



**West Palm Beach
Community Redevelopment Agency**

AGENDA

**October 10, 2017
4:00 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
CRA EXECUTIVE DIRECTOR, JON WARD
CITY ATTORNEY, KIMBERLY ROTHENBURG
TREASURER, MARK A. PARKS
CITY CLERK, HAZELINE CARSON**

1. ROLL CALL

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.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

COMMENTS FROM THE BOARD:

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

CONSENT (2-6):

2. Minutes of the Community Redevelopment Agency Meeting of September 14, 2017.

[Agenda Cover Memorandum No.: 1496](#)

Staff Recommended Motion:

Approve the Minutes of the Community Redevelopment Agency Meeting held on September 14, 2017.

Background:

Fiscal Note:

No fiscal impact.

3. Minutes of the Special Community Redevelopment Agency Meeting of September 18, 2017.

[Agenda Cover Memorandum No.: 1497](#)

Staff Recommended Motion:

Approve the Minutes of the Special Community Redevelopment Agency Meeting held on September 18, 2017.

Background:

Fiscal Note:

No fiscal impact.

4. **Resolution No. 17-43 authorizing the City to wire monthly payments in connection with a Revolving Loan Fund (RLF) Agreement administered by Palm Beach County's Department of Economic Sustainability earmarked for ground water cleanup activities in connection with Terracon Cleanup Agreement on behalf of the CRA.**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE TRANSMISSION OF FUTURE PAYMENTS TO PALM BEACH COUNTY'S DEPARTMENT OF ECONOMIC SUSTAINABILITY, IN CONNECTION WITH THE BROWNFIELD REVOLVING LOAN FUND FOR THE ANCHOR SITE, VIA WIRE TRANSFER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 1499](#)

Staff Recommended Motion:

Approve Resolution No. 17-43.

Background:

The CRA approved Resolution No. 15-26 authoring the environmental cleanup of the Anchor Site and granting authority to enter into an agreement with consultants not to exceed \$350,000 to carry out the cleanup contingent on receipt of a loan from the Revolving Loan Fund (RLF). Subsequently, the CRA approved execution of the Palm Beach County Brownfields Cleanup Revolving Loan Fund Program Loan Agreement (Agreement) by adoption of Resolution No. 15-69. The CRA Chair executed the RLF on December 14, 2015, and the RLF is administered by Palm Beach County's Department of Economic Sustainability. The principal amount of the loan is \$350,000, which includes a forgivable loan amount of \$50,000. The initial payments on the loan began on January 1, 2017. The County has agreed to accept payment via wire transfer upon approval and authorization of the Board of Commissioner of the West Palm Beach CRA and the approval would streamline the City's Finance Department in processing payment by eliminating requiring processing of 121 forms for each payment.

Staff Recommends approval of the Resolution No. 17-43.

Fiscal Note:

5. **Resolution No. 17-38 authorizing acceptance of a Quit Claim Deed from the City of West Palm Beach conveying the property located at 801 N Tamarind Avenue to the West Palm Beach CRA.**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM THE CITY OF WEST PALM BEACH CONVEYING PROPERTY LOCATED AT 801 N. TAMARIND AVENUE TO THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 1500](#)

Staff Recommended Motion:

Approve Resolution No. 17-38

Background:

On November 7, 2005, by Resolution No. 05-65 the West Palm Beach Community Redevelopment Agency (the "Agency") approved the Strategic Finance Plan (the "Plan") which, among other provisions, included plans for the acquisition of vacant properties. On September 12, 2016 by Resolution No. 16-87 the Agency adopted the 11th Amendment to the Strategic Finance Plan (the "Plan") which included acquisition of vacant properties located in the Northwest Neighborhood target area. The purpose of the acquisitions is to stimulate revitalization through redevelopment projects.

At the August 28, 2017 City Commission meeting, the City adopted Resolution No. 268-17 finding that a City-owned lot located at 801 Tamarind Avenue is not needed for City purposes, declaring the property surplus and providing the method of disposition. Ordinance No. 4730-17 authorizing conveyance of the surplus Property to the West Palm Beach Community Redevelopment Agency. Second Reading of the Ordinance was approved on September 11, 2017. The City's Housing and Community Development (HCD) Department is working with the CRA's Downtown Historic Northwest Neighborhood Project Manager to convey the property for the purpose of redeveloping the property. The Agency will be responsible for all costs associated with the

conveyance from the City.

Staff requests the board to approve acceptance of the conveyance of the property from the City.

