



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**May 6, 2019
5:00 P.M.**

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

**MAYOR
KEITH A. JAMES**

CITY COMMISSION

PRESIDENT CHRISTINA LAMBERT

COMMISSIONER KELLY SHOAF

COMMISSIONER CORY NEERING

COMMISSIONER RICHARD A RYLES

COMMISSIONER JOSEPH A. PEDUZZI

ADMINISTRATION

CITY ADMINISTRATOR, JEFFREY L. GREEN

CITY ATTORNEY, KIMBERLY ROTHENBURG

CITY CLERK, HAZELINE CARSON

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

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

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

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

PRESENTATION AND AWARDS OF MERIT (1-2):

1. Proclamation establishing May 2019 as Building Safety Month. Proclamation will be accepted by Robert Brown, Building Official, and Peter LeDuc, Fire Marshal. **PRESENTED**
[Agenda Cover Memorandum No.: 22440](#)
2. Proclaiming May 6-10, 2019 Drinking Water Week. Proclamation to be accepted by Assistant City Administrator Scott D. Kelly and Penni Redford, Manager of the Mayor's Office of Sustainability. **PRESENTED**
[Agenda Cover Memorandum No.: 22447](#)

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

CONSENT CALENDAR (3-8): ALL CONSENT ITEMS (3-8) APPROVED

3. **Minutes of the Regular City Commission Meeting of April 22, 2019.**
[Agenda Cover Memorandum No.: 22446](#)

Staff Recommended Motion:
Approve the Minutes of the Regular City Commission Meeting held on April 22, 2019.
4. **Resolution No. 158-19 authorizing the assessment of city liens in the total amount of \$28,359.05 for unpaid water service, sewer service, and stormwater service charges for the month of February 2019.**

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

[Agenda Cover Memorandum No.: 22436](#)

Staff Recommended Motion:

Approve Resolution No. 158-19.

Background:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 158-19 are for unpaid water service, sewer service and stormwater service charges for the month of February 2019. The list of properties to be assessed and the associated charges totaling \$28,359.05 are attached to Resolution No. 158-19 as EXHIBIT A - UTILITY LIEN LIST - FEBRUARY 2019. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

5. **Resolution No. 165-19(F) providing appropriations for the Martin Luther King (MLK) Memorial Refurbishment/Improvements and the Amtrak Tri-Rail Platform Canopy Replacement.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE 2016B CAPITAL IMPROVEMENT FUND BUDGET TO PROVIDE APPROPRIATIONS TO REBUILD THE MARTIN LUTHER KING MEMORIAL AND TO REPLACE THE PLATFORM CANOPY AT THE AMTRAK TRI-RAIL STATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22439](#)

Staff Recommended Motion:

Approve Resolution No. 165-19(F).

Background:

Resolution No. 165-19(F) provides appropriations for the Martin Luther King (MLK) Memorial Refurbishment/Improvements in the amount of \$175,380 and appropriations for the Amtrak Tri-Rail Platform Canopy Replacement in the amount of \$58,840.

Fiscal Note:

Upon approval, approximately \$20,100 will be available in Reserves for the 2016B Bond Fund.

6. **Resolution 146-19 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; and Resolution No.143-19(F) accepting the grant funds.**

RESOLUTION NO. 146-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND USA SWIMMING FOUNDATION ACCEPTING A 2019 MAKE A SPLASH GRANT FOR LEARN TO SWIM PROGRAM SCHOLARSHIPS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 143-19(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE 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.: 22437](#)

Staff Recommended Motion:

Approve Resolution No. 146-19 and Resolution No. 143-19(F).

Background:

The City of West Palm Beach is an entitlement recipient of Make a Splash grant funds from the USA Swimming Foundation. The City will utilize the grant funds to provide 135 children with free or reduced-cost swim lessons. The lessons provided will be quality, multi-level learn-to-swim sessions designed for at-risk students. Exposure to the sport of swimming will also expand fitness and recreational opportunities for these children.

The objectives of the learn-to-swim program include:

1. Preparing young children to be safer in, on and around bodies of water by teaching water safety skills that could ultimately save lives.
2. Positively impacting young people in the City of West Palm Beach at the Warren Hawkins Aquatic Center by developing lifelong skills that combat childhood obesity by increasing health, recreational and fitness opportunities.
3. Utilizing a multi-level, progressive swimming program to teach children the process of achieving – encourage them to dream, set worthy goals, work towards those goals, be a good teammate, and achieve measurable results.
4. Enhancing the positive impact of the Warren Hawkins Aquatic Center Aquatic program by offering skills which in turn reduce drowning occurrences.

Fiscal Note:

No fiscal Impact. Approval of grant funds will allow for swimming lessons to at-risk youth.

7. **Resolution No. 170-19 approving a License Agreement with Safe Parking, LLC, for the City use of the property located at 300 Banyan Blvd. for the City to install, operate and maintain a trash compactor.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND SAFE PARKING, LLC, FOR THE USE OF THE PRIVATELY-OWNED PROPERTY LOCATED AT 300 BANYAN BOULEVARD FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A CITY OWNED TRASH COMPACTOR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22450](#)

Staff Recommended Motion:

Approve Resolution No. 170-19.

