Funding Agency.

**Fiscal Note:**

No fiscal impact.

8. **Resolution No. 147-17 authorizing the assessment of city liens in the total amount of \$47,622.74 for unpaid water service, sewer service, and stormwater service charges for the month of February 2017.**

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

**[Agenda Cover Memorandum No.: 21400](#)**

**Staff Recommended Motion:**

Approve Resolution No. 147-17.

**Background:**

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 147-17 are for unpaid water service, sewer service and stormwater service charges for the month of February 2017. The list of properties to be assessed and the associated charges totaling \$47,622.74 are attached to Resolution No. 147-17 as EXHIBIT A - Utility Lien List - February 2017. If not paid, these liens may be foreclosed by the City.

**Fiscal Note:**

No fiscal impact.

9. **Resolution No. 167-17 approving and authorizing application for City Center property insurance policies for policy year 2017-2018.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING APPLICATION FOR AND EXECUTION OF ALL NECESSARY CONTRACTS FOR PROPERTY INSURANCE COVERAGE FOR CITY CENTER COVERING THE PERIOD FROM MAY 30, 2017 THROUGH MAY 30, 2018 AS RECOMMENDED BY THE CITY'S INSURANCE BROKER, PRIA; AUTHORIZING PAYMENT OF ALL INSURANCE PREMIUMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21391](#)**

**Staff Recommended Motion:**

Approve Resolution No. 167-17.

**Background:**

The City is in the process of obtaining property insurance for City Center for policy year 2017-2018. PRIA, the insurance broker of record, has solicited quotes, and has estimated the maximum premium. Resolution No. 167-17 outlines the maximum premium(s) and total insured values. The estimated premium(s) will result in a minimum of a 9.56% reduction in premium.

The Procurement Code requires that contracts for insurance are approved by the City Commission. The City Center property insurance will be bound effective May 30, 2017 contingent upon Commission approval.

**10. Resolution No. 164-17(F) amending the personnel detail of the Water and Sewer Operating Fund and Storm Water Operating Fund budgets.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE WATER AND SEWER OPERATING FUND AND STORMWATER OPERATING FUND BUDGETS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21392](#)**

**Staff Recommended Motion:**

Approve Resolution No. 164-17(F).

**Background:**

This F-Resolution reallocates within the Public Utilities Water Distribution, Sanitary Collection and Drainage divisions six (6) Utilities Maintenance Worker III positions to (5) Public Utilities Maintenance Leader and (1) Water Distributions System Leader positions. Additionally, the FTE count is increased by two (2) Public Utilities Maintenance Leader positions, for the remainder of FY2017. Two (2) Utilities Maintenance Worker III positions within Sanitary Collection divisions will not be backfilled and the FTE count will be reduced by two (2) in the Fiscal Year 2018 adopted budget.

**Fiscal Note:**

No fiscal impact. Vacant positions reclassified, and two (2) Utilities Maintenance Worker III positions will not be filled upon positions becoming vacant and, will be deleted in the FY18 budget.

**11. Resolution No. 166-17(F) amending the FTE's for the IT Administration, IT Systems Development and IT Telecommunication Systems Division and Network Division of the Department of Information Technology.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE INFORMATION TECHNOLOGY FUND BUDGET FOR THE PURPOSE OF AMENDING THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE ADMINISTRATION**

**AND SYSTEMS DEVELOPMENT DIVISIONS OF THE INFORMATION TECHNOLOGY DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21393](#)**

**Staff Recommended Motion:**

Approve Resolution No. 166-17(F).

**Background:**

Information Technology is upgrading the technology infrastructure for the City of West Palm Beach. In order to better support these changes, current vacant positions will need to be changed to more appropriately match the knowledge, skills, and abilities needed for current and future technology support needs of the City.

Amendments to personnel are as follows: One (1) Senior Systems Administrator position is being eliminated from the IT Administration Division and one (1) Systems and Network Supervisor is being added. One (1) Oracle Applications Administrator is being eliminated from the IT Systems Development Division and one (1) Senior Systems Analyst is being added. The department has experienced several vacancies and these changes will not impact the current budget.

**Fiscal Note:**

No fiscal impact.

- 12. Resolution No. 169-17(F) appropriates funds for the purchase of a Vac-Truck and two (2) CCTV Trucks.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2016/2017 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER AND SEWER GENERAL RESERVE FUND AND FLEET REPLACEMENT RESERVE FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR REPLACEMENT EQUIPMENT FOR THE COLLECTIONS DIVISION OF PUBLIC UTILITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21395](#)**

**Staff Recommended Motion:**

Approve Resolution No. 169-17(F).

**Background:**

Public Utilities has reviewed the cost to repair and maintain fleet equipment and identified equipment that cannot be used as a result of airbag recalls. This F-Resolution appropriates money from the Water and Sewer General Reserves to the Water & Sewer Replacement Fund in order to replace a Vac Truck (\$461,000) which is not cost effective to continue



repairing, and two (2) CCTV trucks (\$92,000 each) which are not able to be used a result of the airbag recall. The equipment is necessary for the Collections division to efficiently and effectively provide services.

