



**City of West Palm Beach  
City Commission**

**DRAFT  
AGENDA**

**September 11, 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.

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

**RECEIVED / FILED:**

**CONSENT CALENDAR (1 – 15):**

1. **City Commission approval is requested for the Mayor's reappointment of Beverly Elliott Morrison and Jennifer B. Loyless to the Criminal Justice Advisory Committee for a term of two (2) years to expire on July 19, 2019 and August 16, 2019, respectively. Ms. Morrison and Ms. Loyless have served over the maximum allowed number of terms (3) and it is required that the City Commission confirms their reappointments.**

**[Agenda Cover Memorandum No.: 21547](#)**

**Staff Recommended Motion:**

Approve reappointments.

2. **City Commission ratification is requested for the Mayor's appointment of Richard V. Reikenis to the Downtown Development Authority for a term of three (3) years to expire July 1, 2020. It is required that the City Commission ratify Mr. Reikenis' appointment.**

**[Agenda Cover Memorandum No.: 21548](#)**

**Staff Recommended Motion:**

Approve appointment.

3. **City Commission approval is requested for the Mayor's reappointment of Mayor Gail L. Coniglio and Mr. Myles Schack to the Water Advisory Board for term of two (2) years to expire August 7, 2019. Mayor Coniglio and Mr. Schack have served over the maximum allowed number of terms (3) and it is required that the City Commission confirms their reappointments.**

**[Agenda Cover Memorandum No.: 21549](#)**

**Staff Recommended Motion:**

Approve reappointments.

4. **City Commission approval is requested for the Mayor's reappointment of Alan Steinberg to the Zoning Board of Appeals for a term of three (3) years to expire on August 15, 2020. Mr. Steinberg has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms his reappointment. [Agenda Cover Memorandum No.: 21550](#)**

**Staff Recommended Motion:**

Approve reappointment.

5. **Resolution No. 258-17(F) amending the Fiscal Year 2016-2017 Waterfront District Fund Budget to recognize \$3,516 in revenues from the Clematis by Night Firefighter Chili Cook Off, Thursday, January 19, 2017 and appropriating a portion of the funds as a donation to the Fraternal Order of Firefighters.**

**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 WATERFRONT DISTRICT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF FUNDS FROM THE FIREFIGHTER CHILI COOK OFF FOR A DONATION TO THE FRATERNAL ORDER OF FIREFIGHTERS AND FOR OPERATIONAL EXPENSES AT CLEMATIS BY NIGHT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21552](#)**

**Staff Recommended Motion:**

Approve Resolution No. 258-17(F).

**Background:**

The Firefighter's Chili Cook Off was held in conjunction with Clematis by Night on Thursday, January 19, 2017. A portion of the \$3,516.00 in proceeds from the ticket sales is designated to be donated to the Fraternal Order of Firefighters Fund (501c3) for their distribution to charity. This year, they will donate \$2,061.00 to the Children's Home Society of Florida. The remaining funds will be appropriated for Operational Expenses at the waterfront.

**Fiscal Note:**

Approval will provide \$2,061 for a donation to the Fraternal Order of Firefighters Fund for distribution to the Children's Home Society of Florida, and \$1,455 to Clematis by Night Operating Expenses.

6. **Resolution No. 260-17 relating to the ratification of a successor collective bargaining agreement between the City of West Palm beach and the Service Employees International Union (SEIU), Florida Public Services Union (FPSU), CTW, CLC Certified Unit No. 401, for the period of October 1, 2017 to September 30, 2020.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING THAT CERTAIN COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE SERVICE EMPLOYEES INTERNATIONAL UNION ("SEIU"), FLORIDA PUBLIC SERVICES UNION , CTW, CLC, CERTIFIED UNIT NO. 401 FOR THE PERIOD OCTOBER 1, 2017 to SEPTEMBER 30, 2020; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21553](#)**

**Staff Recommended Motion:**

Approve Resolution No. 260-17.

**Background:**

Attached for your approval is Resolution No. 260-17 ratifying the Collective Bargaining Agreement (CBA) with the Service Employees International Union (SEIU), Florida Public Service Union (FPSU), CTW, CLC Certified Unit No. 401. The parties have reached a three (3) year agreement for the period of October 1, 2017 through September 30, 2020. SEIU ratified the attached Collective Bargaining Agreement on July 19, 2017, by a vote of 124 for ratification, 26 against ratification (17 provisional ballots were not counted as not affecting the outcome of the vote). Highlights of the agreement are shown below; exact language of tentative agreement is attached for comprehensive review.

1. Article 8: BASIC WORKWEEK AND OVERTIME

Section 2, A: Clarifies that non worked Holiday hours do not count towards the computation of 40 hour workweek for purposes of overtime.

Section 4, C: Clarifies the 80 hour compensatory time limit runs the calendar not fiscal year.

Section 5, C: Clarifies provisions as to how employees that are called out to work during an emergency declared by the Mayor are paid.

2. Article 9: CHANGE OF EMPLOYMENT STATUS

Section 5, B: Revision so that if an employee is voluntarily demoted or demoted for disciplinary reasons they will receive a minimum pay reduction of 10%.

3. Article 11: PROBATIONARY PERIOD

Section 1, A: Provides for 5% pay increase after a new hire passes initial probation, same as all other city employees.

4. Article 18: TYPES OF LEAVE

Section 13: References Parental Leave Policy enacted in FY2017. (new section added)

5. Article 24: COMPENSATION

Section 1- Wages: Provides for three years of across the board (ATB) pay increases as follows: 4% for FY2018; 3% for FY2019; and 3% for FY2020. Employees that have not attained regular status as of October 1 are not eligible for the across the board increase. Suspends any across the board pay increases scheduled to take effect should City tax receipts decline over the prior year's collections.

Section 3, C: Raises differential pay for certain duties such as working with chemicals from \$0.65 to \$1.00 per hour. (this provision was not raised in the last contract negotiations)

Section 4, A: Raises the on-call pay from \$22.00 per twenty four hour on-call period to \$25.00. (this provision was not raised in the last contract negotiations) Clarifies minimum hours paid to employees who are called out to work outside their regular work shift.

7. **Resolution No. 261-17 relating to the ratification of a successor collective bargaining agreement between the City of West Palm Beach and the Professional Managers and Supervisors Association ("PMSA") Certified Unit No. 1073, for the period of October 1, 2017 to September 30, 2020.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE PROFESSIONAL MANAGERS AND SUPERVISORS ASSOCIATION, CERTIFIED UNIT NO. 1073 (PMSA) FOR THE PERIOD OCTOBER 1, 2017 TO SEPTEMBER 30, 2020; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21554](#)**

**Staff Recommended Motion:**

Approve Resolution No. 261-17.