Background:

Safe Parking, LLC owns the property located at 300 Banyan Blvd. The City desires to license a portion of the space to install, operate and maintain one (1) four cubic yard trash compactor on the property. The agreement grants the City a license to utilize the property for these purposes in exchange for a \$700.00 monthly fee. The fee will be increased at 3% per year. The City will be responsible for maintenance of the compactor which includes pressure cleaning and painting the compactor, emptying the compactor, eliminating rodents, bugs or odors caused by the compactor, and installing appropriate lighting to illuminate the area around the compactor. Additionally, the City will be responsible for the electricity costs associated with operation of the compactor. Either party may terminate the Agreement upon 60 days' notice.

The Sanitation budget has sufficient available operating budget to absorb the additional costs for FY 2019.

8. **Resolution No. 176-19(F) approving budget appropriations of \$48,000 for the purchase and implementation of an Optical Character Recognition application.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/19 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET FOR THE FINANCE DEPARTMENT TO PROVIDE APPROPRIATIONS FOR THE PURCHASE AND IMPLEMENTATION OF AN OPTICAL CHARACTER RECOGNITION APPLICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22451](#)

Staff Recommended Motion:

Approve Resolution No. 176-19(F).

Background:

In an effort to streamline the Account Payables (AP) process the Finance Department has requested the implementation of an Optical Character Recognition (OCR) product that will work with the City's existing Quillix and FileNet applications. OCR is a technology that scans paper documents and turns them into digital documents, in the instance of the AP process this technology will read invoices and populate information automatically into a database. Implementation of an OCR product will reduce manual input time currently expended by Department staff.

To fulfill this, request the IT Department seeks approval to engage with User Friendly Consulting (UFC) to purchase and implement the ABBYY OCR product. This application integrates seamlessly with Quillix and FileNet, addressing the Finance Departments' OCR needs. The City has worked with UFC staff for over ten years through its contract with DAS, the owner of FileNet, and UFC has implemented other Quillix modules (FileNet Release QSX and Rendition QSX) for the City. UFC has been an implementor for ABBYY since 1999 and 90% percent of its work focuses on ABBYY and Quillix systems. Additionally, the UFC headquarters is close, located in Riviera Beach, making onsite support easier if needed.

Given its expertise in ABBYY application implementations and its knowledge of the City's existing architecture of the FileNet and Quillix system we respectfully request approval to contract with UFC. UFC will provided licenses for ABBYY and perform the implementation a not to exceed amount of \$43,884. This contract will be funded from the Finance Department Professional Services budget.

Fiscal Note:

Approval will provide budgeted funds of \$48,000 for User Friendly Consulting to purchase and implement the Optical Character Recognition application.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (9-12):

- 9. Resolution No. 171-19 **APPROVED** for approving the Second Amendment to the Project Funding Agreement with the West Palm Beach Community Redevelopment Agency for additional funding the Clematis Streetscape Project-Phase 2 based on the Guaranteed Maximum Price; and Resolution No. 172-19 **APPROVED** approving the Guaranteed Maximum Price for Clematis Streetscape Phase 2 - the 100 & 200 Blocks and the First Amendment to the Construction Contract with Burkhardt Construction establishing the GMP.**

RESOLUTION NO. 171-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SECOND

AMENDMENT TO THE PROJECT FUNDING AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR THE CLEMATIS STREETSCAPE PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 172-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR CLEMATIS STREETSCAPE – PHASE 2 (100 & 200 BLOCKS) BETWEEN THE CITY OF WEST PALM BEACH AND BURKHARDT CONSTRUCTION TO ESTABLISH A GUARANTEED MAXIMUM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22449](#)

Staff Recommended Motion:

Approve Resolution Nos. 171-19 and 172-19.

Background:

By Resolution No. 72-19, the City Commission approved the design features of the Clematis Streetscape Project, Phase 2 - the 100 & 200 Blocks.

The City and Burkhardt Construction, Inc., have entered into the Construction Manager at Risk Contract for Clematis Streetscape - Blocks 100 & 200, dated March 4, 2019. Pursuant to Sections 2.4.6, 2.6 and 7.4 of the Contract, the Guaranteed Maximum Price (“GMP”) for Phase 2 shall be established by a formal written amendment to the Contract.

Resolution No. 172-19 approves the Guaranteed Maximum Price (“GMP”) for Phase 2 (100 & 300 Blocks) and authorizes execution of the First Amendment to the construction contract establishing the GMP for Phase 2 at \$7,249,199.03.

By Resolution No. 71-18, the City Commission of the City of West Palm Beach approved that Project Funding Agreement for the Clematis Streetscape with the West Palm Beach Community Redevelopment Agency. By Resolution No. 141-18, the City Commission approved the First Amendment to the Project Funding Agreement by which the CRA provided additional funding for Phase 1 of the Clematis Streetscape project.

The CRA wishes to fund the Clematis Streetscape Phase 2 Project in an amount not to exceed \$7,600,000.

