



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**July 13, 2020
5:00 P.M.**

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY CLERK'S OFFICE, 401 CLEMATIS STREET, WEST PALM BEACH, FLORIDA 33401, {(561) 822-1210}

**MAYOR
KEITH A. JAMES**

**CITY COMMISSION
PRESIDENT KELLY SHOAF**

**COMMISSIONER CHRISTINA LAMBERT
COMMISSIONER CHRISTY FOX**

**COMMISSIONER CORY NEERING
COMMISSIONER JOSEPH A. PEDUZZI**

**ADMINISTRATION
CITY ADMINISTRATOR, FAYE W. JOHNSON
CITY ATTORNEY, KIMBERLY ROTHENBURG
CITY CLERK, HAZELINE CARSON**

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

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

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

RECEIVED / FILED (1):

1. Submittal of the following four (4) reports from the Internal Auditor's Office:
 - (1) West Palm Beach Community Redevelopment Agency Audit Report Part 1, AUD19-01 (Managed by Redevelopment Management Associates) and the Executive Summary of the West Palm Beach Community Redevelopment Agency Audit Report Part 1;
 - (2) Consulting and Professional Services Audit Report, AUD19-03 and the Executive Summary of the Consulting and Professional Services Audit;
 - (3) Finance, Cash, Banking, and Investments Post Audit Review Report, PAR20-01; and
 - (4) Fire Rescue's Controlled Substances, Medical Records, and Equipment Post Audit Review Report, PAR20-02.
- Agenda Cover Memorandum No.: 22964***

CONSENT CALENDAR (2-7):

- 2. Resolution No. 183-20 approving an agreement between the City of West Palm Beach and the National League of Cities to receive a Census Rapid Response Grant in the amount of \$7,000.**

Resolution No. 184-20(F) recognizing grant proceeds and providing appropriations for Census engagement and outreach.

RESOLUTION NO. 183-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING A GRANT AGREEMENT WITH THE CITY OF WEST PALM BEACH AND THE NATIONAL LEAGUE OF CITIES TO RECEIVE A GRANT FOR CENSUS OUTREACH TO HISTORICALLY UNDERCOUNTED COMMUNITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 184-20(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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET FOR THE RECEIPT OF CENSUS RAPID RESPONSE GRANT PROCEEDS TO PROVIDE APPROPRIATIONS FOR ACTIVITIES RELATED TO 2020 CENSUS OUTREACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22965

Staff Recommended Motion:

Approve Resolution No. 183-20 and 184-20(F).

Background:

The National League of Cities (NLC) is an advocacy organization in the United States that represents the country's cities, towns, and villages along with the state municipal leagues. The NLC supports the Census Bureau's mission to "serve as the nation's leading provider of quality data about its people and economy."

The City of West Palm Beach was one of the recipients of the NLC's Census Rapid Response Grants in the amount of \$7,000. The purpose of this grant is to directly support 2020 census engagement and outreach activities in historically undercounted and hard-to-count communities. The grant funds need to be spent by October 31, 2020 or any extended census operations date announced by the U.S. Census Bureau.

Resolution No. 183-20 approves the grant agreement with the National League of Cities and Resolution NO. 184-20(F) accepts and appropriates the grant funds.

Fiscal Note:

Approval will recognize grant proceeds of \$7,000 and provide appropriations for Census outreach and engagement.

3. **Resolution No. 189-20 authorizing the assessment of city liens in the total amount of \$27,491.65 for unpaid water service, sewer service, and stormwater service charges for the month of April 2020.**

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; 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.: 22966

Staff Recommended Motion:

Approve Resolution No. 189-20.