**Background:**

Attached for your approval is Resolution No. 261-17 ratifying the Collective Bargaining Agreement (CBA) with the Professional Managers and Supervisors Association (PMSA) Certified Unit 1073. The parties have reached a three (3) year agreement for the period of October 1, 2017 through September 30, 2020. PMSA ratified the attached Collective Bargaining Agreement on May 17, 2017, by a vote of 78.8% for ratification, 22.2% against ratification. Highlights of the agreement are shown below; exact language of tentative agreement is attached for comprehensive review.

1. Article 12: JOB CHANGES

Section 3, C: Revision so that if an employee is voluntarily demoted or demoted for disciplinary reasons they will receive a pay reduction of 10% minimum.

2. Article 17: BASIC WORKWEEK AND OVERTIME

Section 3, A: Clarifies Holiday hours provided to an employee do not count as "hours worked" for overtime pay purposes.

Section 3, C: Raises the on-call pay from \$22.00 per twenty four hour on-call period to \$25.00. Clarification that an employee on sick leave cannot also be on-call and claim on-call pay.

Section 5, D: Clarification on how employees are paid for hours worked during a State of Emergency declared by the Mayor.

3. Article 27: COMPENSATION

Section 1- Compensation: Provides for three years of across the board (ATB) pay increases as follows: 4% for FY2018; 3% for FY2019; and 3% for FY2020. Employees that have not attained regular status as of October 1 are not eligible for the across the board increase. Suspends any across the board pay increases scheduled to take effect should City tax receipts decline over the prior year's collections.

8. **Resolution No. 262-17 relating to the ratification of a successor collective bargaining agreement between the City of West Palm Beach and the Palm Beach County Police Benevolent Association ("PBA") Certified Unit 145 and Certified Unit 825, for the period of October 1, 2017 to September 30, 2020.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING TO A CERTAIN UNION-RATIFIED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION (PBA), CERTIFIED UNIT NO. 145 AND CERTIFIED UNIT NO. 825, FOR THE PERIOD OCTOBER 1, 2017 TO SEPTEMBER 30, 2020; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21555](#)**

**Staff Recommended Motion:**

Approve Resolution No. 262-17.

**Background:**

Attached for approval is Resolution No. 262-17 ratifying the Collective Bargaining Agreement (CBA) between the City of West Palm Beach and the Palm Beach County Police Benevolent Association (PBA), Certified Unit 145 and Certified Unit 825. The parties have reached a three (3) year agreement for the period of October 1, 2017 through September 30, 2020. PBA ratified the attached Collective Bargaining Agreement on July

11 and July 12, 2017, by a vote of 145 for ratification, 0 against ratification for Certified Unit 145; and by a vote of 7 for ratification, 0 against ratification for Certified Unit 825. Highlights of the agreement are shown below; exact language of tentative agreement is attached for comprehensive review.

Article 13: Employment and Promotional Policy

1. Section 2 and Section 4: Language was added to clarify promotional job posting and closing deadlines as well as clarifications on the promotional process and how seniority points are awarded.

Article 21: Insurance Benefits

1. Language was updated to reflect cost share and premium payment responsibilities; parties agree to apply same proportionate cost sharing percentages to premium increases.

Article 25: Uniform and Equipment

1. Section 3: Language regarding reimbursements to the city for take home vehicles under certain conditions modified by permitting take home privileges in a new distance category (31-40 miles).

Article 30: Salary Plan (renumbered from 31 to 30)

1. Provides for a market adjustment for certain job classifications in order to be competitive with the market.
2. Provides for a step plan for FY2017-18 with an additional 5% step for all job classifications; a step plan for FY2018-19 and FY2019-20 with a 1% increase to the top step in each step plan.
3. Provides for updated certification requirements.

9. **Resolution No. 241-17 authorizing approval of a settlement in the matter of CAROLYN HOLMES, SHELENA HOLMES, and REGINALD JACKSON, filed in the Circuit Court of the Fifteen Judicial Circuit in Palm Beach County - Case No. 2011CA014591XXXXMB and 2015CA002314XXXXMB and Resolution No. 217-17(F) providing for the reimbursement of grant funds.**

**RESOLUTION NO. 241-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING APPROVAL OF PROPOSED SETTLEMENT IN THE MATTER OF CAROLYN HOLMES, SHELENA HOLMES, and REGINALD JACKSONS vs CITY OF WEST PALM BEACH FILED IN THE CIRCUIT COURT OF THE FIFTEEN JUDICIAL CIRCUIT IN PALM BEACH COUNTY - CASE NO. 2011CA014591XXXXMB AND 2015CA002314XXXXMB; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 217-17(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION AND 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 REAL ESTATE MANAGEMENT FUND AND THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) BUDGETS TO PROVIDE APPROPRIATIONS TO REIMBURSE THE NSP-1 PROGRAM FOR THE PROPERTY LOCATED AT 1034 22ND STREET WHICH IS NO LONGER FALLING UNDER THE NSP OBJECTIVES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21532](#)**

**Staff Recommended Motion:**

Approve Resolution No. 241-17 and Resolution No. 217-17(F).

**Background:**

Carolyn Holmes was a participant in City of West Palm Beach (the "City")'s Housing and Community Development program and alleges the construction done pursuant to the program caused latent mold defects that made her, along with the home's other occupants, sick several years after the construction was complete. This resulted in a lawsuit against the City in the Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 2011CA01459XXXMB brought by Carolyn Holmes, as well as by the home's other occupants, SHELENA HOLMES and REGINALD JACKSON (collectively, the "Plaintiffs"). During the course of Case No. 2011CA01459XXXMB, the City entered into a Partial Settlement Agreement with Plaintiffs to supply them with grant money to rehabilitate Plaintiffs' home. The Partial Settlement Agreement was executed by the parties, but never effectuated. This resulted in the Plaintiffs filing a related lawsuit against the City in the Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 502015CA002314XXXMB, alleging a breach of the Partial Settlement Agreement. The City has reached a proposed settlement with the Plaintiffs for all claims in both lawsuits in the amount of \$60,000.00, along with a transfer of real property identified as 1034 22nd Street, West Palm Beach, FL 33407 and relocation assistance.

Resolution No. 217-17(F) provides for the transfer of funds from the Real Estate Management Fund to the Neighborhood Stabilization Program (NSP-1). The funds are reimbursing the NSP-1 grant because the property at 1034 22nd Street is no longer falling under the NSP objectives.

**Fiscal Note:**

Approval will transfer funds to reimburse the NSP-1 grant for expenses related to the property at 1034 22nd St.