Resolution No. 171-19 approves the Second Amendment to the Project Funding Agreement with the CRA for funding the Clematis Streetscape Project-Phase 2 (Blocks 100 & 200).

COMMISSION DISTRICT: The project is located in Commission District 3 - Commissioner Richard Ryles.

Fiscal Note:

Funding will be provided with CRA bond proceeds.

10. **Resolution No. 159-19 APPROVED approving the design of neighborhood designation street sign toppers for Pleasant City and authorizing the installation by the CRA of the sign toppers on City street signs in City rights-of-way.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE PLEASANT CITY NEIGHBORHOOD DESIGNATION SIGN TOPPERS; AUTHORIZING THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY TO INSTALL THE SIGN TOPPERS ON CITY STREET SIGNS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22438](#)

Staff Recommended Motion:

Approve Resolution No. 159-19.

Background:

In November 2005, the CRA Board formally adopted the Strategic Finance Plan for the Northwood/Pleasant City CRA District. Pleasant City is identified as a sub-district of the plan. The CRA identified and completed infrastructure and streetscape improvements as part of the plan.

Currently, plans have been developed to purchase and install decorative neighborhood designation markers, in the Pleasant City neighborhood. The CRA proposes to design and install seventeen neighborhood demarcation sign toppers (along Dixie Highway and Spruce Street). The proposed locations for the seventeen (17) sign toppers are on top of existing City signs in City right-of-way: (Exhibit A).

Dixie Highway west side 16th – 23rd Street

Spruce east side 15th – 23rd Street

The signage plan was discussed and reviewed with the Pleasant City First Neighborhood Association and the Association has expressed its support of the plan and neighborhood designation signs, including the sign toppers.

The CRA passed Resolution No. 19-8 on April 8th, approving the design of the neighborhood sign toppers.

The CRA budgeted \$24,538 for the purchase and installation of the neighborhood designation signs for Pleasant City.

Because the neighborhood designation sign toppers will be installed on City signs located in City right-of-way, the CRA is seeking City approval of the design of the sign toppers and authorization for installation on the identified City signs in City right-of-way.

Fiscal Note:

Project is fully funded and approved in the CRA Budget.

11. **Resolution No. 17-19 APPROVED authorizing approval of a Supplemental Agreement with the Florida Department of Transportation removing \$752,835.00 in federal funding for the Tamarind Avenue Streetscape Project.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REGARDING THE TAMARIND AVENUE STREETScape PROJECT FROM BANYAN BOULEVARD TO PALM BEACH LAKES BOULEVARD; APPROVING A SUPPLEMENTAL AGREEMENT TO THE LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WEST PALM BEACH TO REMOVE THE FUNDING AND TERMINATE THE LAP AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22432](#)

Staff Recommended Motion:

Approve Resolution No. 17-19.

Background:

The Tamarind Avenue Streetscape Project was proposed to provide necessary improvements that will enhance the pedestrian comfort and safety for this road and to improve the aesthetics of this downtown street which serves as a gateway to the downtown and helps connect City activity nodes such as the Palm Tran intermodal station, Seaboard Train Station, and UB Kinsey Elementary School. In addition, this section of Tamarind Avenue completes a connection to the downtown/pedestrian activity nodes with the previously approved Tamarind Avenue Transportation Enhancement grant (section between Palm Beach Lakes Boulevard and 25th Street). The improvements and beautification of Tamarind Avenue between Banyan Boulevard and Palm Beach Lakes Boulevard is an identified and approved neighborhood initiative in the Community Redevelopment Agency Strategic Finance Plan.

The original Project scope included milling and resurfacing the existing roadway, construction of sidewalks where none exist on the West side of Tamarind Ave from Banyan Boulevard to 6th Street, enhancement of pedestrian crosswalks, pedestrian level lighting, installation of landscaping, trash receptacles, benches and bicycle racks, signage and street striping. The estimated Project cost was approximately \$4 million, including design, environmental assessment, construction, construction management, and contingency.

Resolution No. 8-17 approved a Local Agency Program Agreement with FDOT providing \$752,835 in federal funds toward the Tamarind Avenue Streetscape Project (Palm Beach Lakes to 25th St.). Resolution No. 20-17 granted "Face of the City" approval of the design features for the proposed improvements to Tamarind Avenue Streetscape Project from Banyan Boulevard to Palm Beach Lakes Boulevard.

Within the corridor of the Project, improvements of City's aging infrastructure (water, sanitary sewer, and stormwater) are required. Such utility improvements involve replacement of vitrified clay sanitary sewer pipes, cast iron water mains, and deteriorating reinforced concrete stormwater system. Based on the updated construction cost estimate, additional funding was required. Resolution No. 316-17(F) provided additional funding of \$3,828,000 for the utility work.

During the further development of the Project, the City discovered a series of additional improvements necessary to complete the Project but were not in the initial scope of work. These now include:

1. Undergrounding of FPL services to provide adequate ADA pedestrian access.
2. Water and Sewer improvements with SFRTA Permitting.
3. Contamination assessment which triggers dewatering permitting needs and environmental monitoring or remediation during construction.
4. Lighting and tree canopy cannot be installed West of Tamarind Avenue due to proximity of the SFRTA railroad.
5. Existing roadway cross slopes exceeds the minimum requirements and need to correct to meet design standards.
6. Drainage relocation to accommodate new sidewalks.
7. Relocation of existing sewer main to allow for shade trees and robust landscaping.
8. Public requests to add additional landscaping adjacent to Freshwater Lakes.