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. 189-20 are for unpaid water service, sewer service, and stormwater service charges for the month of April 2020. The list of properties to be assessed and the associated charges totaling \$27,491.65 are attached to Resolution No. 189-20 as EXHIBIT A - Utility Lien List - April 2020. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

4. **Resolution No. 192-20 granting temporary construction easements to Whiting-Turner Contracting Company for the Banyan Boulevard Streetscape Project for construction staging and storage on City-owned property located at 860 Evernia Street and 910 Evernia Street.**

RESOLUTION NO. 192-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA GRANTING TEMPORARY CONSTRUCTION EASEMENTS TO WHITING-TURNER CONTRACTING COMPANY FOR THE BANYAN BOULEVARD PROJECT FOR USE FOR CONSTRUCTION STAGING AND STORAGE ON THE CITY-OWNED PROPERTIES LOCATED AT 860 EVERNIA STREET AND 910 EVERNIA STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22967

Staff Recommended Motion:

Approve Resolution No. 192-20.

Background:

The City of West Palm Beach owns the properties located at 860 Evernia Street and 910 Evernia Street.

Whiting-Turner Contracting company is in the process of constructing a temporary mockup of the bike lane, landscape strip and tree pit for the Banyan Boulevard streetscape project. The temporary construction easements will be used for the construction staging and storage of materials and equipment for the Phase I duration of the project.

Resolution No. 192-20 approves and grants temporary construction easements to Whiting-Turner Contracting Company for the Banyan Boulevard project for construction staging and storage on City-owned property located at 860 Evernia Street and 910 Evernia Street.

COMMISSION DISTRICT: Both properties are located in Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

5. **Resolution No. 203-20 approving a Conditional Settlement Agreement in the amount of \$40,000 in the matter of Todd R. DeMartine v. DP Development of the Treasure Coast, LLC and the City of West Palm Beach.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$40,000 IN THE MATTER OF TODD R. DEMARTINE v. DP DEVELOPMENT OF THE TREASURE COAST, LLC and THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22968

Staff Recommended Motion:

Approve Resolution No. 203-20.

Background:

On or about June 9, 2018, Todd R. DeMartine was involved in a motor scooter accident while driving his motor scooter on a City of West Palm Beach roadway. At the time, DP Development of the Treasure Coast, LLC was conducting roadwork in or around the area of Mr. DeMartine's accident. Mr. DeMartine subsequently filed a complaint for personal injury and damages against DP Development and the City of West Palm Beach, to wit: Todd R. DeMartine v. DP Development of the Treasure Coast, LLC and the City of West Palm Beach, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Case No.: 50 2019-CA-005011-XXXX – MB AF. An agreement has been

reached with Mr. DeMartine and his attorney, to resolve his personal injury claim against the City for \$40,000. Mr. DeMartine has signed a general release which releases the City from any and all claims arising from this accident, which ends all of his claims for damages, including all attorney's fees and costs, against the City. Following receipt of the settlement funds, Mr. DeMartine will dismiss with prejudice his personal injury claim against the City.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000 shall require approval of the City Commission by formal resolution. Resolution No. 203-20 approves the conditional settlement agreement.

6. **Resolution No. 204-20 authorizes and approves a grant agreement between the City and Florida Humanities Council, Inc. in the amount of \$1,500 to present the "Life, Liberty + Libraries" programming at the Mandel Public Library of West Palm Beach during Fiscal Year 2019/2020.**

Resolution No. 166-20(F) accepts funding in the amount of \$1,500 from Florida Humanities Council, Inc. to present the Life, Liberty + Libraries programming at the Mandel Public Library of West Palm Beach during Fiscal Year 2019/2020.

RESOLUTION NO. 204-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE CITY AND FLORIDA HUMANITIES COUNCIL, INC. FOR THE AWARD OF A GRANT OF \$1,500.00 TO SUPPORT THE LIFE, LIBERTY AND LIBRARIES PROGRAMMING AT THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH DURING FISCAL YEAR 2019/2020; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 166-20(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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO ACCEPT A CONTRIBUTION FROM FLORIDA HUMANITIES COUNCIL, INC. AND TO PROVIDE APPROPRIATIONS FOR LIFE, LIBERTY AND LIBRARIES PROGRAMMING FOR ADULTS FOR ONE YEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22969

Staff Recommended Motion:

Approve Resolution No. 204-20 and Resolution No. 166-20(F).

