



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**August 31, 2015
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 SYLVIA MOFFETT**

**COMMISSIONER PAULA RYAN
COMMISSIONER KEITH JAMES**

**COMMISSIONER CORY NEERING
COMMISSIONER SHANON MATERIO**

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

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

PRESENTATION AND AWARDS OF MERIT (1):

1. Presentation proclaiming September 2015 as Hunger Action Month™. Proclamation to be accepted by Paco Velez, Feeding South Florida CEO; Ted Hutchinson, Government Affairs & Advocacy Manager; and Sari Vatske, VP Community Relations.
[Agenda Cover Memorandum No.: 20481](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED:

CONSENT CALENDAR (2 – 20):

2. **Minutes of the Regular City Commission Meeting of August 17, 2015.**
[Agenda Cover Memorandum No.: 20482](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on August 17, 2015.

3. **Resolution No. 237-15 authorizing a Sponsorship Agreement between the City of West Palm Beach and Steele the Show PR to produce "WPB Pup Crawl" on September 27, 2015 from 10:00 a.m. to 4:00 p.m.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND STEELE THE SHOW PR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20483](#)

Staff Recommended Motion:

Approve Resolution No. 237-15.

Background:

Steele the Show PR will host the 5th annual WPB Pup Crawl on September 27, 2015 from 10:00 a.m. to 4:00 p.m. in the 200-400 blocks of Clematis. This event is a fun day out with your pet and includes live entertainment, vendors and food and drink specials at restaurants along Clematis Street. Money raised to benefit local pet charities.

Resolution No. 237-15 authorizes the execution of a Sponsorship Agreement between the City and Steele the Show PR. Steel the Show PR will provide the City with certain sponsorship benefits which include marketing and public relations associated with WPB Pup Crawl. Steel the Show PR will also provide the City with \$1 million general liability insurance policy naming the City as additionally insured. In return, the City will waive the Special Event Permit Fee of \$1,375.00.

4. **Resolution No. 238-15 approving a Sponsorship Agreement between the City of West Palm Beach and Palm Beach Opera Inc. to produce "Opera @ the Waterfront" on December 12, 2015 from 2:00 p.m. to 3:30 p.m. in the Meyer Amphitheatre.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH OPERA INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20484](#)

Staff Recommended Motion:

Approve Resolution No. 238-15.

Background:

Palm Beach Opera, Inc. will host the 3rd annual free Opera @ the Waterfront on Saturday, December 12, 2015 from 2:00 p.m. to 3:30 p.m. at the Meyer Amphitheatre.

Resolution No. 238-15 approves a Sponsorship Agreement between the City and Palm Beach Opera Inc. The City will receive certain sponsorship benefits in exchange for not charging the event permit fee valued at \$1,000.00, Community Event Staff fee with an estimated value of \$140.00, dumpster fees with an estimated value of \$144.00 and the parking meters fees with an estimated value of \$1,500.00. In exchange, the Palm Beach Opera, Inc. will provide the City sponsorship benefits including sponsor mention in stage announcements, press releases and collateral and (12) twelve tickets to the VIP area. Prior to the event, Palm Beach Opera, Inc. will pay the City of West Palm Beach a \$500 refundable Special Event security deposit. Palm Beach Opera, Inc. will provide the City with \$1 million general liability insurance policy and a \$1 million liquor liability insurance policy naming the City as additionally insured.

5. **Resolution No. 258-15 approving the Special Event Sovereignty Submerged Lands Lease with the State and Sunfest for the Sunfest event through 2020.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CITY AS CO-LESSEE WITH SUNFEST OF PALM BEACH COUNTY, INC., UNDER A SOVEREIGNTY SUBMERGED LANDS LEASE WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR THE SUNFEST EVENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20487](#)

Staff Recommended Motion:

Approve Resolution No. 258-15.

Background:

The City of West Palm Beach holds a Sovereignty Submerged Lands Lease with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (the "State") for the submerged lands utilized for the City waterfront docks. The City also holds a Sovereignty Submerged Lands Lease with the State for the submerged lands utilized for Palm Harbor Marina.

Sunfest of Palm Beach County, Inc. ("Sunfest"), produces an annual regional special event along the City Waterfront, which includes floating docks in the Lake Worth Lagoon. Portions of the submerged land area in the Lake Worth Lagoon are utilized by Sunfest for its floating docks during the Sunfest event, and such portions of submerged lands include areas leased to the City for the City docks and Palm Harbor Marina.

The State of Florida will grant Sunfest a short-term lease so that it may continue to utilize the floating docks for the annual Sunfest special event for live music staging and kayak rentals, provided that the City is a co-lessee with Sunfest.

Resolution No. 258-15 authorizes the City to be co-lessee with Sunfest under a submerged land lease with the State for short-term use of submerged lands in the Lake Worth Lagoon for live music staging and kayak rental as part of the Sunfest special event.

Fiscal Note:

No fiscal impact.

- 6. Resolution No. 240-15(F) accepting funding in the amount of \$13,500 from the West Palm Beach Library Foundation to continue and expand the "Get That Job" series at the Mandel Public Library of West Palm Beach during Fiscal Year 2015/2016.**

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 2015/2016 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT

PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE "GET THAT JOB" PROGRAMMING FOR ADULTS FOR ONE YEAR; AUTHORIZING EXECUTION OF ANY DOCUMENTATION REQUIRED IN CONNECTION WITH FUNDING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20485](#)

Staff Recommended Motion:

Approve Resolution No. 240-15(F).

Background:

The Mandel Public Library of West Palm Beach strives to provide programming to support businesses, families, job seekers, veterans and economic development. The Mandel Public Library has worked with the West Palm Beach Library Foundation to secure funding to provide 10 day-long "Get That Job" workshops, 2 LinkedIn Workshops and 24 three hour career counselor class sessions using grant monies obtained from Wells Fargo. This is the fourth year that Wells Fargo has supported the "Get That Job" programming initiative and has provided additional funding to provide more workshops and additional library materials to the collection.

The "Get That Job" workshops will be offered starting January 2016. Each workshop will focus on assisting adults who are eager to work but may be having difficulty with finding employment due to a lack of job readiness skills. Lunches will be provided and each participant will be given their own flash drive so they can leave with their resume and other important resources to assist them with their job search. The "Get That Job" workshops will also be actively promoted to veterans and other groups which have been having difficulty in securing employment. Specifically, the workshops will assist attendees with preparing resumes and how to write a basic cover letter, how to prepare for interviews, what to wear to the interview, and understanding the interview process. Additionally, these workshops will assist attendees with developing basic computer and writing skills, how to search and apply for jobs online, as well as how to follow up after an interview and the value of perseverance in these tough economic times and how to be successful once you are hired and on the job. Also included will be two 6-hour LinkedIn classes provided by LinkedIn consultant, Debbie Wemyss, and three 2-hour Interviewing classes provided by career consultant Angela Wing-Allen. Ms Wing-Allen will also be available for 24 3-hour resume workshops throughout the year to provide personalized resume assistance.

- 7. Resolution No. 242-15 approving submittal of an application to the Florida Department of State, Division of Library and Information Services for the State Aid to Libraries Grant to assist the Mandel Public Library of West Palm Beach in maintaining and developing vital services during FY 2015-16.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE FLORIDA DEPARTMENT OF STATE FOR A STATE

AID TO LIBRARIES GRANT FOR OPERATION AND MAINTENANCE OF THE MANDEL PUBLIC LIBRARY; AUTHORIZING EXECUTION OF A GRANT AGREEMENT AND OTHER DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20486](#)

Staff Recommended Motion:

Approve Resolution No. 242-15.

Background:

Florida's State Aid to Libraries Program is administered by the Florida Department of State, Division of Library and Information Services. In 2003, the Legislature revised the law to allow independent municipal libraries to participate in the State Aid to Libraries Program. This was done in recognition that the provision of state aid to independent municipal libraries is a valuable contribution to the extension of the state's public library development plan. The Mandel Public Library of West Palm Beach has received State Aid funding since 2003.