**Fiscal Note:**

Post approval, the General Reserve Fund Reserve for Future Projects balance will be \$1,350,842 in the FY17 budget.

The cash balance in the General Reserve Fund will be approximately \$27M.

13. **Resolution No. 172-17 approving the lease/purchase of one (1) Mack Front Loader, eight (8) Police Ford Interceptor Utility, two (2) Braun Fire Rescue Trucks, three (3) Mack Auto-Mated Side Loaders, two (2) International Grapple Trucks, seven (7) Ford Fusion Hybrid, four (4) Unmarked Ford Explorer, one (1) Sutphen SL-100 Aerial Ladder, and one (1) Sutphen Monarch Rescue Pumper in an aggregate principal amount of \$4,203,059.63 with City National Capital Finance, LLC.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO A VEHICLE LEASE PURCHASE FINANCING IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,203,059.63 WITH CITY NATIONAL CAPITAL FINANCE, LLC; AUTHORIZING THE EXECUTION OF A MASTER LEASE-PURCHASE AGREEMENT; AUTHORIZING THE LEASE AND PURCHASE OF ONE (1) MACK FRONT LOADER, EIGHT (8) POLICE FORD INTERCEPTOR UTILITY, TWO (2) BRAUN FIRE RESCUE TRUCKS, THREE (3) MACK AUTO-MATED SIDE LOADERS, TWO (2) INTERNATIONAL GRAPPLE TRUCKS, SEVEN (7) FORD FUSION HYBRID, FOUR (4) UNMARKED FORD EXPLORER, ONE (1) SUTPHEN SL-100 AERIAL LADDER, AND ONE (1) SUTPHEN MONARCH RESCUE PUMPER, AND THE EXECUTION OF A LEASE SCHEDULE WITH RESPECT TO SUCH VEHICLES; AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT AND APPOINTING AN ESCROW AGENT; AUTHORIZING THE EXECUTION OF SUCH OTHER RELATED DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTION CONTEMPLATED HEREBY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21405](#)**

**Staff Recommended Motion:**

Approve Resolution No. 172-17.

**Background:**

The Police Department, Fire Department, and Sanitation Department are in need of replacement vehicles. The Florida Sheriffs Association and the National Joint Powers Alliance procured pricing for these vehicles, and the City has elected to utilize the Florida Sheriffs Association and the National Joint Powers Alliance rates to obtain the vehicles, and desires to obtain the vehicles by a lease/purchase financing. The City competitively

solicited quotes from financial institutions to finance the vehicles through RFQ 16-17-Q306 and selected City National Capital Finance, LLC, to finance the transaction.

Resolution No. 172-17 approves the lease/purchase financing of one (1) Mack Front Loader, eight (8) Police Ford Interceptor Utility, two (2) Braun Fire Rescue Trucks, three (3) Mack Auto-Mated Side Loaders, two (2) International Grapple Trucks, seven (7) Ford Fusion Hybrid, four (4) Unmarked Ford Explorer, one (1) Sutphen SL-100 Aerial Ladder, and one (1) Sutphen Monarch Rescue Pumper in an aggregate principal amount of \$4,203,059.63 with City National Capital Finance, LLC, in accordance with the Master Lease-Purchase Agreement and related schedules and Escrow Agreement to be entered into between the City and City National Capital Finance, LLC. The aggregate principal amount to be financed is \$4,203,059.63, over a term of five (5) years, with annual lease payments of \$881,645.75, with interest at 1.61%. Resolution No. 172-17 authorizes the execution of the Master Lease-Purchase Agreement, the Lease Schedule, the Escrow Agreement and all other agreements, documents, tax compliance certificates, certificates and forms which are necessary or reasonably to be required by City National Capital Finance, LLC to effectuate the vehicle lease/purchase. At the end of the lease term, upon the payment of an additional one dollar, the City will have full ownership of the vehicles.

- 14. Resolution No. 183-17(F) recognizing proceeds from the auction of City vehicles and equipment and appropriating funds for the acquisition of vehicles and equipment for various departments.**

**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 CAPITAL ACQUISITION FUND TO PROVIDE APPROPRIATIONS FROM AUCTION PROCEEDS FOR THE ACQUISITION OF VEHICLES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21411](#)**

**Staff Recommended Motion:**

Approve Resolution No. 183-17(F).

**Background:**

The Fleet Management Division of Support Services utilized an awarded contractor to remarket City vehicles, machinery & equipment that had reached the end of life. Approximately \$500,000 has been received this fiscal year and one more auction is anticipated. The Division is requesting that \$550,000 be recognized as revenues for fiscal year 2017 and that appropriations be approved for the acquisition of vehicles and equipment for Police, Fire, Parks and Recreation and Public Works departments. These purchases will reduce the impact to the General Fund for fleet replacement.

**Fiscal Note:**

Approval will provide a cost savings to the General Fund of approximately \$550,000 in FY17 because auction proceeds will be utilized to purchase fleet equipment.