10. **Resolution No. 279-17 authorizing the Mayor to execute an Agreement for Traffic Control and Enforcement between the City of West Palm Beach and Hamilton Bay Community Association Inc.**



**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RELATING TO TRAFFIC CONTROL AND ENFORCEMENT OVER PRIVATE ROADS; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR TRAFFIC CONTROL AND ENFORCEMENT BETWEEN THE CITY AND THE HAMILTON BAY COMMUNITY ASSOCIATION, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21556](#)**

**Staff Recommended Motion:**

Approve Resolution No. 279-17.

**Background:**

The Hamilton Bay Community Association Inc. (the “Association”) has requested that the City exercise traffic control and enforcement jurisdiction over the private roads owned or controlled by the Association within the Hamilton Bay Plat. Chapter 316, Florida Statutes, Sections 316.006 (2) (B) and 316.640 (3) (a) provide that a municipality may exercise traffic control and enforcement jurisdiction over private roads by written agreement approved by the governing body of the municipality. This section requires that the written agreement contain provisions for reimbursement for actual costs of traffic control and enforcement, liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable.

The proposed agreement with the Association (attached to the Resolution as Exhibits “A”) provides that the Association will reimburse the City for actual costs of traffic enforcement during specific dates and specified times. The agreement contains the statutorily required indemnification and further provides that the Associations will provide insurance coverage upon request by the City. Because the Association must budget its reimbursement costs for traffic control and enforcement, the agreement provides that if the City randomly takes enforcement action at times not specified by the Association, the Association will not be obligated to reimburse the actual cost of such enforcement.

11. **Resolution No. 284-17 authorizing the City Commission of the City of West Palm Beach to accept and approve the Corrective Deed and Quit Claim Deed (QCD) between the City of West Palm Beach (Grantee) and United States Postal Service (USPS) (Grantor) which allows the property located at 520 Northwood Road to revert back and deeded to the City of West Palm Beach due to the property is no longer required for expansion purposes by the USPS.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CORRECTIVE SPECIAL WARRANTY DEED AND ACCEPTANCE OF A QUIT CLAIM DEED FROM THE UNITED STATES POSTAL SERVICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21557](#)**

**Staff Recommended Motion:**

Approve Resolution No. 284-17.

**Background:**

By Special Warranty Deed dated May 17, 2000 and recorded in Official Records Book 11797, page 802, the City of West Palm Beach transferred the property located at 520 Northwood Road to the United States Postal Service (USPS) for the purpose of expanding their existing facility located immediately adjacent and east of the subject property. The intent of the parties was that if the Postal Service failed to expand by September 1, 2017 ownership of the property would revert to the City, however, this intent was not reflected in the deed. The post office no longer plans to expand the existing facility and is willing to transfer the property back to the City, by Quit Claim Deed, upon correcting the original Special Warranty Deed to reflect this initial intent.

Resolution No. 284-17 approves and authorizes the Mayor to execute the Corrective Special Warranty Deed and an Acceptance of the Quit Claim Deed. Copies of the Resolution, the Deeds and the Acceptance is attached hereto. Staff recommends approval.

The property is located in District 1 - Commissioner Sylvia Moffett.

12. **Resolution No. 257-17 establishing the Pop-up to Rent Program; and Resolution No. 237-17(F) accepting the grant from the Knight Foundation in an amount of \$180,000 for the Pop-Up Retail program; and Resolution No. 283-17(F) appropriating the grant funds.**

**RESOLUTION NO. 237-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE JOHN S. AND JAMES K. KNIGHT FOUNDATION FUND IN THE AMOUNT OF \$180,000 TO FUND A POP-UP RETAIL GRANT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 283-17(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 TO PROVIDE FOR THE RECEIPT OF A GRANT FROM THE JOHN S. AND JAMES K. KNIGHT FOUNDATION FUND IN THE AMOUNT OF \$180,000, AND TO APPROPRIATE FUNDS FOR THE 12 x 12 POP-UP TO RENT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 257-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE POP-UP-TO-RENT PROGRAM TO PROVIDE GRANT SUBSIDIES FOR TENANT IMPROVEMENTS AND RENT FOR NEW AND SMALL BUSINESSES TO**

**OCCUPY VACANT RETAIL SPACE IN THE DOWNTOWN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21558](#)**

**Staff Recommended Motion:**

Approve Resolution No. 237-17 and Resolution No. 283-17(F) accepting the grant and appropriating the funds, and Resolution No. 257-17 approving the Pop-Up-To-Rent Program.

**Background:**

**THE GRANT:** Earlier this year the City of West Palm Beach applied for the Knight Cities Challenge with an idea to activate vacant retail space in the central business district of the City. The “12 for 12 Pop-up to Rent” project was developed by the Director of Economic Development Christopher Roog and Street Plans Project Director Sherryl Muriente.

This began during the data gathering for the Gehl public realm action plan. Part of the needed analysis of downtown was locating all vacant retail spaces. The City discovered that it was rare to find just one stand along vacant retail space. Instead vacant retail space is clustered. Added to this condition is a changing form of retail and the shifting of tenants throughout downtown. The application to the Knight Foundation centered on filling the vacant retail spaces.

The Knight Foundation requires that any application meet one (1) or all of three (3) key drivers. First is talent, applicant ideas must help cities attract and keep talented people. Second is opportunity, the idea expands economic prospects by breaking down divides and making new connections. Lastly is engagement, the idea spurs connection and civic involvement. The application submitted reflected all three (3) drivers.

The City of West Palm Beach, Downtown Development Authority, Community Redevelopment Agency and Street Plans will work with local landowners to pop-up new retail users in a way that reflects a living room. Downtown has been referred to as the City’s living room in the past. By combining design, retail, smaller square footage needs and a scaled rent structure; 12 for 12 can reduce barriers to entry for new and small businesses, create a public market place hub that will complement the existing tenants in downtown and send a signal to talented people that the City is a place to gain business momentum.

The Knight Cities Challenge grant was awarded to the City of West Palm Beach on April 12, 2017 in downtown Miami. The grant awarded totals \$180,000 and the City's entry into a unique network of civic innovators.

Resolution No. 237-17 accepts the grant funds from the Knight Foundation. Resolution No. 283-17(F) appropriates the funds in the budget.

Resolution No. 257-17 approves and establishes the guidelines for the Pop-Up to Rent Program, for which the Knight Foundation grant funds will be utilized. The Program description is attached.

**Fiscal Note:**

Upon passage of these resolutions, grant funds will provide for the 12 x 12 Pop-up to Rent project.

- 13. Resolution No. 236-17 authorizing the Mayor to execute a release of code enforcement liens in the amount of \$2,706,900.00 encumbered at 719 52nd Street.**

**A RESOLUTION OF THE CITY COMMISSION OF THE 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 719 52ND STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**[Agenda Cover Memorandum No.: 21559](#)**

**Staff Recommended Motion:**

Approve Resolution No. 236-17.