Due to the additional utilities improvements, the Project no longer meet the original intent of the grant application and no longer conforms to the grant LAP Agreement.

Resolution No. 17-19 approves a Supplemental Agreement with FDOT which removes the federal funding from the Project and terminates the LAP Agreement.

The City is committed to provide the full scope of work and improvements for this project and construction to commence in 2019.

COMMISSION DISTRICT: Commission District 1: Commissioner Richard Ryles.

Fiscal Note:

Budget appropriations were not carried forward anticipating this de-obligation of funds, therefore, no Fiscal impact for 2019 as no revenue and no expenditures occurred.

12. **Resolution No. 168-19 APPROVED amending the City's Salary Plan for FY 2018-19 by creating the job classifications of Special Projects Manager, Director of the Office**

of Equal Opportunity and Director of the Office of Neighborhoods First Initiative. Resolution No. 175-19(F) **APPROVED** amending the full time equivalent (F.T.E.) personnel budget of the Mayor's Office and Resolution No. 160-19(F) **APPROVED** providing budget appropriations for personnel changes and for various expenditures related to the Mayor's office transition.

RESOLUTION NO. 168-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 264-18, APPROVED ON SEPTEMBER 24, 2018, AND AMENDED THEREAFTER, TO CREATE THE JOB CLASSIFICATIONS OF SPECIAL PROJECTS MANAGER, DIRECTOR OF THE OFFICE OF EQUAL OPPORTUNITY, AND DIRECTOR OF THE OFFICE OF NEIGHBORHOODS FIRST INITIATIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 175-19(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E) PERSONNEL DETAIL OF THE GENERAL FUND FOR THE MAYOR'S OFFICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 160-19(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/19 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET FOR THE MAYOR'S OFFICE TO PROVIDE APPROPRIATIONS FOR PERSONNEL CHANGES, ADDITION OF THREE VEHICLES AND VARIOUS OTHER EXPENDITURES RELATED TO THE MAYOR'S OFFICE TRANSITION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22448](#)

Staff Recommended Motion:

Approve Resolution No. 168-19; Resolution No. 175-19(F) and Resolution No. 160-19(F).

Background:

Resolution No. 168-19 amends the City's Salary Plan for FY 2018-19 by creating the job classifications of Special Projects Manager, Director of the Office of Equal Opportunity, and Director of the Office of Neighborhoods First Initiative.

The Special Projects Manager will be responsible for performing senior level and experienced professional work in project management. This position is responsible for planning, managing, and coordinating a variety of projects; work involves interaction with employees, consultants, regulatory agencies, contractors and the public, and requires

independent judgment and decision making which directly affects all aspects of projects and related funding. This job classification will be allocated to pay grade 71 with a salary range of \$72,573 - \$112,413.

The Director of the Office of Equal Opportunity will be responsible for monitoring and enforcing codified ordinances as a way of promoting equity and including efforts through compliance to goals and promoting "Self Help." This job classification will be allocated to pay grade GM17 with a salary range of \$121,330 - \$181,995. This position is eligible for Management Benefits Category I.

The Director of the Office of Neighborhoods First Initiative will oversee the Mayor's Neighborhood's First Initiative/Advisory Group and communicates the concerns of residents, community groups, and local businesses in the City of West Palm Beach. The incumbent develops and maintains a response program that receives and tracks various internal and external concerns and requests related to community concerns in the City, identifies appropriate City resources and develops methods to improve community relations and customer service. This job classification will be allocated to pay grade 73 with a salary range of \$76,247 - \$118,104.

Two (2) Assistant City Administrator full time positions will be added to the City Administration division of the Mayor's office.

One (1) Development Services Director full time position will be deleted;
One (1) Director of Procurement full time position will be deleted.
One (1) Housing and Community Development Program Manager full time position will be deleted.

Resolution No. 175-19(F) amends the Full Time Equivalent personnel detail of the general fund.

Resolution No. 160-19(F) amends the Budget to provide line item appropriations in the general fund for personnel changes and for various other expenditures for the Mayor's Office transition. Appropriation of budget is needed to add three (3) vehicles, add computers and office equipment and operating expenditures along with contractual and professional services to implement new programs and operational needs.

The fiscal impact of the personnel changes will require additional FY 2020 Budget of approximately \$325,000.

Fiscal Note:

Upon approval, approximately \$4,528,842 will be available in unassigned fund balance in the General Fund.

**PUBLIC HEARING – QUASI JUDICIAL (13-18):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

13. **Public Hearing of Resolution No. 148-19 **CONTINUED** approving the plat entitled “Miotto Plat.”**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “MIOTTO PLAT,” CONSISTING OF TWO SEPARATE LOTS, AND CONTAINING A TOTAL OF 1.55 ACRES, GENERALLY LOCATED EAST OF SOUTH STREET, BETWEEN 25TH COURT AND 26TH STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ITEM CONTINUED TO MAY 20, 2019.