The State provides a match of up to 25 cents on each dollar of local funds expended centrally for the operation and maintenance of the library. The Mandel Public Library meets the following requirements to receive the State Aid to Libraries Grant: 1) provides free library services, 2) maintains an established interlocal agreement to jointly support each participating library, 3) retains a single administrative head employed full-time to manage or coordinate the operations of the library, 4) expends funds centrally, 5) maintains a reciprocal borrowing agreement, 6) provides access to materials, information and services for all residents of the area served, 7) library is open 40 hours or more each week, and 8) has established a long-range plan, annual plan of service and annual budget. Funding from the state will supplement the Mandel Public Library's operating costs for goods and services as defined by the Uniform Accounting System Manual for Local Governments, 2008 edition, prepared by the Florida Department of Financial Services, Bureau of Local Government.

The State will determine the amount of grant to be awarded to the City however, it is estimated to be \$118,618 for fiscal year 2015-2016.

- 8. Resolution No. 249-15 amending Resolution No. 68-15 to include the City Center property insurance.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING RESOLUTION NO. 68-15 REGARDING ALL NECESSARY CONTRACTS FOR MASTER PROPERTY INSURANCE, WATER SYSTEM PROPERTY INSURANCE, CITY CENTER PROPERTY INSURANCE, WASTEWATER TREATMENT PLANT PROPERTY INSURANCE, EXCESS CRIME INSURANCE COVERAGE AND MISCELLANEOUS INSURANCE COVERAGE FOR THE PERIOD MARCH 1, 2015 – MAY 30, 2016, AS RECOMMENDED BY THE CITY'S INSURANCE

BROKER, PRIA, TO INCLUDE THE SPECIFICS FOR THE CITY CENTER PROPERTY INSURANCE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20488](#)

Staff Recommended Motion:

Approve Resolution No. 249-15.

Background:

By Resolution No. 68-15, the City Commission authorized the City's Risk Manager to execute and submit all necessary applications for the master property insurance, City Center insurance, the water systems insurance, the wastewater treatment plant property insurance, excess crime insurance coverage, and miscellaneous other coverages. Section 2 of Resolution No. 68-15 listed the various types of insurance policies and their coverage limits. However, the information for the City Center property insurance was not available at that time and was not specified in that resolution.

Resolution No. 249-15 amends Resolution No. 68-15 to include the coverage limits and annual premium for City Center Property insurance.

9. **Resolution No. 261-15 authorizing the assessment of city liens in the total amount of \$56,716.63 for unpaid water service, sewer service and stormwater service for the month of June 2015.**

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

[Agenda Cover Memorandum No.: 20489](#)

Staff Recommended Motion:

Approve Resolution No. 261-15.

Background:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 261-15 are for unpaid water service, sewer service and stormwater service for the month of June 2015. The list of properties to be assessed and the associated charges totaling \$56,716.63 are attached to Resolution No. 261-15 as EXHIBIT A - Utility Lien List - June 2015. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

10. **Resolution No. 262-15 authorizing approval of settlement (\$67,500.00) in the matter of JACQULYN HIGGINS v. CITY OF WEST PALM BEACH, filed in the Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50 2012CA018120XXXXMBAH.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING APPROVAL OF PROPOSED SETTLEMENT IN THE MATTER OF JACQULYN HIGGINS v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20490](#)

Staff Recommended Motion:

Approve Resolution No. 262-15.

Background:

JACQULYN HIGGINS filed a lawsuit against the City of West Palm Beach in the Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50 2012CA018120XXXXMBAH for damages sustained as a result of a trip and fall at Currie Park, West Palm Beach, Palm Beach County, Florida which occurred on October 6, 2011. The City of West Palm Beach reached a proposed settlement with JACQULYN HIGGINS for all claims, arising out of the incident described in the lawsuit filed against the City of West Palm Beach in the amount of \$67,500.00.

11. **Resolution No. 260-15 approving the replat of the Plat of Australian Park, entitled "2101 Australian."**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "2101 AUSTRALIAN" CONSISTING OF TWO (2) LOTS, CONTAINING A TOTAL OF APPROXIMATELY 15.88 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20491](#)

Staff Recommended Motion:

Approve Resolution No. 260-15.

Background:

The subject property consists of ±15.88 acres, is located at 2101 North Australian Avenue. The property is part of the plat known as the Plat of Australian Park, which was recorded in April 1964 and is comprised of a single parcel. The property owner is requesting that the property be subdivided into two (2) lots so that a portion of the

property can be sold. It is in Staff's professional opinion that this amendment complies with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City's Planning Board.

PUBLIC NOTICE: Resolution No. 260-15 was advertised in the Palm Beach Post on August 21, 2015.

COMMISSION DISTRICT: The subject property is located within Commission District No. 1 – Commissioner Sylvia Moffett.

- 12. Resolution No. 263-15(F) appropriating a Department of Homeland Security, Federal Emergency Management Agency (FEMA), Fiscal Year (FY) 2014 Assistance to Firefighters Grant (AFG) in the amount of \$1,517,300.**

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 2014/2015 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND AND THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FROM ASSISTANCE TO FIREFIGHTERS GRANT FOR EQUIPMENT AND TRAINING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20492](#)

Staff Recommended Motion:

Approve Resolution No. 263-15(F).

Background:

The City of West Palm Beach Fire Rescue Department was authorized to submit an application to the Department of Homeland Security, FEMA for a FY 2014 Assistance to Firefighters Grant by Resolution No. 48-15. Fire Rescue has been awarded the Grant in the amount of \$1,517,300.

The federal grant amount is \$1,379,364 and the City's match is stipulated at 10%, equaling \$137,936. The amount awarded includes \$1,244,900 for 120 self-contained breathing apparatus (SCBA) (equipment), \$156,400 for contractual services, \$100,200 for training (personnel) and \$15,800 for supplies equaling a grand total of \$1,517,300. The grant application identified the training and equipment needs of this organization to enhance our ability to protect the health and safety of the public as well as that of our firefighters and to further strengthen the abilities of these men and women who are expected to provide emergency service delivery.

The total grant award needs to be recorded in the existing budget and be available for "carry over" to next fiscal year with the grant period of performance from 06/09/15 to 06/08/16. Resolution No. 263-15(F) will allow for the receipt and appropriation of the grant funds.

Fiscal Note:

Match requirement of \$137,936 using FY15 Account #001.032710.522.500120.

- 13. Resolution No. 202-15 approving Rebroadcast Agreements with wireless carriers to improve signal strength at Fire Station No. 5.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING REBROADCAST AGREEMENTS WITH WIRELESS CARRIERS TO REBROADCAST TELECOMMUNICATION SIGNALS FOR FIRE STATION NO. 5 LOCATED AT 700 N. CONGRESS AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20493](#)

Staff Recommended Motion:

Approve Resolution No. 202-15.

Background:

The City's Information Technology Department has determined that there is a need to rebroadcast telecommunication signals for the new Fire Station No. 5 located at 700 N. Congress Avenue. Currently the signal strength in the building is below operational requirements and IT has requested authorization from various wireless providers, including T-Mobile, AT&T, and Verizon, to rebroadcast their signals within the building using an existing cellular and public safety distributed antenna system at the station. In order to comply with FCC license requirements, the carriers must grant permission to the City to rebroadcast their signal. The rebroadcasting of the signal is at no cost to the City. This resolution authorizes the Mayor to execute such authorization agreements with the wireless providers as may be required from time to time.

- 14. Resolution No. 269-15 approving a Right-of-Way Consent Agreement for Fencing between the City of West Palm Beach and Florida Power and Light Company.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING A RIGHT-OF-WAY CONSENT AGREEMENT FOR FENCING WITH FLORIDA POWER & LIGHT (FPL) ALLOWING INSTALLATION OF SECURITY FENCING ACROSS AN FLORIDA POWER & LIGHT EASEMENT AT THE WEST PALM COMMERCE PARK; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20494](#)

Staff Recommended Motion:

Approve Resolution No. 269-15.