**Background:**

The property at 719 52nd St was cited in 2007, March of 2008, May of 2008, 2009 and 2010 for several violations including rental license (when rented), Certificate of Use (COU), overgrowth, fence repair, trash and debris, interior and exterior repairs and graffiti. The cases went before a special magistrate and daily fines have been accruing on all cases totaling \$2,706,900.00 and continue to accrue. The property has changed hands and the new owner has submitted a detailed plan and agreed to complete the rehabilitation of the property within 180 days from the acceptance of this resolution. Application for permitting has already been started. The rehabilitation of this property will improve a blighted area of the Northend.

Approval will conditionally release the \$2,706,900.00 fine/lien for a \$10,000.00 administrative fee and payment of any outstanding debt owed to the City and payment of taxes.

**Fiscal Note:**

Approval will conditionally release a \$2,701,900.00 fine/lien for a \$10,000.00 administrative fee and payment of any outstanding debt owed to the City and payment of taxes.

- 14. Resolution No. 281-17(F) provides \$450,000 appropriations for various Water and Sewer capital projects.**

**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/SEWER RENEWAL & REPLACEMENT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR VARIOUS WATER AND SEWER CAPITAL PROJECTS, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21566](#)**

**Staff Recommended Motion:**

Approve Resolution No. 281-17(F).

**Background:**

The summary of additional appropriations for various water and sewer improvements are as follows:

| Project                              | Dollar Amount |
|--------------------------------------|---------------|
| Control No. 5A Rehabilitation        | \$ 75,000     |
| O&M Complex Restrooms                | \$ 75,000     |
| Water Storage Tank Valve Replacement | \$ 300,000    |

Total: \$ 450,000

The Control No. 5A Rehabilitation project is located over the Loxahatchee Slough and provides the only access to the City's Grassy Waters Nature Center Building on the north side of Northlake Boulevard. The project involves sliplining of (2) existing 60-inch corrugated metal pipe culverts with 54-inch high-density polyethylene pipes (HDPE), installation of rock riprap, and repair of existing guardrail. The existing metal pipe culverts are showing signs of deterioration. The new piping will provide safe access to the facility. The 120-day construction project is expected to begin in late September 2017. Based on the updated cost estimate, the additional funds required to be budgeted to accomplish the construction phase of the project is \$75,000. This amount includes a construction contingency. Funding for the project is being provided from the Reserve for Future Projects Account in Fund 454. No General Fund dollars are required.

The O&M Complex Restrooms project is currently under construction and is 50% complete. Final completion is expected in November 2017. The existing facility is in dilapidated condition and is in need of improvements for use by City staff. The work includes expansion and renovation of the existing facility to accommodate additional staff relocating from the meter shop to the O&M Complex. An increase of fund in the amount of \$200,000 for the project was previously approved by the City Commission (Resolution No. 175-16(F)). The total project cost to date is approximately \$275,000. Additional funding in the amount of \$75,000, including a construction contingency, is

required to complete the construction phase of the project. The additional work includes light fixtures, modification of the existing electrical panel, and Energy Recirculation Ventilation HVAC System to meet the latest building code. Funding for the project is being provided from the Reserve for Future Projects Account in Fund 454.

The Water Storage Tank Valve Replacement project is located at the Water Treatment Plant. The project involves the replacement of an existing 36-inch valve at the 5 Million Gallon (MG) potable storage tank. The valve replacement is required to increase the allowable contact time for the full 5 MG storage tank as per regulatory requirement. In order to ensure full compliance with the contact time requirement, on a temporary basis, chlorine is introduced to the treatment process at a much higher rate than normal until the valve can be repaired and a new valve installed. Funding for the project is being provided from the Reserve for Future Projects Account in Fund 454.

**Fiscal Note:**

Renewal & Replacement Fund 454 Reserve for Future Projects balance available post approval will be approximately \$3.1 million.

15. **Resolution No. 288-17(F) Re-appropriating \$100,000 from Community Development Block Grant (CDBG) Revolving Trust Fund 112 to Community Development Block Grant (CDBG) Fund 110; to make budget adjustments to incorporate and utilize program income for eligible projects and administrative costs; and to comply with the U.S. Department of Housing and Urban Development (HUD) 2015 grant-based accounting requirements and 2013 HOME Investment Partnerships Final Rule Amendment.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION AND 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 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND, THE CDBG REVOLVING TRUST FUND AND THE HOME PROGRAM GRANT BUDGETS TO RE-APPROPRIATE \$100,000 FOR HISTORIC PRESERVATION AND TO PROVIDE APPROPRIATIONS OF PROGRAM INCOME FROM CDBG AND HOME PROGRAMS FOR ELIGIBLE PROJECTS AND ADMINISTRATIVE COSTS; TO COMPLY WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 2015 GRANT-BASED ACCOUNTING REQUIREMENTS AND 2013 HOME INVESTMENT PARTNERSHIPS FINAL RULE AMENDMENT; AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY LOCAL GOVERNMENT VERIFICATION FORMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21567](#)**

**Staff Recommended Motion:**

Approve Resolution No. 288-17(F).

**Background:**

Resolution No. 226-15 authorized the appropriation of CDBG funding under the City's five (5) year consolidated plan for fiscal years 2010 - 2015; a portion of the funding was set-aside to create an Economic/Business Development Loan Program. However, immediate needs have necessitated the re-appropriation to historically designated sites consistent with the City's overall development initiatives. In addition various federal and state grants administered by the City of West Palm Beach earn program income and that income is allocated to fund eligible projects and pay administrative costs.

The Department of Housing and Urban Development (HUD) beginning Fiscal Year 2015, eliminated its "First-In-First-Out" accounting in the Integrated Disbursement and Information System (IDIS) for reporting project completion and expenditures against the oldest grants with available funds; and the accounting changes apply to programs administered by the City of West Palm Beach to include, Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Housing Opportunities for Persons with AIDS (HOPWA); and the Department of Housing and Urban Development (HUD) revised 92.250(b), to require an added burden upon the City of West Palm Beach, to incorporate underwriting, subsidy layering and neighborhood market demand, in the definition of commitment and requiring proposed projects to demonstrate firm financial commitments in writing prior to HOME award and set-up in the IDIS; and the Department of Housing and Urban Development (HUD) amended 24 CFR Part 91 and 92 of the HOME Program Regulations on July 24, 2013, decreasing the established timeline commitment of HOME funds and set-up of an eligible project in IDIS from five (5) years to four (4) years (92.205(e)(2)).

Resolution No. 288-17(F) makes the described budget adjustments and authorizes the Mayor to execute all necessary local government verification forms.