15. **Resolution No. 173-17 approving an Interlocal Agreement with Palm Beach County for the acceptance of a grant not to exceed \$31,050 for reimbursement of the purchase of two (2) patient transport stretchers.**

**Resolution No. 176-17(F) providing for the receipt and appropriation of \$31,050 in grant funding.**

**RESOLUTION NO. 173-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH ACCEPTING A GRANT IN AN AMOUNT NOT TO EXCEED \$31,050 FOR REIMBURSEMENT OF THE PURCHASE OF TWO PATIENT TRANSPORT STRETCHER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 176-17(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 RECOGNIZE RECEIPT OF A DEPARTMENT OF HEALTH, BUREAU OF EMERGENCY MEDICAL SERVICES GRANT FROM PALM BEACH COUNTY FOR REIMBURSEMENT OF COSTS NOT TO EXCEED \$31,050 FOR THE PURCHASE OF TWO PATIENT TRANSPORT STRETCHERS AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURE; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21408](#)**

**Staff Recommended Motion:**

Approve Resolution No. 173-17 and Resolution No. 176-17(F).

**Background:**

Palm Beach County is the recipient of a grant from the Florida Department of Health, Bureau of Emergency Medical Services to improve and expand pre-hospital Emergency Medical Services (EMS) systems in the county. Each grant recipient county is encouraged to disburse funds to EMS providers operating within the county. Palm Beach County offers an EMS grant program which provides funding for the purchase or replacement of EMS equipment.

By Resolution No. 27-17, The City Commission approved submittal of a grant application to Palm Beach County to purchase two (2) patient transport stretchers. The total cost of the stretchers is \$31,030.

Palm Beach County has awarded the City a reimbursement grant in an amount not to exceed \$31,050 for the purpose of purchasing two (2) patient transport stretchers.

Resolution No. 173-17 authorizes execution of the grant agreement with the County. Resolution No. 176-17(F) provides the appropriations.

**Fiscal Note:**

Grant reimbursement is not to exceed \$31,050.

**16. Resolution No. 162-17 establishing the illumination cost for the City's Citywide Public Safety Residential Street Illumination Program for Fiscal Year 2016/17.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA ESTABLISHING THE ILLUMINATION COST AMOUNT FOR THE CITY'S CITYWIDE PUBLIC SAFETY RESIDENTIAL STREET ILLUMINATION PROGRAM FOR FISCAL YEAR 2016/2017; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21404](#)**

**Staff Recommended Motion:**

Approve Resolution No. 162-17.

**Background:**

Through adoption of Ordinance No. 4009-06, the City Commission determined that the illumination of residential streets promotes public safety and declared and determined that the illumination of public and residential streets benefits the health, safety and welfare of the citizens and residents of the City and is a public purpose, and created the City-Wide Public Safety Residential Street Illumination Program. Ordinance No. 4031-07 amended Ordinance No. 4009-06 to include gas street lights and Ordinance No. 4470-13 further amended Ordinance No. 4009-06 and Ordinance No. 4031-07 to define the method of payment (Payment to the appropriate community as opposed to direct to the utility provider i.e. FPL) as well as the method of calculating payment and eligibility of qualifying poles located within a participating community. The Ordinance, as amended, requires the City Commission to determine by resolution the budgeted allocation of funds for the program.

The method of calculating eligibility for the program was changed in fiscal year 2012/2013 by Ordinance No. 4470-13 and is currently based on the HOA reported number of poles within the community. The Fiscal Year 2016/2017 budget includes \$350,000 to fund this program. Funds will be allocated to each HOA based upon the number of streetlight poles in each HOA. An estimate for each HOA is attached. The City will issue a check directly to the HOAs to offset their utility expense for the streetlights at an estimated rate of \$160.48 per eligible pole.

**17. Resolution No. 182-17 authorizing renewal of substitute standby bond purchase agreement related to the Utility System Variable Rate Revenue Bonds Series 2008C.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RELATING TO THE OUTSTANDING CITY OF WEST PALM BEACH, FLORIDA UTILITY SYSTEM VARIABLE RATE REVENUE BONDS, SERIES 2008C; AUTHORIZING THE RENEWAL OF LIQUIDITY FACILITY IN THE FORM OF A STANDBY BOND PURCHASE AGREEMENT AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF STANDBY BOND PURCHASE AGREEMENT DOCUMENTS; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21407](#)**

**Staff Recommended Motion:**

Approve Resolution No. 182-17.

**Background:**

On June 16, 2008, the City Commission adopted Resolution No. 285-08 authorizing the issuance of not to exceed \$110,000,000 in principal amount of the City of West Palm Beach ("City") Utility System Variable Rate Revenue Bonds, Series 2008C ("Series 2008C Bond"), for the purpose of paying the costs of certain utility improvements. Under this Resolution, the City issued \$99,990,000 of Series 2008C Bonds on August 20, 2008.