Background:

The proposed Right-of-Way Consent Agreement between the City of West Palm Beach (WPB) and Florida Power & Light (FPL) will allow for the installation by the City of security fencing across the existing FPL easement within the West Palm Commerce site. The fence is necessary to curtail the high incidence of trespassing which has occurred over the past years at an ever increasing level. Trespassers are gaining access to the M Canal levy and are dumping materials in the wetlands preserve mitigation area owned by the City. Public Utilities, the West Palm Beach Police Department, and FPL support the importance of reducing the illegal ingress/egress permitted by the present unsecured site conditions which exposes all parties to undue risk.

Fiscal Note:

There is no fiscal impact for this Consent Agreement at this time. Public Utilities has approximately \$100,000 budgeted in the 453 Water and Sewer Capital Fund for this project.

15. **Resolution No. 264-15(F) appropriating \$1,217,568 from General Fund Balance for one-time project costs for the I.T. Department.**

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 2014/2015 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND AND THE INFORMATION TECHNOLOGY FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR TEMPORARY SERVICES, SOFTWARE LICENSES, AND SOFTWARE PURCHASES; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20495](#)

Staff Recommended Motion:

Approve Resolution No. 264-15(F).

Background:

Due to the sudden turnover for the IT Department, the department contracted with Sherlock Group to temporarily fill 16 critical vacancies, this was an unbudgeted incident. The department is currently in the process of filling these vacancies and requires funding for temporary services for the next two (2) months until FTEs have been recruited. Cost: \$557,568.

Earlier in the year, the department signed a zero balance true-up with Microsoft as an actual inventory of our software licenses was needed to be executed before signing the true-up. This software inventory assessment has now been completed and it was found

that the City had a total amount of licenses that would increase the annual license fee paid to Microsoft by \$225,000.

The City also has a future plan to migrate from Lotus Notes server to a Microsoft Exchange server, the line item for Email Migration will cover the cost of converting the data from Lotus Notes to Exchange. Cost: \$75,000

The City utilizes FileNet for its enterprise level content management platform. This is currently out of date and needs to be upgraded to its newest versions. Cost: \$20,000

Upon the implementation of Microsoft Exchange the City will possibly use MS Office 365 and Sharepoint, which is cloud base storage or store in house/on premises. The department has not decided which route will be most feasible for the City as the City has other Capital project needs to be implemented first. However, the requested cost will cover either direction. Cost: \$90,000

An inventory of all the City's software programs and infrastructure needs to be acquired, this process is currently non-existent, the VMWare software will provide the department with an in-depth, agentless monitoring of VMware-virtualized servers to give IT administrators a single fault and performance management console for the entire server infrastructure - both physical and virtual. This is a part of the finding from the risk assessment which also includes bringing our current licensing into compliance for both virtual servers and virtual desktops. Cost: \$250,000

A total of \$1,217,568 is needed to fund these I.T. requests. Funding is available in the General Fund Balance.

Fiscal Note:

Approval would cover the deficit in temp staffing cost for current year, it would also cover Microsoft S/W Licenses, email migration, filenet upgrade, MS Office 365, Sharepoint Implementation and VMWare.

Current Available/Uncommitted General Fund Balance is \$12,332,295. The balance after approval of this resolution will be approximately \$11.1 million.

- 16. Resolution No. 229-15 approving the Utility Work by Highway Contractor Agreement (at FDOT Expense) with the Florida Department of Transportation (FDOT) for the design and construction work relating to the relocation of City's utility on South Flagler Drive in connection with the State Road 80/Southern Boulevard Bridges Reconstruction Project.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT (AT FDOT EXPENSE) BETWEEN THE CITY OF WEST PALM BEACH AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE RELOCATION OF

CITY'S WATER AND SANITARY SEWER UTILITIES ON SOUTH FLAGLER DRIVE IN CONNECTION WITH THE FDOT STATE ROAD 80/SOUTHERN BOULEVARD BRIDGES RECONSTRUCTION PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20496](#)

Staff Recommended Motion:

Approve Resolution No. 229-15.

Background:

The State Road 80/Southern Boulevard Bridges reconstruction project by the Florida Department of Transportation (FDOT) extends from Washington Road in the City of West Palm Beach to State Road A1A/South Ocean Boulevard in the Town of Palm Beach. The bridge construction is to be advertised for bid by the FDOT in April 2016 with tentative construction start date in July 2016.

The scope of the FDOT project consists of the replacement of the Main Bridge (the existing bascule bridge over the Intracoastal Waterway) and the Tide Relief Bridge. The replacement bridges will be two-lane bridges with a wider footprint to accommodate upgraded pedestrian and bicycle facilities. The proposed work also includes roadway reconstruction (widening, drainage, sidewalks, curb and gutter), signing and pavement markings, and signalization along SR 80/Southern Boulevard, as well as along South Flagler Drive. The replacement Main Bridge will be constructed on the same alignment as the existing bridge and will require a temporary bridge (to be constructed north of the existing bridge) to maintain vehicular traffic during demolition and construction activities.

Within the FDOT project limits, certain of the City's existing utilities (water and sanitary sewer) are in conflict with the proposed improvements and will require adjustment and/or relocation (City's Utility Work) in conjunction with the bridge construction. Specifically, the design and construction of the City's Utility Work on South Flagler Drive that's located outside of the FDOT Right-of-Way on SR 80/Southern Boulevard will be accomplished at the FDOT expense. As such, the design of the City's Utility Work on South Flagler Drive will be performed by a FDOT Design Consultant, bid as part of the FDOT plan package, and construction will be accomplished by the FDOT Contractor. Improvements to existing utilities identified as needed by the City but do not in conflict with the proposed improvements will be addressed by a separate arrangement with the FDOT.

Resolution No. 229-15 authorizes the approval of the Utility Work by Highway Contractor Agreement (at FDOT Expense) between the City and FDOT to accomplish the City's Utility Work on South Flagler Drive as part of the bridge reconstruction project. The City is still working with FDOT on the addendum to FDOT's form document. Accordingly, the final document is subject to approval for legal sufficiency by the Office of the City Attorney.

Fiscal Note:

There is no financial impact associated with this project at this time.

17. **Resolution No. 270-15 establishing rates for bulk/wholesale water and wastewater services.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING RATES FOR BULK / WHOLESALE WATER AND WASTEWATER SERVICE; AMENDING AND REPLACING RESOLUTION NO. 245-10; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20497](#)

Staff Recommended Motion:

Approve Resolution No. 270-15.

Background:

On June 28, 2010, the City Commission approved Resolution No. 245-10 establishing bulk/wholesale water and wastewater rates for the City of West Palm Beach. Those rates were a result of a bulk/wholesale rate analysis performed by the City's rate consultant Public Resources Management Group, Inc. (PRMG) completed in March of 2010. The Public Utilities Department recently had PRMG update the bulk/wholesale rate analysis. This update was completed in June of 2015. This Resolution No. 270-15 establishes the updated bulk/wholesale rates in accordance with the new study and replaces the prior rate Resolution No: 245-10 which provided for individual agreements.

The City presently has only two bulk/wholesale customers. Palm Beach County purchases bulk/wholesale water for the purpose of providing water to their retail customers in Bayhill Estates off of Northlake Blvd. and the Solid Waste Authority purchases bulk/wholesale water for use by their pelletizer facility. The changes in the bulk/wholesale rates from 2010 to 2015 will not materially change the total revenue received from these two customers. The current revenue received from these two customers is approximately \$460,000.00 per year.

Fiscal Note:

The revenue generated by the new rates will be approximately equal the revenue received in FY 2014/2015.

18. **Resolution No. 271-15 deferring the rate increase in Water, Wastewater and Stormwater Fees for one (1) year.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DEFERRING THE RATE INCREASE FOR WATER AND WASTEWATER FEES ESTABLISHED BY RESOLUTION NO. 327-13; DELAYING THE RATE INCREASE FOR STORMWATER SERVICE FEES

ESTABLISHED BY RESOLUTION NO. 328-13; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 20498

Staff Recommended Motion:

Approve Resolution No. 271-15.