**Fiscal Note:**

Approval will re-appropriate \$100,000 from Fund 112 to Fund 110 for historic preservation and provide additional appropriations of \$621,387 to CDBG and \$133,304 to HOME.

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

**RESOLUTIONS (16):**

- 16. Resolution No. 291-17 approving the "Face of the City" for the proposed mural project to be installed on the property located at 2107 North Tamarind Avenue and approving a License Agreement with the artist, Aqua Etefia.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PROPOSED MURAL PROJECT TO BE INSTALLED ON CITY OWNED PROPERTY LOCATED AT 2107 NORTH TAMARIND AVENUE IN COMPLIANCE WITH THE FACE OF THE**

**CITY ORDINANCE AND APPROVING A LICENSE AGREEMENT WITH AQUA ETEFIA FOR THE USE OF THE PROPERTY AT 2107 NORTH TAMARIND AVENUE FOR THE INSTALLATION OF THE MURAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21568](#)**

**Staff Recommended Motion:**

Approve Resolution No. 291-17.

**Background:**

Youth Concept Gallery led by artist Aqua Etefia will install a community based mural at 2107 North Tamarind Ave., the Urban League Building, which is owned by the City. Aqua will engage with West Palm Beach youth in the participation and installation of the mural. The artist has met with the community and neighborhood association to create and design the mural. This project is a community endeavor to beautify the Coleman Park area.

Funding for the mural is provided with \$6,000 of the AiPP Committee Funds and \$3,000 of support from the City's Housing and Community Development Department.

Resolution No. 291-17 authorizes a License Agreement with Aqua Etefia for the installation of the art work and approves the "Face of the City" for the mural.

**Fiscal Note:**

Approval will authorize expenditures of \$6,000 from the AiPP Committee Funds and \$3,000 from the City's Real Estate Management Fund.

**PUBLIC HEARINGS (17 – 22):**

- 17. Public Hearing and Second Reading of Ordinance No. 4714-17: A City-initiated text amendment to Chapter 94 -Zoning and Land Development Regulations to update the current regulations regarding Nonconforming Structures, Lots and Uses.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS, TO UPDATE THE REGULATION OF NONCONFORMING USES, PROPERTIES AND STRUCTURES BY AMENDING AND RESTATING ARTICLE XVI - REGULATION OF NONCONFORMITIES; AMENDING SECTION 94-35 AND AMENDING ARTICLE XIX – DEFINITIONS; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21560](#)**



**Staff Recommended Motion:**

APPROVE Ordinance No. 4714-17, approving text amendments to the City's Zoning and Land Development Regulations to update the current regulations regarding non-conforming uses and properties. This motion is based upon factual testimony presented, 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 set forth in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background:**

The Planning Division has determined that the text amendments relating to updating the current Nonconforming regulations complies with all of the required standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Compliance with all of the above-referenced standards has been detailed in Attachment 1 - Planning Board Staff Report.

The Planning Board recommended approval (6-0) of this request to the City Commission after a Public Hearing on May 16, 2017.

ANALYSIS: From time to time amendments are required to the Zoning and Land Development Regulations (ZLDRs) to reflect changed circumstances or policies that render existing structures or uses nonconforming under the amendment. The City's Nonconforming Use Regulations ("Regulations") provide means by which a nonconforming structure, lot or use may continue lawfully until such time as the structure, lot or use no longer exist. The current Regulations were originally adopted by Ordinance No. 2391-90 with few revisions since then.

In summary, the current Regulations are very ambiguous and difficult to understand as demonstrated by the approach the current Regulations uses to regulate nonconformities. The existing sections are listed below:

- Nonconforming Lot
- Administrative Nonconformities
- Dimensional Nonconformities
- Lot nonconformities
- Required site improvement nonconformities
- Major use nonconformity
- Minor nonconforming use
- Nonconforming structure or building
- Nonconforming use
- Nonconforming use with no adverse impact
- Nonconforming use with adverse impacts
- Nonconformity

Staff is proposing to simplify and clarify the Regulations with only the following three (3) main categories. Nonconforming Landscaping and Signs will be regulated in other Articles of the ZLDRs.

**NONCONFORMING USES:** Staff is proposing the following changes that will provide clarity and allow nonconforming uses to improve and expand with certain restrictions:

- Allowing a nonconforming use to extend within the walls of an existing building where the use is currently located, with the approval of a Level I Site Plan approval;
- Allowing repairs and replacement of roofs and non-load bearing walls for structures occupied by nonconforming uses regardless of cost;
- Clarified that a nonconforming use may be temporarily suspended by windstorm, flood, or natural disaster, provided that an application for a building permit is made within six (6) months of the date of the disaster.

**NONCONFORMING STRUCTURES:** Staff is proposing the following changes to permit maintenance and restoration of historic structures and be more specific about the time to submit a building permit after a structure is destroyed by a natural disaster:

- Allows the repairs, restoration and rehabilitation of nonconforming contribution historic structures or on the National Register regardless of cost;
- Allows 12 months to submit a building permit if the structure is destroyed by a natural disaster.

**NONCONFORMING PARKING:** This section is to provide clarification when owners are making improvement to nonconforming parking lots:

- Clearly defines what life-extending treatments are for parking lots
- Allows the full extent of compliance for parking areas which includes material improvements to be determined by the Development Services Director.

Staff believes that the proposed updates to the Nonconforming regulations will provide clarity and understanding for Staff and property owners.

Ordinance No. 4714-17 as attached, includes Staff's recommendation as to the revisions to the Nonconforming regulations.

**PUBLICATION:** The legal ad for Ordinance No. 4714-17 will be advertised in the Palm Beach Post on September 1, 2017.

**COMMISSION DISTRICT:** The amendment applies City-wide.

- 18. Public Hearing and Second Reading of Ordinance No 4729-17 amending the Code Of Ordinances to adopt the Florida Department of Emergency Management Model Floodplain Management Ordinance in Chapter 18 of the Code, to increase the freeboard above Base Flood Elevation (BFE) to two (2) feet above BFE and to adopt the FEMA Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) as required by FEMA in order to continue to participate in the National Flood Insurance Program.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE WEST PALM BEACH CODE OF ORDINANCES TO REPEAL ARTICLE XVII – FLOOD PREVENTION AND CONTROL OF CHAPTER 94 – ZONING AND LAND DEVELOPMENT REGULATIONS TO ADOPT A NEW ARTICLE VII – FLOODPLAIN MANAGEMENT IN CHAPTER 18; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY CODIFICATION; AND AN EFFECTIVE DATE.**