14. **Public Hearing of Resolution No. 128-19: **APPROVED** Regarding a request by Jon E. Schmidt of Schmidt Nichols, on behalf of Coral P.B. Real Estate, LLC, for a Major Amendment to the Palms Gateway Commercial Planned Development, located at the southeast corner of Belvedere Road and Australian Avenue, to amend the approved Master Development Plan and Master Freestanding Sign Program, and to provide for the construction of a 14,683 square foot motor vehicle sales and service establishment on Tract #3 of the planned development.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PALMS GATEWAY COMMERCIAL PLANNED DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF BELVEDERE ROAD AND AUSTRALIAN AVENUE TO MODIFY THE MASTER DEVELOPMENT PLAN AND MASTER FREESTANDING SIGN PROGRAM, AND TO PROVIDE FOR THE CONSTRUCTION OF A 14,683 SQUARE FOOT MOTOR VEHICLE SALES AND SERVICE ESTABLISHMENT ON TRACT #3 OF THE PLANNED DEVELOPMENT; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22443](#)

Staff Recommended Motion:

APPROVE Resolution No. 128-19, which will approve the Major Amendment to the Palms Gateway Commercial Planned Development to modify the approved Master Development Plan and the approved Master Freestanding Sign Program, and to provide for the construction of a 14,683 square foot motor vehicle sales and service establishment on Tract #3 of the planned development.

Background:

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

The Palms Gateway Commercial Planned Development (CPD) is 8.84 acres in size and is located at the southeast corner of Belvedere Road and Australian Avenue. The CPD is comprised of four (4) development tracts. To date, site plan approvals have been granted for three (3) of the four (4) development tracts. The approvals are summarized below:

Ordinance No. 4572-15: Construction of a 6,119 square foot WaWa gas station and convenience store on Tract #1. [Construction completed in 2017.]

Resolution No. 96-17: Construction of a 5-story, 111,686 square foot self-storage building on Tract #4. [Currently under construction.]

Resolution No. 233-18: Construction of a 2,418 square foot Del Taco fast food restaurant with drive-through on Tract #2. [Approved in 2018.]

The applicant is requesting a Major Amendment to the Palms Gateway CPD. The amendment, if approved, would modify the approved Master Development Plan and Master Freestanding Sign Program, and provide for the construction of a 14,683 square foot Mitsubishi motor vehicle sales and service agency. The requested changes to the Planned Development are summarized below:

Master Development Plan:

The Master Development Plan establishes the development concept and parameters for the overall Palms Gateway CPD, including the number of developable tracts, circulation to the CPD and between internal tracts, type of uses permitted, and the maximum allowable building square footage for the planned development. The proposed change to the Master Development Plan is for a change of use from a Hotel to a Motor Vehicle Sales and Service Agency on Tract #3 of the CPD. A hotel use was originally approved on Tract #3 of the CPD; however, the developer of the planned development was unable to secure a tenant for the use. In October of 2018, Tract #3 was sold to the applicant with the intent to redevelop the Tract with a Mitsubishi motor vehicle sales and service center.

Staff has no issues with the amendment to the Master Development Plan. Per the Master Development Plan, any uses permitted by-right in the General Commercial (GC) zoning district (and additional uses as listed in Ordinance No. 4572-15) are allowed in the Palms Gateway CPD. The proposed Mitsubishi motor vehicle sales and service establishment is consistent with the uses permitted in the GC zoning district.

Site Plan (Mitsubishi vehicle sales and service establishment):

The applicant is seeking approval to provide for the construction of a two-story 14,683 square foot Mitsubishi motor vehicle sales and service building, with associated parking and outdoor storage for the display of vehicles on Tract #3 of the CPD. The Tract is approximately 2.8-acres in size, and it is located at the southwest quadrant of the CPD. The survey of Tract #3 is provided in ATTACHMENT II.

Staff does not have any issues with the proposed site plan. The site design conforms to the minimum standards of the Zoning and Land Development Regulations and of Resolution No. 96-17, which adopts additional development regulations for the CPD. The proposed Site Plan and Landscape Plan are provided in ATTACHMENTS III and IV.

Master Freestanding Sign Program:

In addition to the changes mentioned above, the applicant is also proposing to amend the approved Master Freestanding Sign Program by adding a new 10-foot tall “Mitsubishi Motors” freestanding sign at the southwest corner of Tract #3. The proposed double-sided monument sign will have a maximum of 222 square feet of sign area (111 square feet of sign area per face).

The proposed new monument sign is consistent with the requirements of Section 94-408(d)(2) of the Zoning and Land Development Regulations for low-freestanding signs in the GC zoning district, and therefore, Staff has no issues with the proposed amendment to the Master Freestanding Sign Program. The proposed Master Freestanding Sign Program is provided in ATTACHMENT V.