Background:

The Mandel Public Library of West Palm Beach applied for and was awarded a \$1,500 grant to provide democracy-themed programs that will kick-off on National Voters Registration Day (Tuesday, September 22, 2020) and will run through Election Day (Tuesday, November 3, 2020). Programs could include the listed programs as well as other live and/or virtual democracy-themed programming.

1. Register to VOTE at the Library! National Voter Registration Day!
2. Movie Screening: American Experience documentary The Vote (PBS) – provided to grantees.
3. Lecture: Dr. Robert Watson will speak about democracy.
4. Lecture: Palm Beach Post politics reporter.
5. Studio 411: Fun with Flags! Design your own flag– learn about the meaning of different symbols and colors, and the United States flag (TED talk flag design/expert on the topic).

Along with the programming provided, a "Rightfully Hers" display provided by the National Archives will present information on the ratification of the 19th Amendment. This pop-up display contains simple messages about the expansion of the vote to millions of women, before and after the 19th amendment, and its impact today. An educational tool for teaching about American government, the engaging and interpretative display is lightweight, easy to set-up, and requires no tools or walls.

A number of democracy-themed books will be purchased for the Library's collection and Library book clubs.

Resolution No. 204-20 authorizes and approves the City's grant agreement with Florida Humanities Council, Inc. to present the Life, Liberty + Libraries programming at the Mandel Public Library of West Palm Beach during Fiscal Year 2019/2020.

Resolution No. 166-20(F) accepts funding in the amount of \$1,500 from Florida Humanities, Inc. to present the Life, Liberty + Libraries programming at the Mandel Public Library of West Palm Beach during Fiscal Year 2019/2020.

Fiscal Note:

Approval will recognize \$1,500 of grant proceeds and will provide appropriations programming for adults on democracy-themed topics.

7. **Resolution No. 205-20 authorizing the Mayor to sign the State Department of Revenue (DOR) Form DR-420 (Certificate of Taxable Value) and other DOR forms in connection with certifying the City's operating millage rate at 8.3465 (not to exceed rate), which is 4.96% more than the rolled-back rate of 7.9520 and debt service millage rate of 0.1261 for the fiscal year 2020/2021, directing the delivery of such to the Palm Beach County Property Appraiser, and establishing the date for a public hearing.**

RESOLUTION NO. 205-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO SIGN STATE DEPARTMENT OF REVENUE (DOR) FORM DR-420 (CERTIFICATION OF TAXABLE VALUE) AND OTHER DOR FORMS IN CONNECTION WITH CERTIFYING THE CITY'S OPERATING MILLAGE AT 8.3465 AND DEBT SERVICE MILLAGE RATE AT .1261 FOR FISCAL YEAR 2020/2021 AND TO DELIVER SUCH TO THE PALM BEACH COUNTY PROPERTY APPRAISER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22970

Staff Recommended Motion:

Approve Resolution No. 205-20 and set the first Public Hearing on the proposed budget for September 10, 2020.

Background:

Truth in Millage (TRIM), under State Law, Sec. 200.065, Florida Statutes, requires the City to certify to the County Property Appraiser's Office the operating and debt service millage rates to be included on the Notice of Property Taxes (TRIM Notice) which will be mailed in August to each property owner. Department of Revenue Form DR-420 is used to certify such millage to the County Property Appraiser and establishes the date of the first public hearing to consider the proposed millage rate and budget as of September 10, 2020, at 5:01 PM in the City Commission Chambers.

The millage rates certified by Form DR-420 and DR-420 DEBT are the most the City could levy. The City can lower the proposed millage rates at any time prior to the completion of the second budget hearing. Resolution No. 205-20 certifies the City's operating millage rate at 8.3465 and the debt service millage rate at 0.1261 mills.

The purpose of the Form DR-420 is also to highlight whether or not a municipality is proposing a tax increase for operations above that of the calculated rolled-back rate. For purposes of TRIM, any increase in the operating millage rate above the calculated rolled-back rate is considered a tax increase. The rolled-back rate is the calculated rate that produces the same amount of operating tax revenue for fiscal year 2020/21 as that which was available in fiscal year 2019/20, excluding new construction. The calculated rolled-back rate for fiscal year 2020/21 is 7.9520 mills. The proposed millage rate of 8.3465 is 4.96% above the calculated rolled-back rate and therefore, represents a tax increase, per state statute.