**[Agenda Cover Memorandum No.: 21561](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No 4729-17.

**Background:**

Since March 2012, the Florida Division of Emergency Management has strongly advised communities to adopt the FEMA-approved floodplain management Model Ordinance that has been prepared explicitly to coordinate with the Florida Building Code which contains the flood building standards of the National Flood Insurance Program. More than 70% of Florida's communities have already adopted or are in the process of adopting the model ordinance. This is an important step for Community Rating System communities. The Florida Building Code 5th Edition, released in 2015, like the 2010 edition, includes mandatory provisions for buildings and structures in flood hazard areas, and those provisions meet or exceed the National Flood Insurance Program minimum requirements for buildings. Coordinating local floodplain management regulations with the building code (making them "work together") must be done as quickly as possible, otherwise, inconsistencies and possible contradictory language may occur that may confuse property owners, contractors and design professionals. The model ordinance is specifically designed to repeal and replace existing regulations, to satisfy National Flood Insurance Program requirements, to coordinate with the Florida Building Code, and to meet the requirements of section 553.73(5), Florida Statutes. The key reasons for moving to the Florida Building Code model ordinance include: (1) it eliminates the possibility of having conflicting or duplicative regulations for buildings; (2) it keeps local programs consistent and current with the Florida Building Code as the Florida Building Code is revised over time; (3) it incorporates clarifying language from FEMA guidance documents to address problems the Division of Emergency Management has observed in the field.

On April 5, 2017 FEMA notified the City of West Palm Beach that FEMA has completed a re-evaluation of flood hazards in our community. FEMA further advised that the new Flood Insurance Rate Maps (FIRMS) and Flood Insurance Study (FIS) for the City of West Palm Beach will become effective on October 5, 2017. Prior to October 5, 2017, the City of West Palm Beach is required to formally adopt the FIRMS and FIS as a condition of continued eligibility in the National Flood Insurance Program.

Finally, on September 12, 2016 Ordinance No. 4658-16 increased the required freeboard elevation to one foot above BFE. After extensive research and as a result of recommendations from several City standing committees, the decision was reached to further increase the required freeboard elevation to two feet above BFE.

Ordinance No. 4729-17 will accomplish the following:

1. Repeal the flood control regulations currently contained in Chapter 94, Zoning and Land Development Regulations, Article XVII, Flood Prevention and Control, in its entirety;
2. Create new floodplain management regulations in Chapter 18, Buildings and Building Regulations of the Code to create a new Article VII, Floodplain Management;
3. Increase the freeboard above Base Flood Elevation (BFE) to two (2) feet above BFE;
4. Adopt the FEMA FIRMs and FIS as required by FEMA.

**Fiscal Note:**

No fiscal impact.

**19. Public Hearing and Second Reading of Ordinance No. 4730-17 authorizing conveyance of the property to the West Palm Beach Community Redevelopment Agency**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA (“CITY”) APPROVING THE CONVEYANCE OF A CITY OWNED PROPERTY LOCATED AT 801 N. TAMARIND AVENUE TO THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE CONVEYANCE OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21562](#)**

**Staff Recommended Motion:**

Hold Public Hearing and Approve Ordinance No. 4730-17.

**Background:**

The City of West Palm Beach and the West Palm Beach Community Redevelopment Agency (CRA) staff are involved in various redevelopment projects to ultimately revitalize certain distressed areas of the City. The CRA has received an unsolicited proposal to develop the administrative offices for Cooper Construction Management currently based in Boynton Beach, Florida. The proposal is to construct a 3,500 sq. ft. building which will be their new headquarters and will house their existing nine (9) employees and an additional five (5) new employees after construction. Upon completion, this project has the potential to meet several targeted outcomes including:

- Increased Property Value;
- Increased Tax Base and TIFF;
- Reduction of Vacant Land;

- Will spur additional construction and private development;
- Will have a substantial visual impact on the corridor;
- Will create a minimum of five (5) additional jobs; and
- Will relocate a business with a proven successful track record into the target area.

The City and the CRA have identified two (2) contiguous properties located at the northwest corner of Tamarind Avenue and 7th Street for development of this project. The CRA owns parcel located at 819 N. Tamarind Avenue and the City owns parcel at 801 N. Tamarind Avenue. With current setbacks, parking and drainage requirements for site development, it is unlikely that the parcels could be developed as a stand-alone parcel without seeking some relief from the current development regulations.

In furtherance of City and CRA objectives, City staff recommends that the parcel located at 801 N. Tamarind Avenue be transferred to the West Palm Beach CRA for the purposes of completing a viable redevelopment opportunity on this prominent corner. The City's parcel is currently assessed by the Palm Beach County Property Appraiser's office at \$19,713.

This property is located in District 3 - Commissioner Paula Ryan.

**20. Public Hearing and Second Reading of Ordinance No. 4707-17 amending Section 90-33 of the Code of Ordinances regarding backflow prevention for the City's water system.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 90 (UTILITIES), ARTICLE II (WATER), DIVISION 1 (GENERALLY), TO RE-STATE SECTION 90-33 (REGULATION OF CROSS CONNECTION) TO REQUIRE TESTING OF BACKFLOW ASSEMBLY DEVICES AND UPDATE AT SINGLE FAMILY RESIDENTIAL HOMES; AMENDING CHAPTER 26 (CODE ENFORCEMENT), ARTICLE III (CITATION PROCEDURE), SECTION 26-66 REGARDING PENALTIES TO INCLUDE VIOLATIONS OF THE REGULATIONS FOR CROSS-CONNECTIONS AS A CLASS IV VIOLATION; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21569](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4707-17.

**Background:**

The City Commission of the City of West Palm Beach is vested with the authority to adopt ordinances to protect the health, safety and welfare of the City's inhabitants and

visitors. The City Commission has previously enacted cross connection regulations to protect the City's drinking water system from contaminants.

Cross-connections occur when there is a temporary or permanent connection between the City's public water system or consumer's potable water system and any source or system containing non-potable water or other substances, such as pool water or irrigation systems. Backflow devices are designed to protect potable water and the City's water supply system from contaminants where piping may be cross-connected.

Ordinance No. 4707-17 amends Sec. 90-33 of the Code of Ordinances to comply with current state regulations and makes the following changes to the City's cross-connection prevention program:

1. All new residential customers with meters of 1-inch or less will be required to have dual check devices. The City will install the dual check devices at the time of water meter installation. Reduced pressure type residential backflow preventer devices will only be required where there is a high hazard risk or for those services greater than 1-inch. The presence of high hazard risks at a residential dwelling are not common.

2. Customers required to have a reduced pressure type residential backflow preventer device currently must test the device annually. The frequency of testing for this type of residential backflow preventer would be reduced to at least once every two (2) years.

3. Residential dual check devices are not subject to testing. Initially, the City will schedule to replace the residential dual check devices every ten (10) years. The City believes it can actually extend the useful life for dual check devices beyond the ten (10) years without creating any risk to the City's water system. The City will set up a testing program to confirm that there will not be any risk associated with extending the useful life.