CONCLUSION: The Planning Division has determined that the requested amendment to the Palms Gateway CPD complies with all the required standards found in Section 94-32 of the City’s Zoning and Land Development Regulations. Compliance with the standards has been detailed in the attached Staff Report. Therefore, Staff is recommending approval of the request.

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

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. The Resolution was also advertised in the Palm Beach Post on April 26, 2019.

COMMISSION DISTRICT: The site is located within Commission District No. 5 – Commissioner Christina Lambert.

15. **Public Hearing and First Reading of Ordinance No. 4852-19: APPROVED Regarding the transfer of the site plan approvals and development conditions relating to the Metrocentre Commercial Planned Development (CPD), located at the southwest corner of 45th Street and Interstate 95 to a separate resolution; and**

Public Hearing of Resolution No. 132-19: DISCUSSED Approving a Major Amendment to the Metrocentre CPD to add a 35,085 square foot expansion to the existing building and construct a new stand-alone 20,000 square foot office building on Lot 10 (2400 Metrocentre Boulevard) and make other site improvements.

All of the above-referenced items are being requested by Chuck Millar of Kimley-Horn on behalf of TAM-CAT 45th St. LLC.

ORDINANCE 4852-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 2052-87, AS AMENDED, RELATING TO THE METROCENTRE COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED AT WEST OF INTERSTATE 95 AND SOUTH OF 45TH STREET, TO TRANSFER THE SITE PLAN APPROVALS AND RELATED CONDITIONS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION 132-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE METROCENTRE COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED WEST OF INTERSTATE 95 AND SOUTH OF 45TH STREET, TO ADD 35,085 SQUARE FEET TO THE EXISTING BUILDING ON LOT 10 OF METROCENTRE, AND CONSTRUCT A NEW 20,000 SQUARE FOOT OFFICE BUILDING ON SAID LOT, AND AMEND THE SITE PLANS ACCORDINGLY; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22435](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4830-19 to transfer the development conditions for the Metrocentre CPD to a separate resolution.

DISCUSS Resolution No. 35-19 [To be considered at Second Reading].

Background:

The subject property consists of ±4.0 acres and is located in the eastern portion of the 39.48-acre Metrocentre Commercial Planned Development (CPD). Metrocentre is located south of 45th Street and east of Village Boulevard, directly west of Interstate 95.

Metrocentre was established in 1987 and contains a total of 540,126 square feet in a mix of commercial uses including medical and professional offices, hotels, and restaurants. The CPD is divided into 16 lots, all of which have been developed. The subject parcel, Lot 10 of Metrocentre, contains an existing two story, 26,959 square foot building which was constructed in 1992. The building was most recently home to the Florida Culinary Institute, and since their departure has been vacant. The remainder of the site consists of an expansive surface parking lot, landscape buffers with mature oak trees, an internal courtyard, and small outdoor eating area on the south side of the existing building. The site has frontage along a large retention pond and is directly visible from Interstate 95.

The applicant, TAM-CAT 45th St. LLC, wishes to expand the existing two-story building on site by 35,085 square feet (for a total of 62,044 square feet) and construct a new 20,000 square foot free-standing office building on the northeastern portion of the site. The expansion to the existing building will be constructed in two stories and allow for the conversion of the building to office space. The new 20,000 square foot building will also consist of two stories. The proposed architecture of both the existing building expansion and new office building will be consistent with the Mediterranean Revival style which exists on the subject parcel today. The applicant is proposing to significantly enhance pedestrian connectivity throughout the site by providing sidewalks and crosswalks to connect both buildings to each other and establish a link from both buildings to Metrocentre Boulevard, none of which exists on the site today. Lastly, the applicant is proposing to preserve the mature live oak trees that line the buffers of the subject property, replace missing landscape material in the parking areas, and enhance the foundation plantings of both buildings.

The proposal as outlined exceeds the overall approved square footage (570,500 square feet) for the Metrocentre CPD as outlined in the Deceleration of Protective Covenants of Metrocentre Corporate Park. To date, approximately 540,126 square feet have been constructed within the CPD. Because the proposed building expansion and new office building (55,085 square feet total) exceeds the overall approved total, a Major Planned Development Amendment is required, pursuant to Section 94-207(e) of the City's ZLDRs.

CONCLUSION: In Planning Staff's professional opinion, the proposed amendment to the Metrocentre CPD complies with the standards required by the City's Comprehensive Plan and the Zoning and Land Development Regulations. Therefore, Staff is recommending approval.

PLANNING BOARD: After a Public Hearing on March 19, 2019, the Planning Board unanimously recommended approval (6-0) of the request.

Individual notices were mailed to all property owners within 500 feet of the property and signs were posted on the subject property. Ordinance No. 4852-19 and Resolution No. 132-19 will be advertised in the Palm Beach Post in advance of Second Reading.

COMMISSION DISTRICT: The Metrocentre CPD is in Commission District No. 2 - Commissioner Cory Neering.