Fiscal Note:

- 6. Resolution No. 17-54 authorizing acceptance of the Special Category Historic Preservation Grant from the Florida Department of State, Division of Historical Resources, for the Sunset Lounge project and Resolution No. 17-55(F) appropriates the funding.**

RESOLUTION NO. 17-54: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST PALM BEACH COMMUNITY

REDEVELOPMENT AGENCY AUTHORIZING THE ACCEPTANCE OF A STATE SPECIAL CATEGORY HISTORIC PRESERVATION GRANT FROM THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, FOR THE PROPOSED HISTORIC RESTORATION OF THE SUNSET LOUNGE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 17-55(F): A RESOLUTION OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA), AUTHORIZING THE APPROPRIATION OR TRANSFER OF CRA FUNDS IN FISCAL YEAR 2017/2018 FOR THE PURPOSE OF AMENDING THE COMMUNITY REDEVELOPMENT AGENCY FUND BUDGET TO PROVIDE FOR THE RECEIPT OF A FLORIDA DEPARTMENT OF STATE HISTORIC PRESERVATION GRANT AND APPROPRIATION OF FUNDS FOR THE SUNSET LOUNGE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 1502](#)

Staff Recommended Motion:

Approve Resolution No. 17-54 and Resolution No. 17-55(F).

Background:

By Resolution No. 16-33, the Board previously approved the application for the Special Category Historic Preservation Grant from the Florida Department of State for the Sunset Lounge project. The Community Redevelopment Agency has been awarded the grant in the amount of \$500,000 to be used for the restoration of the Sunset Lounge.

As part of the acceptance procedure, the Agency must execute a grant agreement and restrictive covenant, as well as provide proof of the required matching funds. The Agency is required to provide at least a 50% match of the grant funds. The Agency intends to provide \$653,500 in matching funds. Those funds are currently budgeted for the Sunset Lounge Project in the Northwest Neighborhood Division of the CRA.

The restrictive covenant will be effective with respect to the Sunset Lounge property for 10 years. The CRA commits that during that term, all renovations to the property will be done in accordance with the standards for historic structures. It further provides that if the restrictive covenant is violated during the term, the CRA will be obligated to return the grant funds, on a pro-rated basis, as set forth in the covenant.

Resolution No. 17-54 accepts the grant, authorizes execution of the Grant Agreement, and authorizes the execution and recording of the restrictive covenant on the Sunset Lounge property. Resolution No. 17-55(F) appropriates \$1,153,500 for the project.

Fiscal Note:

Approval will provide for the acceptance of \$500,000 in grant funds and the appropriation of the \$500,000 in grant funds and \$653,500 in matching City funds.

RESOLUTIONS (7-10):

7. **Resolution No. 17-48 approving a non-binding Term Sheet for the Purchase of 311 N. Sapodilla Avenue with a Lease-back and Option to buy back for the current property owners, Fritz and Nivia Jean Louis.**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING A NON-BINDING TERM SHEET FOR THE PURCHASE AND LEASE BACK OF THE PROPERTY LOCATED AT 311 N. SAPODILLA AVENUE WHICH PROVIDES FOR IMPROVEMENT OF THE PROPERTY TO ACCOMMODATE A RESTAURANT AND AN OPTION FOR THE LESSEES TO BUY BACK THE PROPERTY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 1498](#)

Staff Recommended Motion:

Approve Resolution No. 17-48.

Background:

The Strategic Finance Plan for the Downtown/Historic Northwest District supports land assembly for the purpose of programming redevelopment projects to aid in revitalizing certain distressed areas and reestablish the economic base of the neighborhood.

The owner's of the property located at 311 N. Sapodilla Avenue, Fritz and Nivia Jean Louis, contacted CRA staff to inquire if any incentives exists to aid in the redevelopment of their property, specifically relating to the renovation the approximately 2,138 sq. ft. former restaurant component currently vacant and abandoned. The property consists of a three (3) structures including a principal 2-story building which houses the abandoned first floor restaurant and a residential apartment and small office on the second floor (according to the latest information provided by the Palm Beach County Property Appraiser's Office and City of West Palm Beach Building Department), and two vacant 1 bedroom, 1 bath "Shotgun" residential structures to the south of the principal building fronting N Sapodilla Avenue.

On July 25, 2017, a formal unsolicited proposal was received which resulted in several follow up discussions among CRA staff, the owners and their representatives on the details of the proposal and to collect additional information on their circumstance. Although no CRA programs currently exists that may incentivize the rehabilitation of the restaurant component, CRA staff explored an alternative that would net a similar outcome and be mutually beneficial from an economic development perspective. Staff learned the owner's backgrounds consists of a Registered Nurse (RN) and Head Chef of a local restaurant who are also entrepreneurs currently running a successful property management business from their home office. An appraisal was procured. The appraisal from Anderson Carr dated June 22, 2017 indicated a market value of \$530,000 and

prospective value, with a completed restaurant and other property improvements of \$655,000.