The debt service millage rate of 0.1261 will be levied to generate revenue sufficient to cover approximately \$1,756,300 of debt service on General Obligation Bonds. The outstanding bonds are:

- General Obligation Park Bond (2020) - debt service is \$1,756,300.
- The debt service millage rate for fiscal year 2020/21 is increased 0.0059 mills over fiscal year 2019/20.

Resolution No. 205-20 authorizes the Mayor to sign the Department of Revenue forms certifying the City's proposed millage rates and sets the first public hearing on the proposed budget for fiscal year 2020/21 for September 10, 2020.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (8-11):

8. **Resolution No. 113-20 designating two Banyan Trees at 211 Puritan Road as Historic Trees.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGNATION OF HISTORIC TREE FOR THE BANYAN TREES LOCATED AT 211 PURITAN ROAD NORTH OF THE BELAIR HISTORIC DISTRICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22971

Staff Recommended Motion:

Approve Resolution No. 113-20.

Background:

The City Code of Ordinances, Section 94-448, provides that a tree may be designated an historic tree if the tree is of notable historic interest to the City due to its age, type, size or historic association with the community.

Two (originally one) massive banyan trees located at 211 Puritan Road have significance to the Belair neighborhood since they have been part of the landscape for over 70 years.

A request was received by the City Landscape Planner and City Historic Preservation Planner from a representative of the Belair Neighborhood Association to designate these Banyan Trees as Historic due to their connection to the community prior to 1950 as recollected by its residents, and their size and location being notable in the community. The owner of the lot the trees are on has agreed to designate them as historic. This will protect the trees from alterations in the future.

Resolution No. 113-20 designates the two banyan trees at 211 Puritan Road as historic.

Fiscal Note:

No fiscal impact.

9. **Resolution No. 197-20 authorizing the issuance of not to exceed \$30,000,000 in aggregate principal amount of City of West Palm Beach General Obligation Bonds, Series 2020, for the improvement of City parks and recreational facilities.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$30,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2020 (PARKS AND RECREATION PROJECTS), TO PAY FOR THE COST OF ACQUISITION, CONSTRUCTION, DEVELOPMENT, EXTENSION, ENLARGEMENT, IMPROVEMENT, RENOVATION, EQUIPPING AND FURNISHING OF CERTAIN PARKS AND RECREATION PROJECTS WITHIN THE CITY; PROVIDING THAT SUCH BONDS SHALL CONSTITUTE GENERAL OBLIGATIONS OF THE CITY AND THAT THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY SHALL BE IRREVOCABLY PLEDGED FOR THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON SUCH BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; DELEGATING TO THE MAYOR THE DETERMINATION OF CERTAIN MATTERS AND DETAILS CONCERNING SUCH BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; AUTHORIZING THE PUBLIC SALE BY COMPETITIVE BID OF SUCH BONDS AND AUTHORIZING THE MAYOR TO PUBLISH A SUMMARY NOTICE OF BOND SALE; APPROVING THE FORMS OF THE OFFICIAL NOTICE OF BOND SALE AND OFFICIAL BID FORM; AUTHORIZING THE MAYOR TO AWARD SUCH BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; APPOINTING A PAYING AGENT AND A BOND REGISTRAR; PROVIDING FOR THE PRINTING AND USE OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH SUCH BONDS IN ACCORDANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12, AUTHORIZING THE EXECUTION AND DELIVERY OF A DISCLOSURE DISSEMINATION AGENT AGREEMENT WITH RESPECT THERETO AND APPOINTING DIGITAL ASSURANCE CERTIFICATION LLC AS THE INITIAL DISSEMINATION AGENT; AUTHORIZING A BOOK-ENTRY REGISTRATION SYSTEM FOR THE BONDS; AUTHORIZING CERTAIN OFFICIALS OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT INSTRUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Agenda Cover Memorandum No.: 22972

Staff Recommended Motion:

Approve Resolution No. 197-20.

