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| Originating Department: City Clerk (CC) | Meeting Type: Regular | Advertised: Required?: <input type="radio"/> Yes <input checked="" type="radio"/> No | ACM#: 22768 |
| | Agenda Date: 01/13/2020 | | |

Subject:

Minutes of the Regular City Commission Meeting of December 30, 2019.

Ordinance/Resolution:

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of December 30, 2019.

Background:

Fiscal Note

| | | | | |
|---------------|-------------|-----------|-------------|-----------------|
| Current Year: | Annualized: | Budgeted: | Unbudgeted: | Funding Source: |
|---------------|-------------|-----------|-------------|-----------------|

Comment: No fiscal impact.

Electronic Attachments: [Click here for assistance with naming convention.](#)

Is this ACM related to a **Grant**? Yes No

Is this ACM related to **Housing**? Yes No

Originating Department - Approved by: Hazeline Carson on 12/31/2019

Agenda Category/Status

Action requested by Reviewer before approval .

12/31/2019 Asst. City Administrator



01/02/2020 City Administrator



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CITY OF WEST PALM BEACH
OFFICE OF THE CITY CLERK
REGULAR CITY COMMISSION MEETING
December 30, 2019

The City Commission of the City of West Palm Beach met in regular session on Monday, December 30, 2019 at 5:01 p.m., at City Hall, with the following persons present:

Mayor Keith James, President of the Commission Christina Lambert, Commissioner Cory Neering, and Commissioner Kelly Shoaf, Interim City Administrator Faye Johnson, City Attorney Kimberly Rothenburg, and City Clerk Hazeline Carson. Absent: Commissioner Joseph Peduzzi and Commissioner Richard Ryles.

CALL TO ORDER:

INVOCATION:

Mayor James requested a moment of silence.

PLEDGE OF ALLEGIANCE:

Commissioner Lambert led the 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, Sections 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

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

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

Faye Johnson, Interim City Administrator, requested that item #9 be pulled from the agenda.

APPOINTMENTS (1):

1. City Commission approval is requested for the Mayor's reappointment of Jennifer B. Loyless to the Criminal Justice Advisory Committee for a term of two years (2) to expire August 16, 2021. Ms. Loyless has served

over the maximum allowed number of terms (3), and it is required that the City Commission confirms her reappointment.

Public comment was made by Sandy Matkivich.

Motion was made by Commissioner Lambert, seconded by Commissioner Shoaf, to approve the appointments; thereafter it was voted as follows: Ayes: Commissioners Lambert, Neering, and Shoaf. Motion therefore carried unanimously.

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

Commissioner Lambert commented on attending the annual lighting of the Menorah at the Hanukkah Festival at the Palm Beach Outlets. She mentioned community meetings and outreach to residents regarding parking. She mentioned a workshop that was cancelled due to the holiday and there were two items that she wants to make sure are rescheduled, the golf course, and community outreach and communication plan internally. She mentioned the Crystal building on South Flagler Drive and asked staff for an update on the status of the project.

Rick Greene, Assistant City Administrator, provided an update on the project.

Commissioner Lambert said that the Palm Beach County League of Cities is offering a \$1,000 scholarship for anyone interested in furthering their education in Public Service or Public Administration.

Commissioner Shoaf said she hopes everyone had a Happy Holiday Season. She mentioned the Menorah lighting and the recent anti-Semitic attacks on the Jewish community. She mentioned the different organizations that people can join if they want to be a part of fighting against these kinds of crimes. She mentioned that the MLK Coordinating Committee has partnered with Rabbi Cookie and Temple Israel, for the Interfaith Freedom Shabbat on January 17, 2020 at 6:30 p.m., at Temple Israel.

Mayor James wished everyone a Happy Holidays and Happy New Year. He mentioned the changes to the sanitation schedule for the holidays and asked residents to review it.

CONSENT CALENDAR (2-6):

Motion was made by Commissioner Shoaf, seconded by Commissioner Lambert, to approve the following Consent Calendar:

- 2. Resolution No. 412-19 approving submittal of an application to the Florida Department of Law Enforcement for a pass-through grant from the Department of Justice Bureau of Justice Statistics and the Federal Bureau of Investigation to assist with the costs of complying with the federal mandates regarding Uniform Crime Report and other data submissions.**

RESOLUTION NO. 412-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR A PASS THROUGH GRANT FROM THE DEPARTMENT OF JUSTICE BUREAU OF JUSTICE STATISTICS AND THE FEDERAL BUREAU OF INVESTIGATION TO FACILITATE COMPLIANCE WITH FEDERAL MANDATES REGARDING UNIFORM CRIME REPORTING; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