4. Adopts the cross connection control manual that has been updated to reflect current industry standards for backflow protection and recommendations from the Florida Department of Environmental Protection.

The Ordinance also amends Sec. 26-66 of the Code of Ordinances to make violations of the cross-connection ordinance a class IV violation.

**Fiscal Note:**

Any fee adjustments will be included in the Fee Schedule for the next fiscal year.

**21. Public Hearing and First Reading of: Ordinance No. 4718-17 amending the Comprehensive Plan Downtown Master Plan Element Figure DMP-1 and Figure DMP-2.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN**

**DOWNTOWN MASTER PLAN ELEMENT, FIGURE DMP-1 -DISTRICT BOUNDARIES UNDER DMP POLICY 1.1.1 AND FIGURE DMP-2 SUBDISTRICT BOUNDARIES UNDER DMP POLICY 3.1.3 TO AMEND THE BOUNDARIES OF THE BRELSFORD PARK DISTRICT AND THE PROVIDENCIA PARK DISTRICT; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21564](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4718-17 amending the Comprehensive Plan to amend the boundaries of the Brelsford Park District and the Providencia Park District. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the finding the amendment is consistent with the Comprehensive Plan.

**Background:**

This ordinance was presented and approved (4-0) by the City Commission on August 14, 2017. Due to advertisement requirements a new hearing is required before transmittal to the Department of Economic Opportunities.

The subject 0.97 acre property is located at the intersection of Palm Beach Lakes Boulevard and Olive Avenue. The property has an Urban Central Business District (UCBD) future land use designation, and a Providencia Park District Professional Office (PPD-PO) zoning designation. The PPD-PO is a single family residential district which allows professional office uses to occupy 100% of the structure, but requires maintaining the residential character of the area.

The subject property currently includes two (2) five-story structures, connected by a walkway, with 76 living units in total. The structure to the east was built in 1961 as the Mae C. Rovensky Nurses' Residence, and designed by John L. Volk and Associates. The second structure, on the west side, was constructed in 1982. The buildings were previously occupied by the Good Samaritan nurses. The structures have been vacant for approximately 15 years, and continue to be an eyesore in the community. The remainder of the site includes a surface parking lot with 52 spaces and a large landscaped area along North Olive Avenue. Parking entrances and exits are located along Palm Beach Lakes Boulevard and along the alley to the south.

Over the past few years, different property owners have obtained site plan approval to renovate the existing structures. In 2007, the Downtown Action Committee (DAC) Case No. 06-23 granted approval of a Class B Special Use permit for the re-establishment of the residential use within the two Nurses Residence buildings. The approved project included 76 units, and required at least one parking space for each unit to be accommodated on site. The approval expired on July 16, 2009 and the project did not

move forward. Before the expiration of the site plan approval some work was done on the exterior architectural elements of the building, such as the windows, doors and canopy; significantly damaging its Mid-Century Modern style.

In 2012, after the expiration of the previous approval, and considering the precarious condition of the building, the City entered into negotiations with the owner at the time, to promote the redevelopment of the property. The City Commission adopted Resolution No. 71-12 to set up a schedule for the payment of the more than \$480,000 in code fines accumulated by the property, as an incentive for its redevelopment. Based on the resolution, fines would be removed provided the owner placed funds in escrow, secured a building permit, and made improvements to the building. The developer never moved forward with the project.

In 2013, a new owner acquired the property and started a new approval process from the DAC, taking advantage of the benefits offered by Resolution No. 71-12. On February 13, 2013 a new approval was granted for the renovation of the structures to include 52 residential units. At the time of this approval, the owner also requested to designate the building as a historic structure. A condition was included stating that the reconstruction of historic elements shall be completed within two (2) years. The proposed building renovation obtained building permit but unfortunately, the reconstruction never occurred.

After several attempts by different property owners, and some incentives provided by the City the buildings still remain vacant and in terrible state of disrepair. Considering the history of the property, staff discussed with the current property owner the option to rezone the property to the adjacent Brelsford Park District-5. The proposed rezoning would allow additional flexibility for any possible redevelopment of the parcel or renovation of the existing buildings. The proposed rezoning is an attempt to provide a more appropriate set of regulations to the parcel and encourage its redevelopment.

The subject property at 300 Palm Beach Lakes Boulevard does not fit the general vision of the PPD district. The site is significantly larger than the average parcel within the PPD-PO designation, and it does not follow the single-family housing pattern. In addition, the subject property fronts Palm Beach Lakes Boulevard, a major thoroughfare for approximately 300 feet, making the site not appropriate for single family residential uses.

While the PPD-PO is restricted to a maximum density of 14 dwelling units per acre, the existing structure at 300 Palm Beach Lakes was built with 76 living units, resulting in a density of 79 units per acre. The property's size and layout does not match the Comprehensive Plan's vision for the neighborhood, therefore the applicable zoning regulations are not ideal. The existing structure exceeds most PPD-PO development regulations because the structure was never envisioned to be part of a single family residential neighborhood.

Considering the existing structures on the subject site, the proposal is to rezone the property within the adjacent Brelsford Park District – 5 (BPD-5) which includes



regulations more in line with the existing structures and densities on the site. The Brelsford Park District provides for commercial development along major thoroughfares like Dixie Highway. In addition, the district envisions a mix of uses with varying heights and a maximum density of 40 dwelling units per acre.

The Brelsford Park District-5 is described in the Comprehensive Plan as:

“The Brelsford Park area is a primarily residential neighborhood whose building scale and character shall be preserved and reinforced by similar scale infill projects. Its potentially historically significant structures are an important part of the character of the neighborhood and should be preserved. The Dixie highway corridor, along the eastern edge of the District, is a primarily mixed-use corridor, ideal for accommodating low scale residential and commercial uses to support the residential area, provided that such uses do not negatively impact the residential character of Brelsford Park.”

The BPD-5 zoning designation permits a maximum height of 5 stories of commercial, office and residential uses with a maximum floor-area-ratio (FAR) of 2.75. Unlike the current zoning (PPD-PO), the proposed zoning (BPD-5) allows multifamily residential uses among many others, including: hotel, office, and retail establishments. The district identifies Dixie Highway as the predominant commercial corridor and encourages attainable and workforce housing.

300 Palm Beach Lakes Boulevard follows the development pattern established by the Brelsford Park District with comparable site size, layout, and thoroughfare frontage. Additionally, the uses permitted for the district closely complement the historically established use for the site.

It is staff’s professional opinion the proposed rezoning of the 300 Palm Beach Lakes Boulevard will be beneficial for the surrounding neighborhood as it will serve as an inducement to renovate and revitalize what has been a derelict property for more than a decade.