Background:

On November 18, 2019, City Commissioners gave preliminary approval for a bond referendum election in conjunction with the regular municipal election on March 17, 2020.

On December 2, 2019, by Ordinance No. 4884-19, the City Commission unanimously approved the holding of a bond referendum for approval by the voters of the issuance of general obligation bonds for the improvement of parks and recreation facilities.

On March 17, 2020, the voters approved the Parks Bond Referendum allowing the City to issue bonds in an amount not to exceed \$30 million for the purpose of upgrading a number of the City's park amenities. The new funding will allow the City to execute large-scale upgrades and enhancements to its parks. These include new playgrounds, walking and exercise trails, outdoor fitness equipment, athletic spaces, increased lighting, shade structures, renovated restrooms, community center improvements and ADA accessibility improvements.

The proposed project list attached.

Total capital costs are estimated at \$30 million in park improvements. The Parks Bond would be repaid from ad valorem taxation and will not be an additional tax or fee, as property owners have already been paying a parks bond, which expires in September of 2020.

Resolution No. 197-20 authorizes the issuance of \$30 million in General Obligation Bonds. The Resolution establishes the form of the Bond (Exhibit A), the Notice of Bond Sale (Exhibit B), and the Preliminary Official Statement (Exhibit D). Resolution No. 197-20 also approves the execution of the Paying Agent and Bond Registrar Agreement (Exhibit C) and the Disclosure Dissemination Agent Agreement (Exhibit E).

Fiscal Note:

Total capital costs are estimated at \$30 million in park improvements. The Parks Bond would be repaid from ad valorem taxation.

10. **Resolution No. 199-20 directing the development of the preliminary assessment roll for the Chronic Nuisance Assessments for 2020 and setting the date for a public hearing for final adoption of the Chronic Nuisance Assessment roll on August 24, 2020.**

RESOLUTION NO. 199-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DIRECTING THE DEVELOPMENT OF A PRELIMINARY ASSESSMENT ROLL FOR 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 AND WHICH REMAINED DELINQUENT AND UNPAID; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22973

Staff Recommended Motion:

Approve Resolution No. 199-20 and set a Public Hearing for August 24, 2020.

Background:

In September 2011, the City of West Palm Beach adopted a series of 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.

Pursuant to Section 54-422 of the City Code of Ordinances, the Finance Director must prepare an initial assessment roll of the proposed assessments which are unpaid as of June 1st.

Approval of Resolution No. 199-20 will schedule the public hearing for final adoption of the Chronic Nuisance Assessment roll on August 24, 2020.

Fiscal Note:

No fiscal impact, since revenues generated from the Chronic Nuisance Program is a reimbursement of expenditures incurred by the City to abate the nuisance.

11. **Resolution No. 200-20 establishing the proposed Fire Service Assessment rate for 2020, directing an update to the assessment roll and setting the date for a public hearing on August 24, 2020.**

RESOLUTION NO. 200-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DETERMINING THE FIRE SERVICE ASSESSED COSTS AND THE SERVICES, FACILITIES OR PROGRAMS TO BE PROVIDED; ESTABLISHING THE ESTIMATED RATES FOR THE FIRE SERVICE SPECIAL ASSESSMENT FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2020; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL; SETTING THE DATE AND TIME OF A PUBLIC HEARING; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22974

Staff Recommended Motion:

Approve Resolution No. 200-20 and set a public hearing for August 24, 2020.

Background:

Fire suppression, prevention and other fire services provide a special benefit to properties by protecting the value and integrity of improvements to real property and protecting the use and enjoyment of such property. The availability of comprehensive fire services reduces the cost of fire insurance and enhances the market perception and property values. In 2008, the City Commission adopted Ordinance No. 4141-08 and Resolution Nos. 212-08 and 332-08, establishing an annual recurring Fire Services special assessment program for properties within the City, to fund the assessable costs of providing fire services, excluding Emergency Medical Services (EMS). In 2019, the City Commission adopted Resolution No. 228-19 and amended the apportionment methodology for the Fire Service Special Assessment.