3. **Resolution No. 413-19 granting a Monitoring Well Permit related to 2751 S. Dixie Highway (Palm Beach Newspapers) for the installation of three (3) monitoring wells within the Monceaux Road right-of-way.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A MONITORING WELL PERMIT TO PALM BEACH NEWSPAPERS, LLC, FOR THE INSTALLATION OF THREE MONITORING WELLS IN THE MONCEAUX ROAD RIGHT-OF-WAY DIRECTLY SOUTH OF AND ADJACENT TO 2751 S. DIXIE HIGHWAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. **Resolution No. 415-19(F) accepting and appropriating funding in the amount of \$5,000 from The Walter and Adi Blum Foundation for the purchase of Christmas presents for children at the Youth Empowerment Center's Holiday Event in Pleasant City and Resolution No. 418-19(F) accepting and appropriating funding in the amount of \$2,500 from The Breakers Palm Beach for the annual Share A Supper Thanksgiving Dinner.**

RESOLUTION NO. 415-19(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO RECOGNIZE THE DONATION OF \$5,000 FROM THE WALTER & ADI BLUM FOUNDATION FOR THE PURCHASE OF CHRISTMAS PRESENTS IN 2019 FOR CHILDREN AT THE YOUTH EMPOWERMENT CENTER'S HOLIDAY EVENT IN PLEASANT CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 418-19(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO RECOGNIZE THE DONATION

OF \$2,500 FROM THE BREAKERS HOTEL PALM BEACH FOR THE ANNUAL SHARE A SUPPER THANKSGIVING DINNER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. **Resolution No. 408-19 approving Amendment No. 1 to the Interlocal Agreement between Palm Beach County and the City of West Palm Beach for reimbursement of the costs of design and construction related to utility installation to accommodate Temporary Fire Station No. 9 at Roebuck Road.**

RESOLUTION NO. 408-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH FOR JOINT PROJECT PARTICIPATION AND PROJECT FUNDING FOR REIMBURSEMENT OF THE COSTS OF DESIGN SERVICES AND CONSTRUCTION FUNDING FOR UTILITY INSTALLATION TO ACCOMMODATE TEMPORARY FIRE STATION NO. 9 AT ROEBUCK ROAD; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

6. **Resolution No. 424-19 approving an Amendment to the Communications Tower Agreement with Palm Beach County to revise and correct certain calculations and exhibits.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE COMMUNICATION TOWER AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH REGARDING THE COMMUNICATIONS TOWER LOCATED ON ERNEST STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Thereafter it was voted as follows: Ayes: Commissioners Lambert, Neering, and Shoaf. Motion therefore carried unanimously.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

Public comment was made by Sandy Matkivich.

RESOLUTIONS (7-10):

7. **Resolution No. 421-19 Supporting TPA's approval of the 2045 Long Range Transportation Plan with the removal of State Road 7, and continuing opposition to the construction of the State Road 7 extension, Roebuck Road, and Jog Road.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, EXPRESSING SUPPORT FOR THE PALM BEACH COUNTY TRANSPORTATION PLANNING AGENCY'S APPROVAL OF THE 2045 LONG RANGE TRANSPORTATION PLAN, WHICH EXCLUDES THE

DEVELOPMENT AND EXTENSION OF STATE ROAD 7 WITHIN THE CITY'S LIMITS, BECAUSE THAT PROJECT IS INCONSISTENT WITH THE CITY'S ADOPTED COMPREHENSIVE PLAN, WOULD THREATEN THE ENVIRONMENT AND WOULD ENDANGER THE CITY'S WATER SUPPLY; EXPRESSING THE CITY COMMISSION'S CONTINUED OPPOSITION TO THE DEVELOPMENT AND EXTENSION OF STATE ROAD 7, ROEBUCK ROAD AND JOG ROAD WITHIN THE CITY'S LIMITS AS SUCH DEVELOPMENT WOULD THREATEN THE CITY'S ENVIRONMENT AND WATER SUPPLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Scott Kelly, Assistant City Administrator, said that the City has been successful in opposing the construction of several roads that threaten the City's environment and water supply. He said that the TPA has voted to remove State Road 7 from its 2045 long-range plan and no further work can be done. He said Jog Road and Roebuck Road were also removed and it is consistent with the City's comprehensive plan. We need to continue to express opposition as he does not feel that the TPA will give up. This resolution is to state the City's continued opposition to these roads being extended.

Mayor James acknowledged the Commissioners for their work on the TPA and having these roads removed and said we need to remain vigilant on this. This resolution is designed to assert formally the City's position with regard to these roads.

