City of West Palm Beach
City Commission

AGENDA

January 13, 2020
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 RICHARD A. RYLES

COMMISSIONER CORY NEERING
COMMISSIONER JOSEPH A. PEDUZZI

ADMINISTRATION
INTERIM CITY ADMINISTRATOR, FAYE W. JOHNSON
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):

1. Proclaiming the week of January 20, 2020 as: Stand Down Week.
   
   Proclamation to be accepted by Casimiro H. Crockett, Ph.D., Deputy Director of Faith*Hope*Love*Charity, Inc.
   
   Agenda Cover Memorandum No.: 22764

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

CONSENT CALENDAR (2-4):

   
   Agenda Cover Memorandum No.: 22765

   **Staff Recommended Motion:**
   Approve the Minutes of the Regular City Commission Meeting of December 2, 2019.

   
   Agenda Cover Memorandum No.: 22766

   **Staff Recommended Motion:**
   Approve the Minutes of the Regular City Commission Meeting of December 16, 2019.
   
   **Agenda Cover Memorandum No.: 22768**

   **Staff Recommended Motion:**
   Approve the Minutes of the Regular City Commission Meeting of December 30, 2019.

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

**RESOLUTION (5-6):**

5. Resolution No. 10-20 establishing the salary and other compensation for the City Administrator and amending the pay grade information for the City Administrator job classification.

   A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE SALARY AND OTHER COMPENSATION FOR THE CITY ADMINISTRATOR UPON RECOMMENDATION OF THE MAYOR; AMENDING THE CITY ADMINISTRATOR PAY GRADE INFORMATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
   
   **Agenda Cover Memorandum No.: 22771**

   **Staff Recommended Motion:**
   Approve Resolution No. 10-20.

   **Background:**
   The position of City Administrator was opened for recruitment from October 27 – November 24, 2019. In addition to the City’s website, the position was advertised at both the State and National level with the following professional and government organizations: ICMA (International City/County Management Association), National Association of County Administrators, American Society for Pubic Administration, League of Women in Government, Local Government Hispanic Network, National Forum for Black Public Administrators, National League of Cities, National Association of Counties, Florida City and County Management Association (FCCMA), Florida League of Cities, Indeed, LinkedIn and Govtjobs.com.

   After consideration of over twenty-four (24) qualified applicants, some of which were interviewed in person, the Mayor selected and appointed Faye W. Johnson as City Administrator, effective January 19, 2019.
Ms. Johnson’s qualifications to hold the position include but are not limited to a Master’s Degree in Public Administration from Howard University and over 33 years of Florida municipal and government administration experience. She served for five years as County Administrator for St. Lucie County, FL and five years as Assistant County Administrator as well as three years as Assistant County Administrator for Palm Beach County before accepting the position of Assistant City Administrator at the City of West Palm Beach in August of 2019. Since October 9, 2019, Ms. Johnson has been serving as Interim City Administrator.

Based on Ms. Johnson’s extensive qualifications and experience, the Mayor is recommending to the Commission a starting salary of $249,000 for consideration, which is within the General Management Salary Rate Schedule for the City Administrator Pay Grade, GM20 ($174,303-$261,454). Upon successful completion of a six (6) month probationary period, Ms. Johnson’s salary will increase by 5% to $261,450, also within the current salary rate schedule. Ms. Johnson’s current salary as Interim City Administrator is $220,000.

This resolution is presented to the Commission for consideration in compliance with the City’s Charter, specifically Section 3.03 which states, “The salary of the city administrator shall be set by the city commission upon the recommendation of the mayor.”

**Fiscal Note:**
No fiscal impact.

6. Resolution No. 389-19 authorizing the Mayor to execute the release of code enforcement liens encumbered at 922 39th Street.

A RESOLUTION OF THE CITY COMMISSION OF CITY OF WEST PALM BEACH, FLORIDA, CONDITIONALLY WAIVING CITY LIENS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 922 39TH STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Agenda Cover Memorandum No.: 22767**

**Staff Recommended Motion:**
Approve Resolution No. 389-19.

**Background:**
The property at 922 39th Street has been vacant for approximately 15 years. In that time frame, the property has been cited frequently for overgrowth, trash, debris, and unsanitary conditions resulting in numerous fines and liens assessed by the special magistrate totaling $2,647,475.00. In January of 2013, the property was declared a Chronic Nuisance. Nicholas Blasi, the current owner, purchased the property through tax deed in July of 2019. In August he received a residential remodel permit and has since put a new roof on the structure and replaced a deteriorated sewer line, both with proper permitting. Mr. Blasi is
committed to the rehabilitation of this property, which will eliminate a long-blighted structure and improve the surrounding area. Approval of this resolution will conditionally release the liens in exchange for payment of a $5,000.00 reduced administrative fine, payment of $500.00 attorney's fees, payment of all outstanding utility liens and charges amounting to approximately $20,000.00, and the complete rehabilitation of the property. Additionally, Mr. Blasi agrees not to oppose the City's claim to surplus funds held by the Clerk of Court following the tax deed sale in an approximate amount of $63,000.00.