Background:

The current rate resolutions for water and wastewater fees and stormwater service fees are Resolutions No. 327-13 and Resolution No. 328-13, respectively, and were approved by the City Commission on December 9, 2013. Each of these Resolutions has a provision that on each October 1st, beginning on October 1st, 2014, rates would be automatically increased by 2.5% for water, 4.0% for wastewater (except for deposits, capacity charges, late payment fees, returned item fees and Section 13 reimbursement fees) and 3.0% for stormwater. Rate increases for FY2015 were delayed by the City Commission on September 29, 2014 by Resolution No. 236-14.

The City desires to delay the scheduled rate increases for an additional year while a capital plan for Public Utilities is to be determined, and evaluation of the rates to support such capital plan will then need to be performed.

Public Utilities staff and its rate consultant have determined that a delay in implementing rate increases until no later than October 1, 2016 will not affect the Utilities' ability to maintain its required Debt Service Coverage for FY 2015/2016. Staff is recommending that the automatic increases be delayed for one (1) additional year.

Fiscal Note:

Because the automatic increases were not used to project the FY 2016 budget and debt service coverage, no adverse financial impact on the water & sewer and stormwater enterprise funds will occur.

19. **Resolution Nos. 255-15, 256-15 and 257-15 approving the three (3) Interlocal Agreements related to the provision of reclaimed water to be used for irrigation at the Baseball Spring Training Facility:**

Resolution No. 255-15 approving an Interlocal Agreement among the East Central Regional Wastewater Treatment Facilities Operations Board, Palm Beach County and the City related to the construction of Reclaimed Water Mains at the ECR facility.

Resolution No. 256-15 approving an Interlocal Agreement with Palm Beach County for the purchase of Bulk Reclaimed Water.

Resolution No. 257-15 approving an Interlocal Agreement with Palm Beach County for the sale of Reclaimed Water for irrigation use.

RESOLUTION NO. 255-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT AMONG THE EAST CENTRAL REGIONAL WASTEWATER TREATMENT FACILITIES OPERATIONS BOARD, THE CITY OF WEST PALM BEACH, AND PALM BEACH COUNTY RELATED TO RECLAIMED WATER MAINS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 256-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH, AND PALM BEACH COUNTY FOR THE PURCHASE OF BULK RECLAIMED WATER; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 257-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT FOR THE SALE AND PURCHASE OF RECLAIMED WATER BETWEEN THE CITY OF WEST PALM BEACH, AND PALM BEACH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20499](#)

Staff Recommended Motion:

Approve Resolution No. 255-15, Resolution No. 256-15 and Resolution No. 257-15.

Background:

For the development of the baseball spring training facility ("Haverhill Ball Park"), the South Florida Water Management District is requiring the County to augment on-site lake water utilized for irrigation as a condition of the consumptive use permit. Using reclaimed water will facilitate the County meeting this SFWMD requirement.

The City was approached by Palm Beach County to provide the reclaimed water for irrigation at the Haverhill Ball Park, because this property is within the City's utility service area.

The reclaimed water service must be available by May 2016. Since the City does not currently have a facility to generate public access reclaimed water, the County has determined that it has excess capacity available in their ECR Reuse Facility. The County will provide reclaimed water to the City on a bulk or wholesale basis and the City will, in turn, provide retail service to the Haverhill Ball Park site.

RESOLUTION NO. 255-15: Approves an Interlocal Agreement among the ECR Board, the County and the City for construction of facilities at the ECR plant, by and at the expense of the County, to allow the sale of bulk Reclaimed Water to the City and transport of such Reclaimed Water from the ECR plant property. The ECR Board has

agreed to allow such construction and approved this Interlocal Agreement on August 12, 2015.

RESOLUTION NO. 256-15: Approves an Interlocal Agreement with the County for the County to provide reclaimed water to the City on a bulk/wholesale basis. This agreement may be terminated in the event that the City re-commissions its AWT facility to produce reclaimed water and is able to serve the Haverhill Ball Park.

RESOLUTION NO. 257-15: Approves an Interlocal Agreement with the County under which the City will provide reclaimed water to the Haverhill Ball Park, on a retail basis, for use only to irrigate the athletic fields and landscaping.

20. **Resolution No. 239-15(F) amending the Capital Projects Fund budget for Fiscal Year 2014/2015 to provide additional funding of \$495,000, from the Gas Tax Fund, for the 15th Street Beautification project.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF \$495,000 CITY FUNDS IN FISCAL YEAR 2014/2015 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE CAPITAL PROJECTS FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR THE 15TH STREET BEAUTIFICATION PROJECT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20507](#)

Staff Recommended Motion:

Approve Resolution No. 239-15(F).

Background:

The 15th Street Beautification project consists of streetscape enhancements of 15th Street in West Palm Beach, Florida, from North Australian Avenue to North Dixie Highway (US 1), an approximate total length of 0.8 miles. The proposed scope of work will include construction of landscape islands with bioswale drainage, 5-foot wide dedicated bicycle lanes, sidewalk repairs on both sides of 15th Street, sidewalk ramp improvements, site furnishings, railroad crossing pavement markings, landscaping, decorative crosswalks, and restriping of 15th Street to accommodate new lane widths and dedicated bicycle lanes.

On November 19th, 2014 the City entered into a LAP (Local Agency Program) Agreement with FDOT (Florida Department of Transportation) for \$725,600.00 for Construction and CEI (Construction Engineering Inspection). The project was advertised and the apparent low bidder for construction is \$1,045,815.95 and the negotiated amount for CEI is \$145,751.61. The shortfall of this project is \$465,967.56.

The additional funding in the amount of \$495,000 will be provided from the Gas Tax Fund and will cover the additional cost of construction, CEI and contingency of the 15th Street Beautification Project.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

PUBLIC HEARINGS (21 – 25):

- 21. Public Hearing and Second Reading of Ordinance No. 4593-15 approving an Interlocal Agreement with Palm Beach County for the exchange of property for the development of the Haverhill site as a two-team Major League Baseball Spring Training Facility.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT CERTAIN PROPERTY OWNED BY THE CITY LOCATED BETWEEN HAVERHILL ROAD AND MILITARY TRAIL SOUTH OF 45TH STREET IS NOT NEEDED FOR CITY PURPOSES; APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR THE EXCHANGE OF PROPERTY FOR THE DEVELOPMENT OF A MAJOR LEAGUE BASEBALL SPRING TRAINING FACILITY; APPROVING THE CONCEPTUAL DESIGN OF THE ASSOCIATED CITY PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20500](#)

Staff Recommended Motion:

Approve Ordinance No. 4593-15.

Background:

The Interlocal Agreement was approved by the Palm Beach County Board of County Commissioners on August 18, 2015.

SUMMARY: This Interlocal Agreement authorizes the City's conveyance of approximately 141 acres of City-owned property, formerly a City landfill, located between Haverhill Road and Military Trail lying South of 45th Street (the "Haverhill Property")(Attachment A) in exchange for the County conveying approximately 1.8 acres of County-owned property lying between Evernia and Fern Streets (the "County Property")(Attachment B) and the construction of a City Park on approximately 12.2 acres of City property adjacent to the Haverhill Property(Attachment C). Ordinance No. 4593-15: 1) declares the Haverhill Property to be surplus, 2) approves the property exchange transaction; 3) authorize the Mayor to execute the Interlocal Agreement, the City Deed conveying the Haverhill Site, the County Deed accepting the County Property, the Access Easement, the Temporary Construction Easement, the Restrictive Covenant, the License, and any other ancillary documents required; and 4) approves the conceptual design for the City Park.

BACKGROUND: By Resolution No. 41-15, the City Commission approved the Material Terms for this transaction and directed staff to enter into negotiations with the County for the purpose of creating an Interlocal Agreement which would: 1) provide property for the development and operation of a two team Major League Baseball Spring Training Facility in a manner consistent with the City's protection of its water supply; 2) provide the City with ownership of property in the Downtown presently owned by the County critical to the City's redevelopment and economic development objectives; and 3) allow for the construction of a City Park immediately adjacent to the Spring Training Facility. In order to determine the suitability of the Haverhill Property for development and facilitate negotiation of the Interlocal Agreement and the proposed property exchange, the County required access to the Haverhill Property to perform certain inspections and predevelopment activities. By Resolution No. 75-15, the City Commission approved an Access Agreement with the County to allow County to perform such inspections and predevelopment activities prior to completing negotiation of an agreement between the City and County.