Commissioner Neering said he anticipate at the next meeting, which will be on February 20, 2020 at 9:00 a.m., that the long-range plan voted on in December will be brought back because a couple of members were missing from the meeting. He encouraged the Commissioners, the Mayor and the public to attend to speak on this under public comment.

Mr. Scott said it will be brought back for consideration at a later meeting. According to legal opinion, they cannot bring it back without it being placed on an agenda with proper notice, but we will be ready once it comes back.

Mayor James asked if the public should attend the meeting in February.

Mr. Kelly said he will see if it will come back at that meeting or another meeting, and will notify them at that time.

Commissioner Shoaf asked if the Mayor can do a press release on the resolution and send communication to the residents.

Commissioner Lambert also asked for educational videos and communication for residents to better understand why this issue is important.

Motion was made by Commissioner Lambert, seconded by Commissioner Shoaf, to approve Resolution No. 421-19; and thereafter it

was voted as follows: Ayes: Commissioners Lambert, Neering, and Shoaf. Motion therefore carried unanimously.

8. Resolution No. 422-19 Loxahatchee River Watershed Restoration Project Collaboration.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, SUPPORTING THE LOXAHATCHEE RIVER WATERSHED RESTORATION PROJECT AND COMMITMENT TO FUTURE COLLABORATION ON ALTERNATIVE WATER RESOURCES SOLUTIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mr. Kelly said they are asking for support for the Loxahatchee River Restoration Project. He provided history on the project and a resolution previously approved on water resources. He provided a list of reasons for approval of the resolution, and for the Army Corps to include specific language to send to Congress.

Commissioner Lambert asked if other agencies are approving similar resolutions.

Mr. Kelly responded yes.

Motion was made by Commissioner Neering, seconded by Commissioner Shoaf, to approve Resolution No. 422-19; and thereafter it was voted as follows: Ayes: Commissioners Lambert, Neering, and Shoaf. Motion therefore carried unanimously.

9. Resolution No. 416-19 approving a second amendment to the economic development incentive grant agreement among the City of West Palm Beach, Sterling Organization, LLC, and 302 Datura Office, LLC.

RESOLUTION NO. 416-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THE ECONOMIC DEVELOPMENT INCENTIVE GRANT AGREEMENT AMONG THE CITY OF WEST PALM BEACH, THE STERLING ORGANIZATION, LLC, AND 302 DATURA OFFICE, LLC, TO REMOVE THE PROHIBITION OF THE FUTURE SALE OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

This item was pulled from the agenda.

10. Resolution No. 417-19 by the City Commission approving a building improvement facade grant to Taco Tavern, LLC d/b/a Rocco's Tacos.

RESOLUTION NO. 417-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING ECONOMIC INCENTIVES FOR TACO TAVERN, LLC D/B/A ROCCO'S TACOS & TEQUILA BAR; AUTHORIZING THE

EXECUTION OF A RELATED GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Christopher Roog, Director of Economic Development, presented this item and discussed the Rocco's Tacos Façade Grant as follows: overview, history of Rocco's Tacos; parklets; agreement and terms; and summary and questions.

Commissioner Shoaf asked about parklets on Northwood Road and the parklet program.

Mr. Roog responded that the pilot program started as a DDA program, and then the DDA encouraged the City to work on the design.

Ana Aponte, City Urban Designer, provided the background on the parklet program.

Commissioner Lambert asked about the façade grant and how it is provided to businesses.

Mr. Roog said anyone can apply for it. He stated that it is a first come, first serve basis, and the businesses provide an economic benefit for the City.

Motion was made by Commissioner Shoaf, seconded by Commissioner Neering, to approve Resolution No. 417-19; and thereafter it was voted as follows: Ayes: Commissioners Lambert, Neering, and Shoaf. Motion therefore carried unanimously.

PUBLIC HEARING (11-12):

- 11. Public Hearing and Second Reading of Ordinance No. 4829-19: A City initiated request to amend Article X Supplemental District Regulations of Chapter 94 Zoning and Land Development Regulations to provide regulations for accessory structures and manufactured utility and tool sheds in the Echo Lake, North Shore and Westfield Neighborhoods.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE X, SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 94-304, ACCESSORY STRUCTURES, TO LIMIT THE SIZE AND LOCATION OF SHEDS AND PROHIBIT OTHER ACCESSORY STRUCTURES IN THE ECHO LAKE, NORTH SHORE AND WESTFIELD NEIGHBORHOODS; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Angella Jones-Vann, Planning and Zoning Administrator, said this item is being requested to be continued.