Ordinance No. 4718-17

**DOWNTOWN ACTION COMMITTEE:** The Downtown Action Committee recommended approval (7-0) of the request described herein at their May 10, 2017 public hearing.

**PLANNING BOARD:** The Planning Board recommended approval (7-0) of the requests described herein at their June 20, 2017 public hearing.

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

**22. Public Hearing and First Reading of Ordinance No. 4721-17 amending the Comprehensive Plan Downtown Master Plan Element to identify the property located at 326 Fern Street as Urban Open Space, AND**

**Public Hearing and First Reading of Ordinance No. 4723-17 amending the Comprehensive Plan Downtown Master Plan Element to identify the properties of the future Jazz space as Urban Open Space.**

**ORDINANCE NO. 4721-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN: DOWNTOWN MASTER PLAN ELEMENT FIGURE DMP-2 SUBDISTRICT BOUNDARIES UNDER DMP POLICY 3.1.3 IDENTIFYING A NEW URBAN OPEN SPACE AT 326 FERN STREET; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**ORDINANCE NO. 4723-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN: DOWNTOWN MASTER PLAN ELEMENT FIGURE DMP-2 SUBDISTRICT BOUNDARIES UNDER DMP POLICY 3.1.3 IDENTIFYING A NEW URBAN OPEN SPACE WITHIN THE NORTHWEST NEIGHBORHOOD DISTRICT; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**[Agenda Cover Memorandum No.: 21565](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4721-17 amending the Comprehensive Plan: Downtown Master Plan Element Figure DMP-2 Subdistrict Boundaries under DMP Policy 3.1.3 identifying a new urban open space at 326 Fern Street. This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board, and the finding the amendment is consistent with the Comprehensive Plan.

APPROVE Ordinance No. 4723-17 amending the Comprehensive Plan: Downtown Master Plan Element Figure DMP-2 Subdistrict Boundaries under DMP Policy 3.1.3 identifying a new Urban Open Space within the Northwest Neighborhood. This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board, and the finding the amendment is consistent with the Comprehensive Plan.

**Background:**

These ordinances were previously presented on August 14, 2017, and approved by the City Commission (4-0). Due to advertisement requirements an additional hearing is required before transmittal to the Department of Economic Opportunities.

**\*\* 326 FERN STREET - Urban Open Space:**

On October 29, 2008, the City approved a site plan for the project known as Central Park Plaza. The project included the Southern Bell Telephone and Telegraph building, also known as the Meridian building, a new 16-story building across the street, and a future public open space at the corner of Dixie Highway and Fern Street. The approval required the public open space to be constructed by the developer in order to authorize the transfer of development rights from the open space to the 16-story residential building.

The public open space has been completed and it is now open to the public. The space will be privately maintained, and upon completion of environmental monitoring, ownership will be transferred to the City. One of the last steps in the process is the rezoning of the property from Quadrille Garden District-10 to Urban Open Space to ensure the open space is preserved in perpetuity. Ordinance No. 4721-17 amends the Downtown Master Plan Element of the Comprehensive Plan to reflect the designation of the 326 Fern Street property as an Urban Open Space, and Ordinance No. 4722-17 rezones the property as an Urban Open Space.

**DOWNTOWN ACTION COMMITTEE:** The Downtown Action Committee recommended approval (7-0) of the request described herein at their May 10, 2017 public hearing.

**PLANNING BOARD:** The Planning Board recommended approval (7-0) of the requests described herein at their May 16, 2017 public hearing.

**PUBLIC NOTICE:** Ordinance No. 4721-17 was advertised in the Palm Beach Post on September 4, 2017.

**COMMISSION DISTRICT -** This property is located within Commission District No. 3 - Commissioner Paula Ryan.

**\*\*NORTHWEST NEIGHBORHOOD - Urban Open Space:**

For the last couple of years, the Community Redevelopment Agency (CRA) has focused substantial efforts in the revitalization of the Historic Northwest Neighborhood. In 2002, the CRA commissioned Stull and Lee, Inc. to analyze the neighborhood and produce a strategic development plan. The report identified the Sunset Lounge as an anchor for what it referred to as the Sunset District. Additionally, the plan called for a public open space to be provided adjacent to the club.

On June 15 2016, the CRA acquired the Historic Sunset lounge and six other adjacent parcels in an effort to fulfill the community vision identified by the Stull and Lee Northwest Neighborhood Strategic Development Plan. The renovation plans for the historic Sunset lounge are currently underway, and the site of the future open space has been cleared. A design process for the future urban open space is already underway with the community, and final designs are expected within the next year. Ordinance No.4723-17 amends the Downtown Master Plan Element of the Comprehensive Plan to reflect the

designation of the subject properties as Urban Open Spaces, and Ordinance No. 4724-17 rezones the properties as Urban Open Space.

**DOWNTOWN ACTION COMMITTEE:** The Downtown Action Committee recommended approval (7-0) of the request described herein at their May 10, 2017 public hearing.

**PLANNING BOARD:** The Planning Board recommended approval (7-0) of the requests described herein at their June 20, 2017 public hearing.

**PUBLIC NOTICE:** Ordinance No. 4723-17 was advertised in the Palm Beach Post on September 4, 2017.

**COMMISSION DISTRICT:** These properties are located within Commission District No. 3-Commissioner Paula Ryan.

**PUBLIC HEARING – QUASI-JUDICIAL (23):  
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY\*  
SWEARING IN OF WITNESSES**

- 23. Public Hearing and Second Reading of Ordinance No. 4728-17 approving the designation of 209 6th Street 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 209 6TH STREET, 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.: 21563](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4728-17, designating 209 6th Street, as a Historic Site on the West Palm Beach Register of Historic Places. This motion is based upon the recommendation of the Historic Preservation Board, the factual testimony presented, the application submitted, the staff report, and the finding that the criteria set forth in Sec. 94-48 of the Zoning and Land Development Regulations have been met.

**Background:**

The property at 209 6th Street is a one-story steel frame and masonry warehouse built ca. 1930 with a wood panel curved ceiling. Character-defining features include the barrel-roof hidden behind a stepped parapet with squared details at the center and corners, 10 and 12-light factory windows with a center ventilator, and an applied cast-stone eagle over the original garage doors. The exterior is clad in stucco. The interior features curved steel trusses that are stamped “Carnegie USA” joined by reinforced flat steel trusses of a different manufacture. The floors reflect a sophisticated drainage system, likely from its

prior use for vehicular maintenance and later soft drink bottling. Although the front entry was replaced for its current use as a restaurant, the building 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, it is associated with events significant in the City's past, and it embodies the distinctive characteristics of a type, period or method of construction.

**Fiscal Note:**

No fiscal impact

**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.**