**Fiscal Note:**
Approval will conditionally release a $2,647,475.00 fine/lien for a $5000.00 reduced administrative fine, $500.00 attorney fee and payment of any outstanding debt owed to the City and payment of all taxes.

### PUBLIC HEARING (7):

7. **Public Hearing and First Reading of Ordinance No. 4868-19 approving the Real Property Lease Management Policy for the purposes of providing a framework governing the leasing and rental decisions of real property owned by the City of West Palm Beach.**

**ORDINANCE NO. 4868-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE REAL PROPERTY LEASE MANAGEMENT POLICY; PROVIDING A CONFLICTS AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 22678*

**Staff Recommended Motion:**
Approve Ordinance No. 4868-19.

**Background:**
The City of West Palm Beach operates as a landlord leasing real property to non-profit and for-profit organizations for a variety of public and private uses and/or purposes. The Department of Housing and Community Development has been tasked with the responsibility to oversee and administer more than 30 leases for various properties City-wide. In efforts to provide a framework governing leasing and rental decisions of real property owned by the City, the Department has developed the Real Property Lease Management Policy. Some of the objectives of the proposed policy are to:

- Establish fair and standard criteria for selecting tenants to lease available property;
- Establish a selection and negotiation processes that is open and transparent;
- Establish standard methodology for determining rents and rent adjustments;
- Evaluate performance of leases; and
- Provide general terms and conditions.
All leases of City property shall be drafted by the Office of the City Attorney and shall contain the legal terms deemed appropriate by the Office of the City Attorney based on the use, the property and other relevant factors. The Director of Housing and Community Development shall recommend for final approval of all leases by the City Commission that are consistent with the Policy, which will be included in new leases, lease extensions, and lease modifications.

A copy of the Real Property Lease Management Policy is attached hereto as Exhibit A.

PUBLIC HEARING – QUASI JUDICIAL (8):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES

8. Public Hearing of Resolution No. 362-19: Regarding a request by Harvey Oyer of Shutts & Bowen LLP, on behalf of CityPlace Retail, LLC, for the approval of a Level III Site Plan Review within the CityPlace Development of Regional Impact (DRI) to construct a 21-story mixed use building containing 325 residential units, approximately 34,000 square feet of retail and approximately 57,000 square feet of office at 575 South Rosemary Avenue.

RESOLUTION NO. 362-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO A DEVELOPMENT OF REGIONAL IMPACT (DRI) KNOWN AS "CITYPLACE" (FORMERLY KNOWN AS "DOWNTOWN/UPTOWN") GOVERNED BY ORDINANCE NO. 4412-12, WHICH AMENDED AND RESTATED ORDINANCE NO. 3098-97, AS AMENDED BY ORDINANCE NOS. 3124-98 AND 4154-08, BEING THE DEVELOPMENT ORDER OF THE CITY OF WEST PALM BEACH APPROVING THE CITYPLACE DRI; APPROVING A LEVEL III SITE PLAN PURSUANT TO ORDINANCE NO. 4412-12 TO ALLOW THE CONSTRUCTION OF A 21-STORY MIXED USE BUILDING AT 575 SOUTH ROSEMARY AVENUE; DECLARING THE SITE PLAN TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY, THE CONDITIONS OF APPROVAL OF THE CITYPLACE DRI DEVELOPMENT ORDER, AND THE REQUIREMENTS OF SECTION 94-35 OF THE CITY’S ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
Agenda Cover Memorandum No.: 22769

Staff Recommended Motion:
Approve Resolution No. 362-19, a Level III Site Plan to allow the construction of a 21-story mixed use building containing 325 residential units, approximately 34,000 square feet of retail and approximately 57,000 square feet of office at 575 South Rosemary Avenue within the CityPlace DRI, subject to the development regulations and waiver contained in the Resolution. 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 site plan complies with the conditions of approval in the CityPlace DRI
Development Order, the provisions of the Rosemary Square Core Development Regulations, and the standards in Sections 94-35(c) of the Zoning and Land Development Regulations.