INTERLOCAL AGREEMENT: The negotiated Interlocal Agreement conforms to the Commission's direction to staff. The Interlocal Agreement provides for protection of the City's water supply by restricting the southern 400 feet of the Haverhill Site (the "Buffer Area") for use as grassed pervious open space, multipurpose athletic fields and parking. Use of the Buffer Area for parking shall be restricted to 40 days per year, unless extended by mutual agreement of the City and County. The proposed Interlocal Agreement provides that in exchange for conveying the Haverhill Site to the County, the County will convey to the City 1.8 acres of County-owned property in the Downtown area, located between Evernia and Fern Streets. Additionally, the proposed Interlocal Agreement provides for the construction of a City Park on property adjacent to the Haverhill Property.

PROPERTY EXCHANGE: Under the City Code, because this is an exchange with another government, appraisals are not required. Nonetheless, Anderson & Carr, Inc. appraised the 157 acres of vacant land on December 12, 2014. The appraisal assumed that 60.7 acres or 80.7 acres of the property could be rezoned to Multifamily Low Density and 27 acres or 29.3 acres could be rezoned Industrial. Under the first scenario, the appraised value of the residential component was 60.7 @ \$240,000 per acre or \$14,600,000 and the industrial component of 27 acres (1,176,120 square feet at \$4.50 per square foot) was \$5,300,000. Under the second scenario, the appraised value of the residential component of 80.7 acres was \$19,400,000 and the industrial component at 29.3 acres was \$5,300,000 for a total appraised value of \$19,900,000 or \$25,000,000. Additionally, the County obtained two appraisals were for each property. The appraisals valued the Haverhill Property at \$6,300,000 and \$6,700,000. The appraisals valued the County Property at \$4,270,000 and \$4,725,000. It should be noted that the consideration for the property exchange includes the development of the City Park, the value of which was not included in the property appraisals.

Both County and City have completed their due diligence investigations and are agreeing that they are satisfied with the physical conditions of the properties. The properties will

be exchanged in their "As Is" condition. The County Property includes a building which will require asbestos remediation prior to demolition. The County Property environmental assessment is consistent with the previous use of the property and the surrounding properties. Under the terms of the Interlocal Agreement, both County and City will each have the sole responsibility for the lawful removal and remediation of any unsuitable environmental materials and Hazardous Material as may be required for future development of each respective property at its own cost and expense. Further, the County is responsible for any environmental issue which is aggravated by or is the result of County's activities on the Haverhill property. Both parties remain responsible for any violation of environmental law existing on the property at the time of the exchange not assumed by the other as provided in the Interlocal Agreement. The parties believe that the Spring Training Facility is presently immune from Ad Valorem and/or real estate taxes. If in the future, Ad Valorem real property taxes are assessed against the Site, the Facility, the LLC's interest and/or the LLC's operation thereof, the City agrees to reimburse the County an amount equal to its portion of the November discounted rate of the Ad Valorem taxes due to the City.

CITY PARK: The City Park will be approximately 12.2 acres in size and will include 2 soccer fields, 4 basketball courts, a playground, a splash pad wet play area, fitness and walking trails with park benches, a main pavilion with restrooms and vending area, 2 picnic pavilions equipped with grills and picnic tables, exercise stations and parking for 100 cars, as listed on Attachment C. The design of the City Park includes a driveway access to the adjacent Buffer Area of the Spring Training Complex, for access to the grassed parking area during the 40 days allowed, or as mutually extended. The conceptual plan for the City Park will be approved by Ordinance No. 4593-15.

LAND MANAGEMENT: In addition to the restrictions limiting the use of the Buffer Area, the Spring Training Facility and City Park will be designed so there is no stormwater discharge to the M-Canal. Both the County and City must agree to any modification of the Environmental Resource Permit once issued. Additionally, City and County will agree in writing to a list of fertilizers, pesticides and herbicides that will be permitted for use in the Buffer Area and due care will be required in their application. Additionally, the County will be required to perform groundwater monitoring along the property line abutting the Water Catchment Area and M-Canal. Monitoring will be provided for two years after installation. A groundwater monitoring plan will be prepared and submitted for FDEP approval. In the event that it can be demonstrated that any constituent exceeding groundwater cleanup target levels is migrating from the Haverhill Property to the Water Catchment Area or M-Canal, the County will be responsible for taking all steps necessary to contain the migration and perform remediation.

IRRIGATION: The County has determined that given the nature of the Spring Training Facility and its many athletic fields, the on-site lakes will be used in conjunction with reclaimed water for irrigation purposes. Three (3) companion reclaimed water agreements will be presented to the Commission in conjunction with this item. The County has agreed to provide groundwater and lake modeling evaluations to the City and

to incorporate the results in to applicable permit applications. In the event that groundwater flows are reversed or the groundwater levels are drawn down by an identified parameter, the County will either replenish the water withdrawn from the lakes or discontinue the use of the lakes for irrigation until any negative impact no longer exists.

CONTINGENCIES TO CLOSING: The County's obligation to close the transactions contemplated by this Interlocal Agreement is contingent upon: 1) full execution a Developer Agreement and a Sports Facility Use Agreement with the Teams; 2) Certification by the Florida Department of Economic Opportunity for funding for the development of the Spring Training Facility; 3) obtaining all permits and approvals for development of the Spring Training Facility; 4) the County and City entering into the required agreements for provision of reclaimed water to the Spring Training Facility; and 5) the issuance of bond financing by the County. The City's obligation to close the transaction is contingent upon the issuance of bond financing by the County for development of the Spring Training Facility. Should these contingencies not be satisfied or waived on or before March 1, 2016, both parties have the right to terminate the Interlocal Agreement or mutually agree to a future date by which closing must occur.

TEAMS: The County contemplates entering into a Developer Agreement with HW Spring Training Complex, LLC, ("LLC") a development entity created by the Houston Astros and Washington Nationals pursuant to which the LLC will take and perform all actions necessary for development of the Spring Training Facility and City Park on behalf of County. The County and the LLC will enter into a Sports Facility Use Agreement pursuant to which the LLC will have the long term right and obligation to use and operate the Spring Training Facility.

The Haverhill Property is located in Commission District No. 4, Commissioner Keith James.

- 22. Public Hearing and First Reading of Ordinance No. 4590-15 amending Chapter 54 of the Code of Ordinances of the City of West Palm Beach to provide civil penalties for the possession of 20 grams or less of cannabis and for possession of drug paraphernalia.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 54 (OFFENSES) ARTICLE I, (IN GENERAL) SECTION 54-1 (ADOPTION OF STATE LAWS RELATING TO MISDEMEANORS), PROVIDE CIVIL PENALTIES FOR THE POSSESSION OF 20 GRAMS OR LESS OF CANNABIS (MARIJUANA) AND POSSESSION OF DRUG PARAPHERNALIA; SETTING FORTH PENALTIES AND ENFORCEMENT RESPONSIBILITES; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20501](#)

Staff Recommended Motion:

Approve Ordinance No. 4590-15 on First Reading and schedule a Public Hearing and Second Reading on September 15, 2015.

Background:

The ACLU reports that when people are arrested for possessing miniscule amounts of marijuana, it can have dire collateral consequences that affect their eligibility for public housing and student financial aid, employment opportunities, child custody determinations and immigration status. Further, the FBI/Uniform Crime Reporting Program Data regarding misdemeanor marijuana possession arrests indicates that in 2010 77% of marijuana arrests were of people 29 or younger, 62% were of people younger than 25, and more than one-third were of teenagers and pre-teens. Currently, City of West Palm Beach law enforcement officers merely have discretion to either arrest or not arrest a person for the commission of a misdemeanor. This Ordinance will provide an alternative and additional mechanism under the City's Code to enforce violations that are based upon the commission of certain enumerated misdemeanors. Law enforcement officers will have the discretion to either (1) issue a civil citation pursuant to this ordinance; (2) arrest; or (3) not arrest a person for the commission of a misdemeanor offense of possession of marijuana and/or possession of paraphernalia.