The Series 2008C Bonds consist of both hedged and unhedged variable rate debt. Approximately \$43.7 million of variable rate debt with maturities of October 1, 2020 through October 1, 2025, remain unhedged and the rate will vary. The interest rate swap ("Series 2008C Swap") replaced the 2005 Swap which existed on the Series 2005 Bonds (refunded by the 2008 debt). In the Series 2008C Swap, the City agreed to pay a contractual fixed rate of interest to a swap provider and in return receives a variable rate of interest to use as a hedge against the interest requirements of approximately \$56.3 million of underlying 2008C Bonds with maturities of October 1, 2035 through 2038.

Among other related financing documents, Resolution No. 285-08 also authorized the City to enter into a three (3) year Standby Bond Purchase Agreement ("SBPA") (i.e. Liquidity Facility) with Dexia Credit. This Standby Bond Purchase Agreement expired on August 20, 2011. As a result of the financial crisis, Dexia was advised to exit certain lines of business, with the liquidity facility being one of those lines. The result was that when the original SBPA matured in August 2011, the City requested that our Financial Advisor seek bids to replace the expiring SBPA. The City received approximately ten (10) bids with various rates and terms, and along with our Financial Advisor determined that it was in the best interest of the City to pursue the agreement with JP Morgan Chase who was offering a rate of 60 basis points for a three (3) year term which expires on August 3, 2014. The Substitute Standby Bond Purchase Agreement was authorized by Resolution No. 184-11.

In April of 2014, the City through its financial advisor, Public Financial Management (PFM) was offered a renewal of the Substitute Standby Bond Purchase Agreement for an additional three (3) years from JP Morgan Chase, with no change in terms and conditions and a more favorable rate of 48 basis points for the term to expire August 3, 2017.

In April of 2017, the City through its financial advisor, PFM, reviewed seven bids with various rates and terms. The decision was made to renew with JP Morgan Chase for an extended term of five (5) versus the original three (3) years, at a cost only 2 basis points higher at 50 basis points for a term to expire August 3, 2022. The City will be required to pay bank counsel fees in an amount not to exceed \$3,500 for preparation of the amendment to the commitment as well as the amended fee letter. There were no other changes in terms and conditions.

**Fiscal Note:**

Fully budgeted.

**COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:**

**RESOLUTIONS (18 – 19):**

- 18. Resolution No. 174-17 approving the Sixth Amendment to the Agreement for Sale and Purchase of the Old City Hall site.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SIXTH AMENDMENT TO AGREEMENT FOR SALE AND PURCHASE OF REAL PROPERTY BETWEEN THE CITY OF WEST PALM BEACH AND NAVARRO LOWRY, INC., TO MODIFY THE TOTAL DEVELOPMENT SQUARE FOOTAGE, NUMBER OF LIVE/WORK UNITS AND SIZE OF STREET LEVEL RETAIL SPACE; TO EXTEND THE CLOSING DATE AND RELATED DATES FOR CERTAIN PERIODS AND MILESTONES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21406](#)**

**Staff Recommended Motion:**

Approve Resolution No. 174-17.

**Background:**

As approved by Ordinance No. 4651-15, the City of West Palm Beach and Navarro Lowry, Inc., executed an Agreement for Sale and Purchase of Real Property, dated February 24, 2015 (the "Agreement"), for the sale of the Old City Hall Property upon which Navarro Lowry agreed to construct a mixed use development with components that include a hotel, live/work units, retail space and a parking garage.

By the First Amendment to the Agreement, dated July 20, 2016, the parties extended the Feasibility Date under the Agreement. By the Second Amendment to the Agreement, dated, July 22, 2016, the parties again extended the Feasibility Date. By the Third Amendment to the Agreement, dated, August 10, 2016, the parties further extended the Feasibility Date. By the Fourth Amendment to the Agreement, dated, November 21, 2016, the parties revised the maximum number of hotel rooms, modified the total development square footage, number of live/work units and size of street level retail space; transferred the responsibility for the demolition of Old City Hall to the City; established Narcissus Street as part of the area to be leased, acknowledged the concept plan, accepted the development plan and revised various dates for certain periods and milestones. By the Fifth Amendment to the Agreement, dated, February 13, 2017, the parties further extended the Transaction Documents negotiation period.

A Sixth Amendment to the Agreement is proposed, which will:

1. Increase the Development square footage from 435,000 sq. ft to 445,000 sq. ft.; and
2. Revise the number of live-work rental apartments from 257 to 251; and
3. Modify the volume of street level retail from 25,000 sq. ft. to 20,000 sq. ft.; and
4. Extend the outside Closing Date to December 29, 2017; and
5. Extend the time for the Transaction Documents Negotiation Period; and
6. Amend the dates and milestones related to the Plans and Specifications and the Buyer's disbursements to Seller.

Resolution No. 174-17 will approve and authorized execution of the Sixth Amendment to the Agreement.

**Fiscal Note:**

The Sixth Amendment will extend the time at which the disbursements from the Buyer will commence.

- 19. Resolution No. 149-17 approving the "Face of the City" design features for the Cumberland Drive improvements from Military Trail to Village Boulevard.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE PROPOSED ABOVE GROUND IMPROVEMENTS TO CUMBERLAND DRIVE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21396](#)**

**Staff Recommended Motion:**

Approve Resolution No. 149-17.