Pursuant to the procedure established in Ordinance No. 4141-08, the City Commission annually passes a preliminary rate resolution describing the services, facilities or programs to be funded, determining the cost to be assessed, establishing the assessment rates, establishing any exemptions and following all procedural requirements required by law and Ordinance No. 4141-08.

Resolution No. 200-20 is the Preliminary Rate Resolution and proposes no increase of the Fire Service Assessment rates. The proposed Fire Service Assessment rate for 2020/2021 is as follows:

- RESIDENTIAL: \$100

- NON-RESIDENTIAL PROPERTY
Rate Per Building Square Foot
 - Commercial \$0.103
 - Industrial/Warehouse \$0.018
 - Institutional \$0.123
 - Nursing Home \$0.372

The special assessment will be collected by the County Tax Collector through the property tax bill.

A public hearing on the assessment rates will be scheduled for August 24, 2020.

Resolution No. 200-20: (1) determines that the Fire Service Assessed Cost to be assessed for the upcoming Fiscal Year 2020/21 is approximately \$6.9 million; (2) establishes the assessment rate for the upcoming Fiscal Year as shown above; (3) sets the date for the public hearing; and (4) directs the Finance Director to update the Assessment Roll and provide notice by first class mail and directs the City Clerk to provide notice by publication.

Fiscal Note:

Revenues of approximately \$6.9 million are expected after a buy down of 100% of the governmental assessment and 80% of the not-for-profit assessment for Fiscal Year 2020/2021.

PUBLIC HEARING (12):

12. **Ordinance No. 4903-20: A City-initiated request for a text Amendment to the Downtown Master Plan Element of the Comprehensive Plan modifying Policy 1.1.1 and Policy 3.1.3 in relation to the Northwest Neighborhood District and the Quadrille Business District, and**

Ordinance No. 4904-20: A City-initiated request for an amendment to Chapter IV of the Downtown Master Plan related to Incentive Programs to promote the redevelopment of the Rosemary corridor within the Northwest Neighborhood District, and the Banyan Boulevard corridor within the Quadrille Business District.

ORDINANCE 4903-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MODIFYING THE COMPREHENSIVE PLAN TO AMEND THE DOWNTOWN MASTER PLAN ELEMENT, POLICIES 1.1.1 TO INCLUDE A REFERENCE TO THE UPDATED STULL AND LEE REPORT; AND POLICY 3.1.3 TO MODIFY THE MAXIMUM DEVELOPMENT CAPACITY'S ALLOWED WITH INCENTIVES FOR CERTAIN SUBDISTRICTS WITHIN THE QUADRILLE BUSINESS DISTRICT; AND CREATE A NEW INCENTIVE DISTRICT WITHIN THE NORTHWEST NEIGHBORHOOD DISTRICT; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF 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.

ORDINANCE 4904-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS AT ARTICLE IV - DOWNTOWN MASTER PLAN, SECTION 94-119 QUADRILLE BUSINESS DISTRICT; SECTION 94-128 NORTHWEST NEIGHBORHOOD DISTRICT; SECTION 94-133 SPECIAL DISTRICT INCENTIVES; TABLE IV-45 BUILDING REQUIREMENTS QBD-5-15 STORY RECEIVING SITE; TABLE IV-46 BUILDING REQUIREMENTS QBD 3-15 STORY RECEIVING SITE; AND FIGURE IV-35 TDR SENDING AND RECEIVING SITES; AND CREATING TABLE IV-58a BUILDING REQUIREMENTS NWD 3-8 STORY RECEIVING SITE, TO PROMOTE THE REDEVELOPMENT OF THE ROSEMARY CORRIDOR WITHIN THE NORTHWEST NEIGHBORHOOD DISTRICT AND THE BANYAN BOULEVARD CORRIDOR WITHIN THE QUADRILLE BUSINESS DISTRICT; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22975

Staff Recommended Motion:

Approve Ordinance No. 4903-20 on First Reading and authorize the transmittal to the Department of Economic Opportunity (DEO) for review. This motion is based upon the staff report, the recommendation of the Downtown Action Committee, the recommendation of the Planning Board, along with the findings that the amendments contained in this Ordinance comply with Chapter 163 Florida Statutes and the Florida Administrative Code and are consistent with the remainder of the Comprehensive Plan of the City.