23. **Resolution No. 233-15 finding that the property located at 4800 Dreher Trail North within Dreher Park is not needed for City purposes, declaring the property to be surplus, and authorizing negotiations with South Florida Science Center and Aquarium, Inc. to lease the property.**

Public Hearing and First Reading of Ordinance No. 4587-15 approving an amendment to the Lease Agreement with the South Florida Science Center and Aquarium, Inc. to include the Garden Club premises.

RESOLUTION NO. 233-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT THE PROPERTY LOCATED AT 4800 DREHER TRAIL NORTH WITHIN DREHER PARK IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; AUTHORIZING CITY STAFF TO NEGOTIATE AN AGREEMENT TO LEASE THE PROPERTY TO THE SOUTH FLORIDA SCIENCE CENTER AND AQUARIUM, INC.; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4587-15: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY AND THE SOUTH FLORIDA SCIENCE CENTER AND AQUARIUM, INC. FOR THE LEASE OF CERTAIN PROPERTY LOCATED IN DREHER PARK TO ADD THE GARDEN CLUB

PREMISES LOCATED AT 4800 DREHER TRAIL NORTH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20502](#)

Staff Recommended Motion:

Approve Resolution No. 233-15 and Ordinance No. 4587-15 on First Reading and schedule a Public Hearing and Second Reading for September 15, 2015.

Background:

By Resolution No. 351-13, the City Commission approved a three (3) year Lease Agreement with the South Florida Science Center and Aquarium, Inc. for the Garden Club Premises located at 4800 Dreher Trail North in Dreher Park. The property, once occupied by the West Palm Beach Garden Club, is not needed for City purposes and is declared to be surplus. The Science Center has been utilizing this space for youth programs, camps, and other educational opportunities. The Science Center has successfully acquired funding in the amount of \$425,000 from the State of Florida, Division of Cultural Affairs, to renovate the premises and is requesting that the existing three year lease, which will expire December 16, 2015, be terminated and that the City amend the Lease Agreement with the Science Center for the Science Museum premises to include the Garden Club premises.

The Science Museum lease has a term of 50 years and will expire in 2060. Under the terms of the proposed lease amendment, the Science Center will be allowed to use the Garden Club Premises solely for the non-profit purposes generally attributed to a science museum, administrative offices, educational programs and for private function rentals. The Science Center will pay to the City fifteen percent (15%) of net revenue collected by the Science Center for rentals of the Garden Club premises for commercial events for the initial five years and 20% of the net revenue for the remainder of the lease term. The Science Center will be responsible for maintenance of the structure and the grounds.

Dreher Park is located in Commission District 5, Commissioner Materio.

Fiscal Note:

No fiscal impact.

- 24. Public Hearing of Resolution No. 244-15 establishing the rates for the Fire Service Special Assessment for fiscal year 2015/2016 and approving the assessment roll.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE RATES FOR THE FIRE SERVICE SPECIAL ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2015; APPROVING THE ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20503](#)

Staff Recommended Motion:

Approve Resolution No. 244-15 providing that the fire service special assessment rates remain the same as fiscal year 2015 and that there will be no increase. The rates for Residential property will remain at \$25 and all other rates will remain the same.

Background:

By Ordinance No. 4141-08, and Resolution No. 332-08, the City Commission of the City of West Palm Beach, Florida, authorized the imposition and collection of an annual recurring fire service assessments against real property within the City. The Ordinance requires the City Commission to adopt a Rate Resolution which establishes the rates of assessment and approves the Assessment Roll for the upcoming Fiscal Year.

By Resolution No. 216-15, the City Commission adopted the Preliminary Rate Resolution directing the matters specified in Section 2.08 of the Ordinance, including the updating of the Assessment Roll, the mailing and publication of notice, and the scheduling of a public hearing. The Preliminary Rate Resolution made no change to the assessment rates.

The preliminary Assessment Roll was updated and made available for inspection by the public, as required by the Ordinance. Notice of this public hearing was published in the Palm Beach Post on August 7, 2015 and was also mailed to each affected property owner.

Based on the discussion at the Commission Meeting held on July 20, 2015, the Fire Service Assessment will remain the same as fiscal year 2015. The current rates are:

Residential - \$25
Commercial \$0.03 sq.ft.
Industrial \$0.01 sq.ft.
Institutional \$0.04 sq.ft. with an 80% buy-down from the City
Nursing Homes \$.10 sq.ft.

No Fire Services Assessment will be imposed upon Governmental Property. The City will buy down this exemption with non-assessment funds.

Institutional Property whose use is exempt from taxation under Florida law shall be assessed, but shall be required to pay only twenty percent of the Fire Services Assessment imposed against each parcel. The City will buy down this 80% exemption with non-assessment funds.

Resolution No. 244-15 determines the method of collection of the Fire Service Special Assessment through the property tax bills.

- 25. Public Hearing of Resolution No. 245-15 adopting the assessment roll for the Chronic Nuisance Assessment for fiscal year 2015/16 which includes properties with unpaid charges for the abatement of code violations and chronic nuisance.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATED TO THOSE NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT MOWING AND DEBRIS REMOVAL SERVICES, BOARDING AND SECURING OF VACANT OR UNSAFE STRUCTURES, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES, CALLS FOR SERVICE AND INSPECTIONS TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY, AND OTHER PROPERTY MAINTENANCE SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY; APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2015/2016; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20504](#)

Staff Recommended Motion:

Approve Resolution No. 245-15.

Background:

In September 2011, the City of West Palm Beach adopted a series of new Ordinances intended to change the way the City deals with chronic nuisance properties and chronic nuisances in general. These ordinances were intended to recognize that the work that City staff provides to chronic nuisance properties is of direct benefit to the affected property. Through the adoption of Ordinance Nos. 4350-11, 4361-11, and 4362-11 the City Commission declared that any unpaid chronic nuisance service charges, unpaid Code Enforcement re-inspection assessment charges, or unpaid costs incurred for the abatement of code violations that remained delinquent and unpaid should become a special assessment against these properties as a non-ad valorem assessment equal in rank and dignity to a lien for ad valorem taxes.

In order to satisfy the statutory requirements for the implementation of special assessments contained in Section 197.3632 Florida Statutes, the City Commission also adopted Resolution No. 17-13, which declared the City's intent to utilize the uniform method of collecting these non-ad valorem assessments.

By Resolution No. 215-15, the City Commission directed the Finance Director to prepare an assessment roll for the chronic nuisance service assessments for fiscal year 2015/16, and set August 31, 2015 as the date for the public hearing to adopt a final assessment roll as required by statute. Written notification by first class mail was sent to each affected property owners advising of the total amount to be levied against each parcel of assessed real property; that failure to pay the assessment will cause a tax certificate to be issued against the property; that the property owners have a right to appear at the public hearing and to file written objections with the City Commission within twenty days of the date of the notice; and providing the date, time, and place of the public hearing. Notice was mailed to 391 properties. Notice of the assessment was also published in the Palm Beach Post.

At this public hearing the Commission may hear public comment regarding the assessments. Resolution No. 245-15 adopts the assessment roll, which includes properties which have unpaid charges for the City abatement of code violations and chronic nuisances and directs City staff to certify the assessment roll to the County Tax Assessor for inclusion in the November 2015 property tax bills.

Approval of Resolution No. 245-15 will result in \$238,001.81 unpaid chronic nuisance service costs incurred by the City to be included on the November 2015 property tax bills.

PUBLIC HEARING – QUASI-JUDICIAL (26 – 28):

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

26. **Public Hearing and First Reading of Ordinance No. 4580-15: Regarding a request to rezone approximately 10.58 acres from General Commercial to Commercial Planned Development to create the Braman Motorcars Commercial Planned Development (CPD) consisting of approximately 164,000 square feet of automobile sales and service generally located at 2901 Okeechobee Boulevard.**

Resolution No. 207-15: Granting waivers and establishing the development regulations for the Braman Motorcars CPD.