**Background:**
The CityPlace DRI is approved for a mix of residential, retail, restaurant, office, hotel and entertainment uses, as well as the Palm Beach County Convention Center. The subject parcel of land, 575 South Rosemary Avenue, previously housed the approximately 110,000 square foot Macy’s Department Store. On November 5, 2018, the City Commission adopted Resolution No. 304-18, which created the CityPlace Center subarea (changed to the Rosemary Square Center subarea by Resolution No. 363-19) and included the development regulations governing the redevelopment of the 575 South Rosemary Avenue site. The Rosemary Square Center subarea permits residential, retail and office use. In order to encourage residential development, it included an incentive program, that provided certain criteria are met, permits the development of a building up to 21 stories with a floor area ratio of 6.0. CityPlace Retail, LLC, submitted an application to permit the construction of a 21-story mixed use building containing 325 residential units, approximately 34,000 square feet of retail and approximately 57,000 square feet of office.

The CityPlace DRI requires that new buildings constructed within the DRI be approved as a Level III Site Plan Review by the Planning Board and City Commission. Staff has reviewed the application and the proposed building conforms to the requirements of the DRI and all but one standard of the CityPlace Center subarea regulations. The one standard that is not met is the setback on the access easement for the pedestrian connection, which the applicant is requesting the City Commission to waive as is permitted by the CityPlace DRI. The requested development intensity does not exceed the capacity of the CityPlace DRI.

The proposed mixed-use building will have three stories of retail and office located at the corner of South Rosemary Avenue and Hibiscus Street, with the 21-story retail residential tower located to the west portion of the site along the access easement. The setback for the north-south oriented from South Rosemary Avenue is greater than what is required by the Rosemary Square Center subarea regulations. This increased setback allowed the pool and much of the private open space to be located on the rooftop of the retail and office podium.

The new building is providing a passageway along the 477 South Rosemary Avenue building (old site of Revolutions) in order to help meet its public open space requirement. This passageway will not only create a break in the street façade, but also provide pedestrian access across the block for both residents of the townhouses and retail customers who park in the D Garage (f.k.a. Macy’s garage). The terminus of the passageway is a public space. The public space area doubles as the entrance to the office portion of the building.
The retail portion of the site is accessed from both South Rosemary Avenue and Hibiscus Street. Adjacent to the retail areas are public spaces, including the passageway, a small public seating area and the pedestrian easements that provide a wider sidewalk than what is located within the right-of-way.

The 325-unit rental tower has two access points for its residents. The main lobby entrance is from Hibiscus Street. The applicant is providing for a drop off/valet area in front of the entrance. Staff has reviewed the valet operation plan provided by the applicant for the residential tower and determined that the valet return is required to be on the south side of Hibiscus Street east of the service road (adjacent to Cheesecake Factory) in order to facilitate a safe, functioning vehicle pick up location.

WAIVER: The current Macy’s building has a second story pedestrian connection to the D Garage. The proposed building also includes a second story pedestrian connection to the D Garage for resident use that has been shifted to the south of the current location. The relocated pedestrian connection encroaches into the required seven (7) foot building setback from the edge of the access easement and then over the easement itself. Staff has reviewed the request and does not have any objections. The City’s Building Division has reviewed the revised parking layout at the connection point to ensure that ADA compliance is still met. In accordance with the CityPlace Center subarea requirements, the D Garage will be the main parking area for the tenants of the new building. Thirteen parking spaces within the D Garage are being designated as valet parking spaces, which does not exceed the capacity of the D Garage. However, if CityPlace, LLC, wishes to designate additional parking spaces for the residential tenants, retail customers or the office workers, then staff review is required of the overall parking system within the CityPlace CPD to ensure that the assigned spaces do not create a parking space use deficiency.

STANDARDS: The Planning Division has determined that the Level III Site Plan to allow the construction of a 21-story mixed use building containing 325 residential units, approximately 34,000 square feet of retail and approximately 57,000 square feet of office at 575 South Rosemary Avenue within the CityPlace DRI meets the standards in Sections 94-35(c) of the 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 (7-0) of the request, including the waiver, to the City Commission after a Public Hearing on November 19, 2019.

NOTICE: Individual notices were mailed to all property owners within 500 feet of 575 South Rosemary. Signs for the Level III Site Plan Review were posted on the property on September 5, 2019. The Public Hearing of Resolution No. 362-19 was advertised in the Palm Beach Post on January 3, 2020.
COMMISSION DISTRICT: The subject property is located within Commission District No. 3 – Commissioner Richard Ryles.

**Fiscal Note:**
No fiscal impact.

**ADJOURNMENT:**

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

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