**Background:**

The project consists of enhancements of Cumberland Drive in West Palm Beach, Florida, from Military Trail to Village Boulevard, an approximate total length of 1.17 miles. The proposed scope of work will include construction of protected bicycle lanes from Military trail to Village Boulevard and a roundabout at the intersection of Cumberland Drive and Saratoga Road.

The project is located between Military Trail and Village Boulevard in the Villages of Palm Beach Lakes. The surrounding land uses are mainly residential. Cumberland Drive is a two-lane divided roadway with no bicycle facilities or pedestrian crossing areas east of Military Trail. Pavement markings on the eastbound and westbound approaches do not exist or are no longer adequately visible. Furthermore, many turn lanes do not have discernible striping. Shade trees exist on the median and sidewalks. Perini Park is located just west of the intersection of Cumberland Drive and Saratoga Road, and is often visited by residents, increasing the need for a safe crossing area for pedestrians.

The project will focus on creating safe lanes of travel for both motorized and non-motorized roadway users. First the City wishes to create designated bicycle lanes travelling in both directions along Cumberland Drive. This would protect cyclists from motor vehicles by separating the two types of traffic from each other. Second, pavement markings delineating through and turn lanes would be restriped to clearly define vehicular movements. The next objective is to construct and install a mountable roundabout at the intersection of Cumberland Drive and Saratoga Road. The roundabout would serve as a traffic calming measure to reduce speeds along Cumberland Drive, and it would eliminate angle crash conflicts at the intersection. Additionally, the roundabout would provide designated crosswalks for pedestrians for all approaches. The last objective is to install signage related to the pedestrian crossings, roundabout, and bicycle lanes in order to assist in defining each area and to maximize safety factors.

This Project will be located in Commission District: District 2 - Commissioner Cory Neering.

**Fiscal Note:**

Fully Budgeted.

**PUBLIC HEARING – QUASI-JUDICIAL (20 – 23):**

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

- 20. Public Hearing and Second Reading of Ordinance No. 4681-16: Regarding a Future Land Use Map Amendment to change the future land use designation of ±4.91 acres, located at 3111 South Dixie Highway, from Commercial (C) to Commercial East (CE); and**



**Public Hearing and Second Reading of Ordinance No. 4682-16: Regarding a Rezoning to change the zoning designation of ±9.32 acres, located at 3111 South Dixie Highway, from Neighborhood Commercial (NC) and Office Commercial (OC) to General Commercial (GC).**

**WITHDRAWN - Public Hearing and Second Reading of Ordinance No. 4683-16: Regarding a Rezoning to change the zoning designation of ±9.32 acres, located at 3111 South Dixie Highway, from General Commercial (GC) to Commercial Planned Development (CPD); and**

**WITHDRAWN - Public Hearing of Resolution No. 357-16: Approving the development regulations and conditions for the 3111 South Dixie Commercial Planned Development (CPD), and granting waivers of the Zoning and Land Development Regulations.**

**All of the above-referenced items are being requested by Christopher P. Barry, AICP CUD, of Urban Design Kilday Studios, on behalf of 3111 Prospect Place Equities LLC.**

**ORDINANCE NO. 4681-16: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF ±4.91 ACRES, LOCATED AT 3111 SOUTH DIXIE HIGHWAY, FROM COMMERCIAL (C) TO COMMERCIAL EAST (CE); DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**ORDINANCE NO. 4682-16: 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 PROPERTY LOCATED AT 3111 SOUTH DIXIE HIGHWAY, CONSISTING OF ±0.95 ACRES FROM NEIGHBORHOOD COMMERCIAL (NC) AND ±8.38 ACRES FROM OFFICE COMMERCIAL (OC), TO GENERAL COMMERCIAL (GC); DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WITHDRAWN - ORDINANCE NO. 4683-16: 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 ±9.32 ACRES, LOCATED AT 3111 SOUTH DIXIE HIGHWAY, FROM GENERAL COMMERCIAL (GC) TO COMMERCIAL PLANNED DEVELOPMENT (CPD); DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY;**

**PROVING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WITHDRAWN - RESOLUTION NO. 357-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS AND CONDITIONS FOR THE 3111 SOUTH DIXIE COMMERCIAL PLANNED DEVELOPMENT (CPD); GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21185](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4681-16, changing the Future Land Use designation of ±4.91 acres, located at 3111 South Dixie Highway, from Commercial to Commercial East. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with one of more of the standards found in Future Land Use Element Policy 1.1.7 of the City's Comprehensive Plan.

APPROVE Ordinance No. 4682-16, changing the zoning designation of ±9.32 acres, located at 3111 South Dixie Highway, from Neighborhood Commercial and Office Commercial to General Commercial This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background:**

AS PROVIDED IN A LETTER DATED MAY 15, 2017, THE APPLICANT HAS VOLUNTARILY WITHDRAWN ORDINANCE NO. 4683-16 AND RESOLUTION NO. 357-16 FROM THEIR REQUEST (SEE ATTACHED LETTER). AS SUCH, ANY REFERENCES TO THE PREVIOUSLY-PROPOSED COMMERCIAL PLANNED DEVELOPMENT (CPD) AND PROPOSED SITE PLAN HAVE BEEN REMOVED AND ARE NO LONGER APPLICABLE.