The above-referenced items are being requested by Joni Brinkman of Urban Design Kilday Studios, on behalf of Palm Beach Imports, Inc. & BHLM Partnership.

ORDINANCE NO. 4580-15: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CREATING THE BRAMAN MOTORCARS COMMERCIAL PLANNED DEVELOPMENT LOCATED GENERALLY AT 2901 OKEECHOBEE BOULEVARD; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 207-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS FOR THE BRAMAN MOTORCARS COMMERCIAL PLANNED DEVELOPMENT LOCATED GENERALLY AT 2901 OKEECHOBEE BOULEVARD; GRANTING WAIVERS; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20476](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4580-15, approving a rezoning of approximately 10.58 acres from General Commercial to Commercial Planned Development to create the Braman Motorcars Commercial Planned Development consisting of approximately 164,000 square feet of automobile sales and service, generally located at 2901 Okeechobee Boulevard. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

DISCUSS Resolution No. 207-15.

Background:

The Planning Division has determined that the rezoning request to create the Braman Motorcars CPD and the establishment of development regulations, including the waivers, comply 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 with conditions (7-0) of this request to the City Commission after a Public Hearing on June 16, 2015.

ANALYSIS

Ordinance No. 4580-15:

Braman Motorcars currently operates motor vehicle sales and service dealerships for BMW, Bentley, Rolls Royce, Mini, Porsche and Audi spread across three properties that they control generally at the northeast corner of the intersection of Okeechobee and Palm Beach Lakes Boulevards. The BMW, Bentley, Rolls Royce and Mini dealerships are on one property and the Porsche and Audi dealerships each occupy their own parcel. As part of a dealerships expansion, Braman Motorcars acquired four properties along Okeechobee Boulevard adjacent to the existing dealerships and one property at the northwest corner of the intersection of Okeechobee Boulevard and Chillingworth Drive. The Audi dealership is soon moving to a new building that is nearing completion on the property at the corner of Okeechobee Boulevard and Chillingworth Drive. Once the Audi dealership has moved, the old building will be demolished to make room for the construction of a new Porsche dealership building. Then the old Porsche dealership building will be demolished for an addition to the new Porsche dealership building to house the relocated Bentley, Rolls Royce and luxury used car sales dealerships and a six level service and vehicle storage garage. The Mini dealership will expand based on the relocation of the Bentley and Rolls Royce dealerships. In order to facilitate the overall

Braman Motorcars development, the applicant is requesting that the entire 10.58 acre site be brought together as one commercial planned development.

Resolution No. 207-15:

The development regulations for the Braman Motorcars CPD will be contained within the Resolution. The development regulations will include the site and landscape plans, elevations for the new buildings, the master sign plan, as well as the regulations which govern the immediate and long term development of the site. A detailed description of the development may be found in Attachment 1 - Planning Board Staff Report.

The applicant is requesting waivers from the Zoning and Land Development Regulations as part of the development of the site, including to the internal individual parcel development requirements, the eastern building setback, the number of access points to the site, the number of wall signs permitted and the amount of high freestanding signage. The specific waiver requests are detailed in Attachment 1 - Planning Board Staff Report. Since the Planning Board meeting, the applicant and staff met in order to come to an agreement on the waiver request for the high free standing signs (Staff and the Planning Board did not support the applicant's original request). Staff has agreed to recommend approval of counting the entire Okeechobee and Palm Beach Lakes Boulevard linear frontages for one pool that Braman Motorcars may use to erect new high freestanding signs along the Okeechobee Boulevard frontage. While this allows more signage to be installed along Okeechobee Boulevard than without the waiver, the amount of signage that could be installed along Palm Beach Lakes Boulevard is reduced. In exchange for staff's support of this waiver, the applicant will limit the height of all new signs to 25 feet tall as opposed to the Code permitted 30 foot height. Staff does not object to any of the waiver requests.

Individual notices were mailed to all property owners within 400 feet of the site. Signs were posted on the property on May 29, 2015. The Public Hearing of Resolution No. 207-15 will be advertised in the Palm Beach Post on August 21, 2015.

The subject property is located within Commission District No. 2 – Commissioner Cory Neering.

Fiscal Note:

No fiscal impact.

- 27. Public Hearing and First Reading of Ordinance No. 4578-15: Regarding a rezoning to change ±98 acres of Recreation Open Space (ROS), ±28 acres of Multifamily Medium Density (MF20) Residential, and ±28 acres of Multifamily Low Density (MF14) Residential to Community Services (CS).**

Public Hearing and First Reading of Ordinance No. 4579-15: Regarding a rezoning to change ±153.94 acres from Community Service (CS) to Community Service Planned Development (CSPD).

Discussion of Resolution No. 205-15: Approving the development regulations and conditions for the Ballpark of the Palm Beaches Community Service Planned Development (CSPD).

All of the above-referenced items are being requested by Collene Walter of Urban Design Kilday Studios and Brian Seymore, Esq. of The Gunster Law Firm, on behalf of Palm Beach County through its agent HW Spring Training Complex, LLC, to facilitate the construction of a Major League Baseball Spring Training facility. The approximately ±153.94 acre site is generally located at 5001 N. Military Trail, approximately south of 45th Street between Military Trail and Haverhill Road.

ORDINANCE NO. 4578-15: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH TO REZONE ±98 ACRES OF RECREATION OPEN SPACE (ROS), ±28 ACRES OF MULTIFAMILY MEDIUM DENSITY (MF20) RESIDENTIAL, AND ±28 ACRES OF MULTIFAMILY LOW DENSITY (MF14) RESIDENTIAL GENERALLY LOCATED APPROXIMATELY 500 FEET SOUTH OF 45TH STREET BETWEEN MILITARY TRAIL AND HAVERHILL ROAD AT 5001 N. MILITARY TRAIL TO COMMUNITY SERVICE (CS); DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4579-15: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH TO REZONE ±153.95 ACRES, LOCATED AT 5001 N. MILITARY TRAIL, APPROXIMATELY 500 FEET SOUTH OF 45TH STREET BETWEEN MILITARY TRAIL AND HAVERHILL ROAD FROM COMMUNITY SERVICE (CS) TO COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD); DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 205-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS AND CONDITIONS FOR THE BALLPARK OF THE PALM BEACHES COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD); GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20505](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4578-15, approving an amendment to the Zoning Map regarding approximately 98 acres of Recreation Open Space, approximately 28 acres of Multifamily Medium Density Residential, and approximately acres of Multifamily Low Density Residential, which are generally located south of 45th Street, between Haverhill Road and Military Trail, to rezone the property to Community Service. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

APPROVE Ordinance No. 4579-15, approving an amendment to the Zoning Map to rezone approximately 153.95 acres of Community Service (CS) to Community Service Planned Development (CSPD), generally located south of 45th Street, between Haverhill Road and Military Trail. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

DISCUSS Resolution No. 205-15, which will provide the development regulations and conditions for the Ballpark of the Palm Beaches Community Service Planned Development (CSPD), generally located south of 45th Street, north of the M Canal, between Haverhill Road and Military Trail and grant waivers to the City's Zoning and Land Development Regulations.

Background:

The following information is a general summary. A full analysis is included in the attached Staff Report.

The subject property is currently vacant and is located approximately 500 feet south of 45th Street, north of the M Canal, between Haverhill Road and Military Trail at 5001 N. Military Trail. The property is approximately 153.94 total acres and will be subdivided into two parcels – an approximately 12.2 acre parcel for a City park and an approximately 141.74 acre parcel for a Major League Baseball (MLB) Spring Training facility for the Houston Astros and Washington Nationals. The Spring Training facility will provide for an approximately 8,500 seat stadium (with clubhouses, training rooms, offices, concessions, etc.), 12 baseball training fields, an agility field, batting cages, other training facilities, parking facilities, multipurpose trail around the property, and multipurpose grass stabilized fields along the south side of the property. It is planned that the Spring Training facility, outside of the spring training season, will be host to other community and sports related events. The subject property is currently owned by the City that will engage in a transaction with Palm Beach County, anticipated within the next couple of months, to transfer ownership of the 141.74 acre parcel to the County for development of the MLB Spring Training facility.