16. **Public Hearing and Second Reading of Ordinance No. 4826-19 APPROVED for the re-designation of Northwood Harbor on the West Palm Beach Local Register of Historic Places.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RE-DESIGNATING NORTHWOOD HARBOR AS AN HISTORIC DISTRICT ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES, IDENTIFYING NEWLY CONTRIBUTING STRUCTURES AND CHANGE IN STATUS FOR SOME PROPERTIES TO NON-

CONTRIBUTING; ALLOWING THE ESTABLISHMENT OF BED AND BREAKFAST BUSINESSES WITHIN THE DISTRICT BOUNDARIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22445](#)

Staff Recommended Motion:

Approve Ordinance No. 4826-19.

Background:

This residential district consists of properties within the existing Northwood Harbor Historic District. The boundaries of the historic district are as follows: Centerline of 59th Street on the north, the centerline of 45th Street on the south, the centerline of North Flagler Drive on the east, and the western edge of the residential properties abutting the commercial properties fronting Broadway Boulevard. Northwood Harbor is significant for its role in community development. It is a portion of the larger North Palm Beach development, a Boom time subdivision in West Palm Beach. Development of the Northwood Harbor area began in circa 1915. Northwood Harbor is significant for its collection of architecture representative of the period from 1925 to 1967. The area has a significant collection of Mission Revival style houses, as well as a number of houses that reflect Post-War architecture. The area has several multi-family structures consistent with zoning changes and demand for housing in the Post-War Period. The district maintains the integrity of setting, design, materials and scale that reflect its development during the Florida Land Boom era of the 1920s, the Great Depression Era, the Post-War Period, and the Cold War Period. The unique qualities of this historic district can be preserved through the design review process that allows for compatible new construction within the City's Historic Districts.

The Northwood Harbor Historic District as proposed, consists of four hundred and ninety-one (491) structures of which approximately three hundred and seventy-one (371) are proposed as contributing structures (76%), and one hundred and twenty (120) non-contributing structures (24%). Eighty-five structures shall change status from non-contributing to contributing and sixteen structures shall change status from contributing to non-contributing. One structures status shall remain the same. The Historic District boundaries are to remain the same.

On January 22, 2019 the Historic Preservation Board (7-0) recommended to re-designate Northwood Harbor Historic District on the West Palm Beach Register of Historic Places.

On April 22, 2019 the City Commission (5-0) voted to approve first reading of Ordinance No. 4826-19 for the re-designation of Northwood Harbor on the West Palm Beach Local Register of Historic Places. During first reading, Michael Danchuk expressed concerns of the proposed change in status from non-contributing to contributing regarding his property at 525 52nd Street. Upon further review, the Historic Preservation Division removed the structure from the proposed contributing list. The structure shall remain as a non-contributing structure within the Northwood Harbor Historic District.

COMMISSION DISTRICT: The Historic District is located in Commission District 1, Commissioner Kelly Shoaf.

Fiscal Note:

No fiscal impact.

17. **Public Hearing of Resolution No. 123-19: APPROVED** A request by Brian Terry of Insite Studio, Inc., on behalf of 42 K LLC, for the approval of a Major Planned Development Amendment to the Sedona Commons Commercial Planned Development to permit the use of artificial turf for a preschool playground.

The approximately 0.58-acre preschool parcel is part of the approximately 5.94-acre Sedona Commons CPD located at 8146 Okeechobee Boulevard.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE SEDONA COMMONS COMMERCIAL PLANNED DEVELOPMENT, LOCATED GENERALLY AT 8120 OKEECHOBEE BOULEVARD, TO PERMIT THE USE OF ARTIFICIAL TURF FOR THE PRESCHOOL PLAYGROUND; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22441](#)

Staff Recommended Motion:

APPROVE Resolution No. 123-19, a Major Planned Development Amendment to the Sedona Commons Commercial Planned Development to permit the use of artificial turf for a preschool playground. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the

findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

The Sedona Commons CPD is located on the southwest corner of the intersection of Okeechobee Boulevard and Benoist Farms Road. The approximately 5.94-acre CPD is currently developed with seven buildings (four office buildings, a bank, a retail building and a building being built out as a daycare) and a 100-foot-tall communication tower constructed to look like a flag pole. The daycare operator would like to install artificial turf as the surface for their playground.

Section 94-451 of the City's Zoning and Land Development Regulations requires that in order to use artificial turf on playgrounds, the City Commission must approve its use as a Class A Special Use Permit. Since Sedona Commons is a planned development, the City

Commission approval for the artificial turf is granted as a Major Planned Development Amendment as opposed to a Class A Special Use Permit. The applicant has provided the information necessary to verify that the artificial turf installation will comply with the standards listed in Section 94-451. This will be verified again at the time of the building permit. The artificial turf will be installed in the playground to the west of the building. The artificial turf will be used instead of a rubberized play surface or mulch. Staff has reviewed the request and the required landscape buffer and the pervious surface requirements will still be met for the site.

STANDARDS: The Planning Division has determined that the Major Planned Development Amendment to the Sedona Commons CPD meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above referenced standards is detailed in Attachment 1 - Planning Board Staff Report.

PLANNING BOARD: The Planning Board recommended approval (6-0) of the request to the City Commission after a Public Hearing on March 19, 2019.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the Sedona Commons CPD. Signs for the Major Amendment were posted on the property on March 4, 2019.