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

Located on the west side of South Dixie Highway, approximately ¼ mile south of Belvedere Road, and ½ mile north of Southern Boulevard, the subject property consists of a single parcel totaling ±9.32 acres. Originally constructed as a retail center, including a Sears and Winn-Dixie grocery, the property was eventually converted into an office complex and is now occupied by a one- and two-story office building consisting of over 170,000 square feet. The site is primarily designed as a suburban-style development with the building pushed to the far west side of the property, away from the main thoroughfare and over 5.36 acres of surface parking located in front of the building. The parking equates

to approximately 58% of the property. In recent years the property has seen an increase in vacancy due to its age, market forces, and the availability of higher-quality office space in other areas of the City and county.

To provide for a consistent FLU designation across the entire property, a zoning district that is in line with that area of the South Dixie Highway corridor, and provide viable options for redevelopment of the site in the future, the Applicant has submitted requests to change the current FLU designation on a portion of the site, and change the zoning designation on the entire parcel. Summarized below, a full description and analysis of these requests is provided in ATTACHMENT 1.

#### FUTURE LAND USE MAP AMENDMENT – ORDINANCE NO. 4681-16

The subject property currently has two Future Land Use (FLU) Designations that correspond with an evolution of the City's Comprehensive Plan and its many objectives and policies relating to the South Dixie Highway corridor; a Commercial (C) FLU designation exists across the western-most ±4.91 acres and a Commercial East (CE) FLU designation on the eastern-most ±4.41 acres. In order to provide for the mixed- or multiple-use development across the entire property and have one consistent FLU designation, the Applicant is requesting that the FLU designation of the western-most ±4.91 acres be changed from C to CE.

#### REZONING – ORDINANCE NO. 4682-16

The Applicant is also requesting that the property be rezoned to General Commercial (GC). The proposed rezoning will allow for the introduction of residential uses (which currently is prohibited on much of the site) as well as maximize the development potential and synergy that can be created. Please refer to the Staff Report (ATTACHMENT 1) for Staff's analysis.

**CONCLUSION:** The Development Services Department – Planning Division believes that the requests comply with all of the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations. Therefore, Staff is recommending approval subject to the conditions contained in Resolution No. 357-16.

**PLANNING BOARD:** After a Public Hearing on October 18, 2016, the Planning Board voted as follows:

- Future Land Use Map Amendment (Ordinance No. 4681-16): Approval (6-1).
- Rezoning to General Commercial (Ordinance No. 4682-16): Approval (6-1).

**PUBLIC NOTICE:** Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 4681-16 was advertised in the Palm Beach Post on December 14, 2016. Ordinance Nos. 4682-16 was advertised on December 9, 2016.

COMMISSION DISTRICT: The site is located within Commission District No. 5 – Commissioner Shanon Materio.

**Fiscal Note:**

No fiscal impact.

21. **Public Hearing and First Reading of Ordinance No. 4700-17 approving the designation of 234 Pershing Way on the West Palm Beach Local Register of Historic Places.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 234 PERSHING WAY, AS AN HISTORIC PROPERTY ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21397](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4700-17, designating 234 Pershing Way, as a Historic Site on the West Palm Beach Register of Historic Places. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Historic Preservation Board, and the finding that the criteria set forth in Sec. 94-48 of the Zoning and Land Development Regulations has been met.

**Background:**

The property at 234 Pershing Way is a one-story masonry block single-family house built in 1953 by Paul Hunter. Minimalist in style, this one-story midcentury home exemplifies a low horizontal profile, flat concrete tile roof, and exposed rafter details over the shed roof extension that shelters the front door. The former carport to the west was enclosed in 1966 as a garage. The interior features restored terrazzo floors and consists of five rooms, including two bathrooms.

This house is an excellent example of the midcentury style that characterizes later residential infill in the Land Boom-era (1920s) neighborhoods. Although the windows were replaced, the house retains integrity of design and workmanship. It meets Criteria A and C as defined in Article IV, Section 1 of the Historic Preservation Ordinance (3554-02). Specifically, the building is at least 50 years old and it embodies the distinctive characteristics of a type, period or method of construction.

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

**Fiscal Note:**

No fiscal impact.

22. **Public Hearing of Resolution No. 155-17 approving a Development of Significant Impact (DSI) at 300 N. Flagler Drive to construct an eight (8) story 107 room hotel,**

**including a restaurant/bar and meeting rooms, with a total of 94,363 square feet of gross building area pursuant to an application submitted by Samuel E. Poole, III, Esq., of Berger Singerman, on behalf of Palm Harbor Hotel, LLC.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A DEVELOPMENT OF SIGNIFICANT IMPACT TO CONSTRUCT AN EIGHT-STORY 107 ROOM HOTEL, INCLUDING A RESTAURANT AND A BAR WITH A TOTAL OF 94,363 SQUARE FEET OF GROSS BUILDING AREA, LOCATED AT 300 N. FLAGLER DRIVE; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY AND THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21401](#)**

**Staff Recommended Motion:**

APPROVE Resolution No. 155-17, approving a Development of Significant Impact at 300 N. Flagler Drive to construct an eight-story 107 room hotel, including a restaurant/bar and meeting rooms, with a total of 94,363 square feet of gross building area. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards set forth in Section 94-35(c) and Section 94-36(e)(3) and (4) of the City's Zoning and Land Development Regulations.