In concept, the West Palm Beach CRA would purchase the property for the balance of the outstanding mortgage of \$315,000. The CRA would lease-back the premises to the current owners and provide them with an option to buy-back the property in not less than five years. The CRA would manage the design and construction of the restaurant that, when complete, the lessees (current owners) would operate. They would also sub-lease and manage the other units on the property. The lessees would pay rent, which rent would be held in an account and could be used as the down payment for the buy-back of the property by the lessees. After at least five (5) years, which time would give the CRA a confidence level that the business is performing at an acceptable level and will remain successful, the lessee could buy back the property from the CRA for the original purchase price and utilize the rent paid to date as the down payment.

The owners are in conceptual agreement with these terms. A proposed Term Sheet is attached.

Resolution No. 17-48 approves the draft Term Sheet and authorizes the preparation of the legal agreements which will be brought back to the CRA Board for approval and further due diligence by staff regarding the property.

COMMISSION DISTRICT: The subject property is located in District 3, Commissioner Paula Ryan.

Fiscal Note:

Source of funding is available in Reserve for Future Projects account.

8. **Resolution No. 17-39 approving and authorizing the Chair to execute a grant agreement between the West Palm Beach Community Redevelopment Agency and Nestor Martin and Isabel Martin for the property located at 715 4th St under the Contributing Structure Rehabilitation Grant Program for a grant in the amount not to exceed \$ 50,000.**

A RESOLUTION OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY (“AGENCY”) APPROVING AND AUTHORIZING THE CHAIR TO EXECUTE A GRANT AGREEMENT WITH NESTOR MARTIN AND ISABEL MARTIN FOR A GRANT UNDER THE CONTRIBUTING STRUCTURE REHABILITATION GRANT PROGRAM FOR PROPERTY LOCATED AT 715 4TH ST; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 1501](#)

Staff Recommended Motion:

Approve Resolution No. 17-39.

Background:

In November 2005, the CRA Board formally adopted the Strategic Finance Plan for the Downtown/City Center CRA District. In June 2006, the CRA Board formally adopted nine incentive programs, many of them targeting the Northwest neighborhood. One of these programs, the Contributing Structure Rehabilitation Grant Program, is intended to encourage investors in historic properties that are designated as 'contributing' to the historic district, to do more renovations than they initially intended to do thus increasing the value of the property and further preserving its historical significance.

The CRA received an application from Nestor and Isabel Martin for a grant under the Contributing Structure Rehabilitation Grant Program for the property located at 715 4th St in the Northwest Neighborhood Target Area. This is a viable project and meets the criteria set forth in the Contributing Structure Rehabilitation Grant Program. The application submitted is for qualifying exterior and interior renovations for the contributing structure. The renovation includes but is not limited to the repair and replacement of exterior siding, rotted floor joist, installation of new windows and doors, new roofing system, landscape and irrigation for a total project cost of \$133,000.

The application for the project reflects the total budget for improvements. The budget, shown in the exhibits to the agreement, reflects the costs for improvements as being approximately \$133,000. Since the Northwest neighborhood is a targeted area through the program, and the applicant has agreed to provide an 80% match toward the total project cost not to exceed \$50,000.

Fiscal Note:

Contributing Structure Rehabilitation Grant Program

9. **Resolution No. 17-56 approving an Interlocal Agreement with the West Palm Beach Downtown Development Authority and the City of West Palm Beach for the Flagler Shore Project to enhance the public access and programming for the Flagler Drive waterfront.**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING AN INTERLOCAL AGREEMENT AMONG THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY, THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR THE FLAGLER SHORE PROJECT TO ENHANCE THE PUBLIC ACCESS AND PROGRAMMING FOR THE FLAGLER DRIVE WATERFRONT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 1503](#)

Staff Recommended Motion:

Approve Resolution No. 17-56.

Background:

The City of West Palm Beach has prioritized the waterfront as an area of critical importance to the public life of its residents and visitors. Based on the information collected through recent public places studies by Gehl, Happy Cities' Research for Shore to Core, and Jeff Speck's Walkability Study, the City, the Community Redevelopment Agency (CRA) and the West Palm Beach Downtown Development Authority (DDA) will test another design of Flagler Drive from Lakeview Avenue to Banyan Boulevard. The test project, Flagler Shore, will include the temporary elimination of the east two lanes for cars, reclaiming 63,000 square feet for people and public use. The test period of the project will begin October 7th and end March 1st for a total of 5 months.