COMMISSION DISTRICT: The subject property is located within Commission District No. 4 – Commissioner Joseph Peduzzi.

Fiscal Note:

No fiscal impact.

- 18. Public Hearing and First Reading of Ordinance No. 4853-19: **APPROVED** Regarding the transfer of the site plan approvals and development conditions relating to the Sail Club Residential Planned Development, generally located at the eastern terminus of Executive Center Drive, to a separate resolution; and**

Public Hearing of Resolution No. 141-19: **DISCUSSED Regarding the consolidation of the development regulations and providing for a Major Amendment to the Sail Club Residential Planned Development to change the name to Clear Lake Estates and provide for the construction of a 352-unit multifamily development.**

The above-referenced requests are being made by Jon Schmidt, ASLA, LEED AP, of Schmidt Nichols, on behalf of Mulberry Street Partners, LLC.

Ordinance No. 4853-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ORDINANCES RELATING TO THE SAIL CLUB RESIDENTIAL PLANNED DEVELOPMENT

(RPD) GENERALLY LOCATED AT EASTERN TERMINUS OF EXECUTIVE CENTER DRIVE, TO TRANSFER AND CONSOLIDATE ALL SITE PLAN APPROVALS AND DEVELOPMENT CONDITIONS RELATING TO THE RPD TO A SINGLE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Resolution No. 141-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONSOLIDATING THE DEVELOPMENT REGULATIONS AND APPROVING A MAJOR AMENDMENT TO THE SAIL CLUB RESIDENTIAL PLANNED DEVELOPMENT, GENERALLY LOCATED AT THE EASTERN TERMINUS OF EXECUTIVE CENTER DRIVE, TO CHANGE THE NAME TO CLEAR LAKE ESTATES AND PROVIDE FOR THE CONSTRUCTION OF A 352-UNIT MULTIFAMILY DEVELOPMENT; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22442](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4853-19, transferring the site plan approvals and development conditions relating to the Sail Club Residential Planned Development to a separate resolution.

DISCUSS Resolution No. 141-19 [to be considered at Second Reading - which will change the name to Clear Lake Estates and provide for the construction of a 352-unit multifamily development].

Background:

THE INFORMATION PROVIDED BELOW IS A GENERAL SUMMARY. A FULL ANALYSIS IS INCLUDED IN THE STAFF REPORT ATTACHED HERETO AS ATTACHMENT 1.

Located at the southeastern terminus of Executive Center Drive, the subject property consists of approximately 10.92 acres. Currently vacant, the site was the former location of Lake Point Villas, an apartment complex originally constructed around the 1970s and was eventually demolished following years of decline.

In 1999, the City Commission approved a rezoning of the subject property from Multifamily High Density (MF32) Residential to Residential Planned Development (RPD) (Ordinance No. 3191-98) to provide for the construction of a 590-unit multifamily development known as Executive Pointe Villas; the RPD was amended in 2000 to alter the building facades and layout (Ordinance No. 3329-00). Under new ownership in 2005, the previous proposal was scrapped, and a new development known as Sail Club at Clear Lake was proposed consisting of four (4) high-rise towers as well as townhomes and loft units; the new proposal was approved with the adoption of Ordinance No. 3851-05. However, because the redevelopment did not commence construction within the time allowed by the

City's Zoning and Land Development Regulations (ZLDRs), the entitlements associated with the previous approvals expired and the site was left dormant for many years.

In 2015, the site was again brought under new ownership with plans to redevelop the property. As such, an application has been submitted for a Major Amendment to the Sail Club RPD by Jon Schmidt, of Schmidt Nichols, on behalf of Mulberry Street Partners, LLC (the "Applicant"). The current application proposes to change the name of the development to Clear Lake Estates and provide for the construction of a four (4) mid-rise buildings (8 stories each) totaling 352 dwelling units. Additionally, two (2) parking structures are proposed. With the exception of two (2) waivers, Staff has found that the proposed development complies with all of the requirements of the City's ZLDRs; the waivers are listed below and described in detail in ATTACHMENT 1:

- Waiver #1: Sec. 94-486: Table XV-6 – Required Parking
- Waiver #2: Sec. 94-207(c)(4) – Residential Planned Development Required Setbacks

CONCLUSION: Overall, the proposed development will redevelop a site that has been prime for new construction for many years and which also is a prominent location along Clear Lake and the I-95 on-ramp. Subject to the granting of the waivers, and the conditions contained in Resolution No. 141-19, the project complies with all of the requirements of the City's ZLDRs and the Development Services Department – Planning Division has found that the requests satisfy all of the standards found within the City's ZLDRs. Therefore, Staff is recommending approval of the requests, subject to the conditions set forth in Resolution No. 141-19.

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

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. 4853-19 and Resolution No. 141-19 will be advertised in the Palm Beach Post on May 10, 2019, prior to Second Reading.

COMMISSION DISTRICT: The site is located within Commission District No. 3 – Commissioner Richard Ryles.

Fiscal Note:

No fiscal impact.

MAYOR AND COMMISSION DISCUSSION: BOARD COMMITTEE ASSIGNMENTS

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.