Approve Ordinance No. 4904-20 on First Reading. This motion is based upon the staff report, factual testimony, the recommendation of the Downtown Action Committee, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in the City's Zoning and Land Development Regulations.

Background:

In the last several years, the City and its Community Redevelopment Agency (CRA) have engaged in an aggressive strategy to revitalize the Northwest Neighborhood. Under the guidance of the Stull and Lee Strategic Development Plan prepared in 2002, and the support of more recent studies like the 2016 Historic Northwest Neighborhood Safety Action Plan, and the 2017 Historic Northwest Rising Report, several redevelopment projects are currently underway throughout the neighborhood.

In response to the public investment, private investors have recently increased its interest in the development of the vacant properties at the edges of the historic neighborhood, particularly the south areas in proximity to the core of the downtown. A new 8-story residential project known as Flagler Station is currently under review at the northeast corner of Tamarind Avenue and Banyan Boulevard, and a different proposal has been presented to the City for an 8-story building in the majority of the block between Rosemary Avenue and Sapodilla Avenue, 2nd Street and 3rd Street.

Acknowledging the adequate redevelopment of the existing vacant parcels at the edges of the neighborhood is fundamental for the revitalization of the historic neighborhood, the City and the CRA decided to engage the consulting services of the planning and urban design firm Stull and Lee, Inc. (S&L) to evaluate the potential redevelopment of the Rosemary Avenue and Banyan Boulevard corridors (target area).

Over the last six months, the city has been working with S&L on the study of the redevelopment potential of the vacant land within the target area. The study, entitled Northwest Neighborhood Strategic Plan Update- Guidelines for new development at the neighborhood's edge, analyzed the development capacity under existing regulations to determine the impact of future development, and subsequently proposed certain modifications to ensure the appropriately scaled development of the vacant land. A copy of the S&L report, submitted to the City on June 5, 2020, is included as supporting documentation and constitutes the data and analysis to justify the proposed changes.

Based on the S&L report staff is proposing amendments to the Comprehensive Plan and the Zoning and Land Development Regulations necessary to implement the recommendations presented by S&L.

The proposed amendments include:

1. Revised incentive districts along Banyan Boulevard

Several changes are proposed to the incentive blocks located within Banyan Boulevard, 2nd Street, Rosemary Avenue and Tamarind Avenue. The proposed changes are directed to provide a more compatible scale between the neighborhood and Banyan Boulevard.

Current regulations allow, with incentives, buildings up to 15 stories in height along Banyan Boulevard. The analysis conducted by S&L indicated that the maximum height allowed under the existing incentive could create a shadowing effect over the low scale neighborhood and the perception of a barrier. The proposed changes will lower the maximum height permitted with incentives from 15 stories to 10 stories, and it will separate the incentive area into two separate districts to better adapt its mass according to its immediate surroundings.

The block between Tamarind Avenue, Sapodilla Avenue, Banyan Boulevard and 2nd Street currently designated as QBD 3-15 will be renamed QBD 5-10, and it will allow 10 stories along Banyan Boulevard and 5 stories along 2nd Street. The FAR allowed as an incentive will also be modified to reflect a higher FAR of 4.0 for the properties along Banyan Boulevard, and a lower FAR of 2.5 for the properties along 2nd Street.

The block between Sapodilla Avenue, Rosemary Avenue, Banyan Boulevard and 2nd Street currently designated as QBD 3-15 and QBD 5-15 will now be under one single incentive district, and it will be called QBD 8-10. The QBD 8-10 will allow 10 stories along Banyan Boulevard and 8 stories along 2nd street. The FAR allowed as an incentive will also be modified to reflect a higher FAR of 4.5 for the properties facing Banyan Boulevard, and a lower FAR of 3.75 for the properties facing 2nd Street.