Motion was made by Commissioner Shoaf, seconded by Commissioner Lambert, to continue Ordinance 4829-19 to the January 27, 2020 City Commission Meeting; and thereafter it was voted as follows: Ayes: Commissioners Lambert, Neering, and Shoaf. Motion therefore carried unanimously.

- 12. Public Hearing and Second Reading of Ordinance No. 4885-19: A City initiated request for an amendment to the Downtown Master Plan Section 94-109, Definitions; and Section 94-113 Landscape and streetscape requirements to introduce additional provisions and clarify certain regulations.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 94-ZONING AND LAND DEVELOPMENT REGULATIONS SECTION 94-109 DEFINITIONS AND MINIMUM REQUIREMENTS; AND SECTION 94-113 LANDSCAPE AND STREETScape REQUIREMENTS; INTRODUCING ADDITIONAL PROVISIONS AND CLARIFYING CERTAIN REGULATIONS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Ms. Aponte said that there have been no changes since first reading. She clarified comments made by the public.

Motion was made by Commissioner Lambert, seconded by Commissioner Shoaf, to approve Ordinance No. 4885-19 amending Sections 94-109 and 94-113 of the Zoning and Land Development Regulations for the Downtown Master Plan area. This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board, and the finding that the amendment complies with the amendment standards found in Section 94-32 of the City's Zoning and Land Development Regulations. The City Clerk read the ordinance by title; and thereafter it was voted as follows: Ayes: Commissioners Lambert, Neering, and Shoaf. Motion therefore carried unanimously.

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

The City Clerk swore in all those persons having an interest in item 13.

Commissioner Shoaf disclosed as to item 13: She has had ex-parte communications with the applicant and their representatives; she has not received written communications; she has not conducted an investigation; she has not made a site visit; she has not received expert opinions. She requests that these disclosures and all written

communications be made part of the record.

Commissioner Lambert disclosed as to item 13: She has had ex-parte communications with the applicant and their representatives; she has not received written communications; she has not conducted an investigation; she has not made a site visit; she has not received expert opinions. She requests that these disclosures and all written communications be made part of the record.

Commissioner Neering disclosed as to item 13: He has had ex-parte communications with the applicant and their representatives; he has not received written communications; he has not conducted an investigation; he has not made a site visit; he has not received expert opinions. He requests that these disclosures and all written communications be made part of the record.

- 13. A request by Michelle Cuetara of Urban Design Kilday Studios, on behalf of CityPlace Retail, LLC, for a Major Amendment to modify the CityPlace Master Sign Plan, which necessitates the following:**

Public Hearing and Second Reading of Ordinance No. 4881-19: Regarding the transfer of the current CityPlace Master Sign Plan to Resolution No. 361-19.

Public Hearing of Resolution No. 361-19: Regarding the Major Planned Development Amendment to rescind the current CityPlace Master Sign Plan and replace it with the Amended and Restated Rosemary Square - CityPlace CPD Master Sign Plan.

Ordinance No. 4881-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE PRIOR ORDINANCES RELATING TO THE CITY PLACE MASTER SIGN PLAN TO CONSOLIDATE AND TRANSFER THE SIGNAGE REQUIREMENTS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Eric Schneider, Principal Planner, said that there have been no changes since first reading.

Motion was made by Commissioner Shoaf, seconded by Commissioner Neering, to approve Ordinance No. 4881-19 authorizing the transfer of the current CityPlace Master Sign Plan to Resolution No. 361-19. The City Clerk read the ordinance by title; and thereafter it was voted as follows: Ayes: Commissioners Lambert, Neering, and Shoaf. Motion therefore carried unanimously.

Resolution No. 361-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE CITYPLACE MASTER SIGN PLAN TO RESCIND THE CITYPLACE MASTER SIGN PLAN AND REPLACE IT WITH THE AMENDED AND RESTATED ROSEMARY SQUARE - CITYPLACE CPD MASTER

SIGN PLAN; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion was made by Commissioner Shoaf, seconded by Commissioner Lambert, to approve Resolution No. 361-19 regarding the Major Amendment to create the Amended and Restated Rosemary Square - CityPlace CPD Master Sign Plan. 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; and thereafter it was voted as follows: Ayes: Commissioners Lambert, Neering, and Shoaf. Motion therefore carried unanimously.

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting was adjourned at 5:59 p.m.

APPROVED AT THE CITY COMMISSION MEETING OF JANUARY 13, 2020.

PRESIDING OFFICER

X

ATTEST:

X

CITY CLERK