**Background:**

The subject parcel, identified as 300 North Flagler Drive, is part of a larger property, known as Palm Harbor Marina, located east of Flagler Drive between the Flagler Memorial Bridge and Banyan Boulevard. The property is owned by the City of West Palm Beach. In 1968, the City entered into a 99-year lease agreement of the uplands and the submerged lands with West Palm Beach Marina, Inc. (Ordinance No. 10-59-68). In 1979, the City approved a consolidated and amended lease agreement with the original tenant's successor in interest to authorize the construction of the existing Waterview Towers, a 22-story residential condominium with 132 units. The same Ordinance provided for the construction of a marina and restaurant facilities, a multi-level parking garage, and a four-story commercial office building which could be constructed in the discretion of the lessee (Ordinance No. 1455-79). The garage, and the marina were completed at the time, but the originally authorized four-story commercial office building was not developed at the time.

The portion of the property designated for the construction of the commercial office building is identified in the Declaration of Condominium by the developer as Unit C-2, and comprises approximately 1.47 acres of upland premises. Unit C-2 is the subject property of the DSI application. Unit C-2, owned by Leisure Resort, LLC, is the subject of a development agreement with the City which anticipates the construction of a hotel on the uplands portion of the Palm Harbor Marina. An application has been submitted by Samuel E. Poole, III, Esq., of Berger Singerman, on behalf of Palm Harbor Hotel, LLC.

The entire property, including the Waterview Towers and the uplands portion, is not included within the boundaries of the Downtown Master Plan (DMP), therefore the DMP regulations are not applicable to the site. The site is designated as City Center-2 and subject to the CC-2 regulations.

#### A. Project Description

The proposed Palm Harbor Marina Hotel would be located on the north east corner of Banyan Boulevard and Flagler Drive, on the portion of the site currently occupied by an existing surface parking lot south of the Waterview Towers condominium, and identified as Unit C-2 by the Declaration of Condominium for the property. The site is located at the north end of the City's Waterfront Park, and it is adjacent to the renovated Palm Harbor Marina.

The existing surface parking lot is currently utilized by the 196 slip marina. With the construction of the proposed hotel the existing surface parking lot is going to be removed, and the parking for the marina use will be relocated to the existing parking garage located north of the residential building. According to documents provided by the applicant, a total of 166 spaces are reserved for the marina use inside the parking garage. The 196 slip marina requires a total of 98 parking spaces plus 12 spaces for the convenience store, administrative office and crew amenities space associated with the marina use. The 166 parking spaces reserved inside the parking garage for the marina use exceeds the 110 parking spaces required by the Code.

The proposed hotel would consist of an eight-story building, 75 feet in height to the finished floor of the roof top garden, and includes 107 hotel rooms, 2,630 square feet of meeting space, and a 4,766 square feet restaurant/bar facility facing the waterfront. Along the waterfront promenade, the project proposes a public plaza which includes a water fountain, landscape and seating.

The project parking is accommodated through two separate surface parking lots. The south parking lot, located south of the hotel building, includes a 35 space surface parking lot and the drop-off area. The north parking lot, located north of the hotel building, includes 17 parking spaces, the loading area and garbage pick- up area. The total number of parking spaces required for the project is 37 spaces, and the project is proposing 52 spaces. From the total 52 spaces proposed, the 17 spaces located on the north surface parking lot are valet only spaces.

Immediately north of the project is the Waterview Towers Condominium, located approximately 70 feet from the north property line. The pool deck for the residential tower is located between the existing tower and the proposed surface parking lot, and approximately 130 feet from the hotel building. Shadow studies provided by the applicant indicate that the proposed hotel building at 75 feet in height does not impact the sun exposure over the pool.

B. Request

The applicant, Palm Harbor Hotel, LLC, is requesting the approval of a 107 room hotel with 4,766 square feet restaurant/bar and 2,630 square feet meeting space, with a total gross building area of 94,363 square feet. Because the proposed hotel exceeds 50,000 square feet, Section 94-36 of the City's Zoning and Land Development Regulations (ZLDRs) provides that such development be considered a Development of Significant Impact (DSI) and subject to review by the City's Planning Board and City Commission.

Based upon the provisions of Section 94-38(c) of the City's ZLDRs, DSIs are not authorized to request variances or waivers; the proposed development has indicated compliance with all of the development regulations of the ZLDRs and no waivers/variances are proposed.