Flagler Shore is a tactical urbanism project coordinated by the City, CRA, in partnership with the DDA. Cars will still be able to move north and south on the western two lanes. One lane will be dedicated to cars going north and one to cars going south. Temporary lane changes be put in place at the north and south ends of the project. Each intersection in between the ends of the project will receive planters, artistically painted shipping containers and safety measures to redirected cars north and south along the western two lanes.

This is the second temporary redesign project of the waterfront. In July 2016, the City dedicated the inside automobile lanes as bike lanes. Flagler Shore reflects the feedback from the first test. The temporary open space created along the eastern edge will be used for several purposes that were born out of the suggestions made by the consultants who have studied the waterfront. Some suggestions include:

- Additional moveable seating that can chase the shade
- More space for people to take romantic strolls, walk their dogs, fun bike rides, skateboard to the Green Market, Rollerblade to the Meyer Amphitheater, or just plain scoot in the City.
- More children play areas
- Bicycle events and amenities
- Additional Public Art
- Street vendors
- Street performers

Lastly, the City will be collecting additional data. The data will count people, bikes and cars under the new design. In addition, we will encourage feedback on the activities and events that will occur. An example of data collection will be understanding where people move the chairs throughout the day or how bicyclist come to the Green Market and use the bike valet.

For more information about the project, please visit www.wpb.org/flaglershore.

Resolution No. 17-56 approves an Interlocal Agreement among the City, CRA and DDA which sets forth the various responsibilities of the parties for the Flagler Shore project.

Fiscal Note:

- 10. **Resolution No. 17-50 of the Board of Commissioners of the West Palm Beach Community Redevelopment Agency authorizing the Executive Director to approve the purchase of tax lien certificates as a mechanism to position the West Palm Beach CRA to acquire title to real property through a tax lien sale process.**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR OF THE WEST PALM BEACH CRA TO APPROVE THE PURCHASE AND SALE OF TAX LIEN CERTIFICATES AS A MEANS AND METHOD TO OBTAIN TITLE TO REAL PROPERTY IN INSTANCES WHERE CRA STAFF IDENTIFIES IT IS IN THE AGENCY’S BEST INTEREST TO CARRY OUT ECONOMIC REDEVELOPMENT OBJECTIVES IN THE COMMUNITY REDEVELOPMENT PLAN; PROVIDING AGENCY FUNDING FOR THAT PURPOSE; AUTHORIZING THE CHAIR TO EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda](#) [Cover](#) [Memorandum](#) [No.:](#) [1504](#)

Staff Recommended Motion:

Approve	Resolution	No.	17-50.
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Background:

The Board of Commissioners of the West Palm Beach Redevelopment Agency (the “Agency”) previously expressed support for objectives identified in the Redevelopment Plan, specifically relating to land assembly efforts in both the Downtown District and Northwood/Pleasant City District for the purpose of programming redevelopment projects to aid in revitalizing and stabilizing certain economically distressed areas and promote redevelopment objectives in the neighborhood. The Agency staff recommends purchasing tax lien certificates on delinquent problem/nuisance properties as a means to further our redevelopment goals and objectives.

As you may know, taxes become due November 1st, and become delinquent if not paid by April 1st of the following year. Palm Beach County Tax Collector’s Office prepares a list of the properties with delinquent taxes and notices all property owners with unpaid property taxes stating that a tax certificate will be auctioned on or before June 1st if taxes are not paid. In most instances, Tax Certificates are purchased by a third party investor and simple interest accrues on a monthly basis ranging from 0 to 18%. Tax Certificates can be sold and transferred to another name. The money used to acquire the Tax Certificate is held in an account by the County and reimbursed to the Certificate holder in the event the property owner pays the taxes on that Certificate. Should the property owner not pay the delinquent taxes, the Tax Certificate Holder can request a tax deed application two (2) years from the date of delinquency but no longer than seven (7) years.

This process starts the auction process for sale of the property.

In many cases, time is of the essence; therefore, Agency staff is requesting CRA Board Authorization for the West Palm Beach CRA Executive Director to purchase tax lien certificates for delinquent problem/nuisance properties up an amount not to exceed \$50,000 dollars. In the event the West Palm Beach CRA is positioned to purchase these properties at a tax deed sale, the CRA Board approval of the maximum bid amount shall be required to proceed. In addition, any agreements received from a third party certificate holder that is the subject of interest by the CRA shall be reviewed and approved for legal sufficiency by the City Attorney and forwarded for the Chair for signature. The Board Chair shall be authorized to sign any and all documents to effectuate the objectives in this resolution.

Fiscal Note:

ADJOURNMENT:

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.