In order to facilitate the development of the subject property and establish the Ballpark of the Palm Beaches Community Service Planned Development (CSPD) the applicant is pursuing to amend the Future Land Use (FLU) designation and Zoning designation of the subject property. The Future Land Use Map Amendment (FLUMA) to change ±56.00 acres of the ±153.94 acre site from Multifamily Medium Density (MFMD) to Community Service (CS) was approved on 1st Reading by the City Commission on July 20, 2015 and scheduled for 2nd Reading in September 2015. Ordinance Nos. 4578-15 and 4579-15 and Resolution No. 205-15 are companion requests that rezone the subject property and establish a planned development as described below:

REZONING – ORDINANCE NO. 4578-15

The subject property is currently zoned Recreation Open Space (ROS) ±98.00 acres, Multifamily Medium Density (MF20) Residential ±28.00 acres, and Multifamily Low Density (MF 14) Residential ±28.00 acres. The applicant is requesting to rezone all ±153.94 acres to Community Service (CS) in order to facilitate development of the subject property with a Major League Baseball Spring Training facility and city park. The proposed rezoning to CS, is consistent with the existing and proposed (Ordinance No. 4577-15) Community Service (CS) FLU designation for the subject property.

REZONING/PLANNED DEVELOPMENT – ORDINANCE NO. 4579-15 & RESOLUTION NO. 205-15

Ordinance 4579-15 further rezones the subject property (±153.94 acres) from CS to Community Service Planned Development (CSPD). Resolution No. 205-15 establishes the master plan, development regulations, and grants waivers for the Ballpark of the Palm Beaches CSPD regarding building height, fence height, access to streets, grassed parking, landscape buffers (wall), parking lot landscaping, light spillage, minimum setbacks, minimum site plantings, and signage. The attached staff report details the proposed development, waiver requests, and staff analysis.

CONCLUSION: It is Staff's professional opinion that the proposed MLB Spring Training facility and City park proposed as part of the rezoning and planned development requests will activate the site and provide a desired community amenity. Staff has found that the request complies with the required Rezoning Standards found in Section 94-32 of the Zoning and Land Development Regulations. Therefore, Staff is recommending approval, including requested waivers, subject to the conditions contained in Resolution No. 205-15.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the requests to the City Commission after a Public Hearing on July 21, 2015. The recommendation was made subject to the conditions proposed by Staff, with the following additions/modifications which have been incorporated in to Staff's recommendations:

1. Require copies of Florida Department of Transportation (FDOT) and Palm Beach County right-of-way permits to be submitted prior to issuance of the stadium Certificate of Occupancy (C.O.) rather than issuance a building permit.
2. Require that the pedestrian scale lighting along Haverhill Road does not need to be added to the site plan prior to the City Commission hearing, but shall remain a condition of approval.
3. Add additional language for screening of ground, wall, and roof mounted mechanical equipment to include 'to the extent practicable, as determined by staff.'
4. Allow for seeding of non-bermed areas disturbed during berm construction, subject to final City approval.
5. Require the traffic light and pedestrian crossing warrant study to be conducted for three years (rather than five years originally recommended by staff) after completion of the Spring Training facility.
6. Change the Major PD Amendment threshold for an increase of building area for the stadium from 5% to 10%.
7. Required that all wall signage shall not exceed 30% of the façade area.

After the Planning Board meeting, staff had a meeting with Palm Beach County, representatives from the Houston Astros and Washington Nationals and Palm Tran concerning the design of the two (2) locations for the bus shelters that will be located along Military Trail adjacent to the site. Given the regional draw this facility will have, staff is concerned that if not required by the City, the current standard Palm Tran bus shelters will be installed, which will do nothing to enhance the aesthetics of the project. Therefore, staff has included a condition of approval that the applicant shall build transit shelters which are upgraded from the current standard Palm Tran bus shelter. Palm Beach County and both Baseball teams are opposed to paying for the upgraded facilities.

PUBLIC NOTICE: Individual notices were mailed to property owners within 400 feet of the subject property on June 19, 2015 and the site has been posted since May 29, 2015. At the time of printing this report, the City has received approximately three inquiries regarding the general nature of the request. All Ordinances and Resolution No. 205-15 will be advertised in advance of Second Reading.

COMMISSION DISTRICT: The subject property is located within Commission District No. 4 - Commissioner Keith A. James.

- 28. Public Hearing of Resolution No. 243-15: A request by Ken Metcalf, AICP, of Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., on behalf of Frank Navarro, of Centrepark Investment Corp., for a Major Amendment to the Centrepark Commercial Planned Development (CPD) to modify the setback requirements for Lot 2 North of Centrepark-Plat 4, and Lot 4 South of Centrepark-Plat 2. The subject properties are located at 1885 Centrepark Drive East and 1500 Centrepark Boulevard.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE

CENTREPARK COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF AUSTRALIAN AVENUE, SOUTH OF INTERSTATE 95, TO MODIFY THE SETBACK REQUIREMENTS FOR LOT 2 NORTH OF CENTREPARK-PLAT 4 AND LOT 4 SOUTH OF CENTREPARK-PLAT 2; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20506](#)

Staff Recommended Motion:

APPROVE Resolution No. 243-15 approving a Major Amendment to the Centrepark Commercial Planned Development to modify the setback requirements for Lot 2 North of Centrepark-Plat 4, and Lot 4 of Centrepark-Plat 2. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

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

Located on the east side of Australian Avenue, southwest of Interstate 95, the Centrepark Commercial Planned Development (CPD) was originally a part of the Airport Industrial Park CPD, created in 1979 (Ordinance No. 1438-79). In 1985, the property that now comprises the Centrepark CPD was removed from the Airport Industrial Park CPD (Ordinance No. 1878-85), establishing the Centrepark CPD as a separate development (Ordinance No. 1884-85 and Resolution No. 121-85). Amended from time to time, the current master plan and development conditions are reflected in Resolution No. 187-13.

Currently, the Development Order for the Centrepark CPD/DRI provides a Master Plan outlining the following maximum potential development:

- Office - 700,000 square feet
- Hotel - 225,000 square feet / 382 rooms
- Residential - 1,000 dwelling units
- Retail - 45,000 square feet
- Restaurant - 30,000 square feet
- Financial Services - 7,800 square feet

Each phase of construction is subject to a staff-level Formal Site Plan Review, in which Staff ensures that the project complies with all requirements of the Development Order, as well as the City's Zoning and Land Development Regulations.

While many of the City's planned developments specify their own unique setbacks, building heights, etc. for future development within the PD, the Centrepark CPD/DRI did

not address such regulations and therefore, is subject to the underlying General Commercial (GC) zoning regulations. Much of the Centrepark CPD/DRI has been built, with only three (3) vacant parcels remaining. And while no site plan review applications have been submitted to-date, the owner of two (2) of these parcels (Centrepark Investment Corp.) has submitted a request to amend Centrepark's Development Order to modify the setback requirements for these parcels in order to better market their future development. It is important to note as well, that Centrepark Investment Corp. continues to be the Declarant of the Centrepark development.

CONCLUSION: It is Staff's professional opinion that while the proposed setbacks will result in a greater building envelope, limitations on the maximum building coverage and maximum impervious surface will ensure that the scale of the buildings are appropriate for the lot size. Additionally, imposing a maximum building height will keep future development on the two (2) properties in scale with some of the existing office development within the CPD. The Development Services Department – Planning Division has found that the request satisfies all of the standards found within the City's Zoning and Land Development Regulations. Therefore, Staff is recommending approval of the requests.

PLANNING BOARD: After a Public Hearing on July 21, 2015, the Planning Board voted unanimously (7-0) to recommend approval of the request.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 400 feet of the property, and signs were posted on the subject property. Resolution No. 243-15 was advertised in the Palm Beach Post on August 21, 2015.

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

Fiscal Note:

No fiscal impact.

OTHER BUSINESS:

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.