C. Analysis

It is Staff's professional opinion that the proposed development of the site is consistent with the CC-2 Lakefront district zoning designation within which it is located, as well as compatible with the existing and proposed uses in the surrounding area. The construction of a new hotel along the waterfront will be a great amenity for the downtown area, compatible with the adjacent residential and office uses, and an improvement from the existing surface parking lot.

The subject parcel at 64,511 square feet exceeds the 20,000 square feet minimum lot size required by the CC-2 Lakefront district for hotel uses. The proposed project is also in full compliance with the allowable development intensities by proposing a 1.46 Floor Area Ratio (FAR) while the maximum allowed for nonresidential land uses is 2.5 FAR.

The proposed waterfront plaza complies with the requirements of the CC-2 Lakefront district, and provides an enhanced experience for waterfront user. The plaza area includes seating, landscaping, and bike parking. The plaza is also designated for the future location of the art piece required by the Art in Public Places regulations. The applicant has worked with staff to screen, to the extent possible, the existing FPL transformer box along the waterfront promenade, and mitigate its negative impact on the pedestrian realm.

The proposed project complies with all the requirements of the CC-2 Lakefront district.

D. Interdepartmental and Inter-jurisdictional Review: On December 14, 2016, the project was reviewed by the Plans & Plats Review Committee (PPRC). The applicant has resubmitted drawings and comments in response to the original PPRC hearing and it has satisfactorily addressed Staff's comments and concerns, subject to the conditions of approval.

Traffic Concurrency: On December 28, 2016 the Palm Beach County Traffic Engineering Division issued a Traffic Performance Standard (TPS) approval letter for the proposed project.

School Concurrency: Not required; no residential units are proposed.

E. Public Notice: In accordance with Section 94-39(i) and (j) of the City's ZLDRs, notices of the Public Hearing were mailed to all property owners within 500 feet of the subject property. Additionally, signage was posted on the site in accordance with the requirements of Section 94-39(i)(5).

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

**23. Public Hearing of Resolution No. 158-17: A request by Joseph Verdone of Carton Fields P.A., on behalf of CREF Esperante, LLC, for a Major amendment to the Esperante Downtown Planned Development to modify the landscape requirements.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ESPERANTE DOWNTOWN PLANNED DEVELOPMENT (DPD), LOCATED AT 222 LAKEVIEW AVENUE, MODIFYING A LANDSCAPE CONDITION INCLUDED IN RESOLUTION NO. 176-16; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21398](#)**

**Staff Recommended Motion:**

APPROVE Resolution No. 158-17 amending the Esperante DPD to modify the landscape requirements. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards set forth in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background:**

Located between Lakeview Avenue and Okeechobee Boulevard, Olive Avenue and Chase Street, the Esperante Downtown Plan Development (DPD) was originally approved in 1985 by Ordinance No. 1909-85, and subsequently amended by Ordinance No. 1938-86, Ordinance No. 1965-86, and Ordinance No. 2980-96. The DPD consists of one office tower, a four-story north wing, and a separate parking structure. The office tower is 21 stories in height, with the three top stories dedicated to residential uses, and includes a total square footage of 292,204 sf. The parking garage is an eight level structure with 746 spaces and 37,412 sf of retail uses along Lakeview Avenue and Okeechobee Boulevard.

On May 11, 2015 City Commission adopted Resolution No. 107-15 establishing a new master sign plan for the plan development, and authorizing several modifications to the site plan including: a) the demolition of an existing retail area, b) the construction of a new retail area on the first floor, c) the construction of a new drop-off area along Chase Street, and d) the construction of a new bank drive through between the parking garage and the office tower.



Subsequently, on December 4, 2015 staff approved PB 835L, a minor amendment authorizing the construction of a drive through within the parking garage. This drive through replaced the proposed drive through approved by Resolution No. 107-15.

On July 18, 2016, the City Commission adopted Resolution No. 176-16 further modifying the Master Sign Plan adopted by Resolution No. 107-15 and reflecting the removal of the bank drive-thru authorized as minor amendment PB 835L.

Resolution No. 176-16, Section 10, item 5, included a specific condition regarding the installation of a new planter with a palm tree along Lakeview Avenue east of the loading access. The applicant is requesting that this condition be removed due to its encroachment into the roadway line of sight required by the Florida Department of Transportation.

The proposed amendment was reviewed by Planning Board at its April 18, 2017 hearing and approved (7-0).

Public Notice: In accordance with Section 94-39(i) and (j) of the City's ZLDRs, notices of the Public Hearing were mailed to all property owners within 500 feet of the subject property. Additionally, signage was posted on the site in accordance with the requirements of Section 94-39(i)(5).

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

**COMMENTS BY THE CITY COMMISSIONERS:**

**COMMENTS BY THE MAYOR:**

**ADJOURNMENT:**

**\*Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written and written communications shall be placed in the record; and 2) site visits, investigations, etc.**

**NOTICE: IF ANY PERSON DECIDES TO APPEAL ANY DECISION OF THE CITY COMMISSION AT THIS MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THAT PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY OF WEST PALM BEACH DOES NOT PREPARE OR PROVIDE SUCH A RECORD.**