The proposed increase in development capacity will be accomplished through the transfer of development rights, therefore no additional increase in the overall downtown development capacity will occur.

2. New Northwest workforce housing incentive district.

The proposed amendment creates a new incentive district called NWD 3-8 on the block located between Rosemary Avenue, Sapodilla Avenue, 2nd and 3rd Streets to allow additional development capacity for projects proposing the construction of workforce housing. The block subject to the incentive is located at the edge of the Northwest District and it is primarily vacant. Only two structures exist within the block, the structure at the corner of Sapodilla Avenue and 3rd Street is a two-story multi-family

building designated as a contributing structure within the historic district and protected from demolition. The structure located at the corner of Sapodilla Avenue and 2nd Street is a one-story residential building built in 2000 and currently owned by a commercial real estate entity.

The intent of the incentive is to promote the redevelopment of the mainly vacant block with an appropriately scaled development that provides a transition from the higher development on the south to the smaller scale of the historic Northwest neighborhood.

The proposed changes will allow new development to increase its development capacity to a maximum of 2.75 FAR and its height to a maximum of 8 stories. Despite the maximum height being established as 8 stories, specific restrictions have been included to protect the lower scale along 3rd Street and Sapodilla. The maximum height permitted along 3rd street and Sapodilla Avenue will be 3 stories.

The incentive is also provided only for projects proposing a minimum of 51% of their residential units for tenants with a household income that is less than 140% of the Area Median Income (AMI). The incentive requires at least:

- 33% of the total number of units for tenants with income less than 100% of the AMI
- 10% of the total number of units for tenants with income less than 120% of the AMI

The proposed increase in development capacity will be accomplished through the transfer of development rights, therefore no additional increase in the overall downtown development capacity will occur. The City will offer the developer of the workforce housing project the necessary TDRs at no cost as an incentive for the construction of the workforce housing units.

3. Pedestrian Passageways

The proposed amendments are also introducing additional language regarding future ROWs designated in Figure 4: Street designation of the Zoning Atlas. Figure 4 of the Zoning Atlas identifies all the streets downtown and classifies them as Avenues, Primary Pedestrian, Secondary and Residential streets. The figure also includes future rights of ways in different locations where it is the City's desire to improve connectivity. It is the City's desire to introduce additional language to provide certain flexibility on the design of the future rights of way. The additional language will allow the City to propose future ROWs as pedestrian passageways or full vehicular streets where considered appropriate.

Community Participation

The S&L team conducted a small stakeholder meeting on January 27, 2020 and heard the concerns from the residents and business owners.

The original scope of work included an additional community meeting to present the findings and obtain feedback from the community. However due to the COVID-19 outbreak and the inability to hold community gatherings, the planned large community meeting was cancelled.

On June 4, 2020, a video-conference was conducted with the same small stakeholder group from the January 27th meeting. During the video conference S&L presented the recommendations for redevelopment of the target area and obtained feedback from the residents and business owners.

- Downtown Action Committee: The DAC recommended approval (7-0) of the request described herein at their June 10, 2020 public hearing.
- Planning Board: The Planning Board recommended approval (7-0) of the request described herein at their June 16, 2020 public hearing.
- Public notice: Individual notices were mailed to all property owners within the affected area and 500 feet around it.

COMMISSION DISTRICT: The subject area is located within Commission District No. 3: Commissioner Christy Fox.

PUBLIC HEARING – QUASI JUDICIAL (13-14): DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY* SWEARING IN OF WITNESSES

- 13. Public Hearing and Second Reading of Ordinance No. 4902-20: Regarding the transfer of the site plan approvals and development conditions and regulations relating to the Airport Industrial Park Commercial Planned Development (CPD) to a separate resolution; and**

Resolution No. 171-20: Approving a Major Amendment to the Airport Industrial Park Commercial Planned Development (CPD) revising the sign plan and renaming the Planned Development as the Servico Commercial Planned Development (CPD).

All of the above-referenced items are being requested by Brian Seymour and Joshua Long of Gunster, on behalf of Retro Fitness.

ORDINANCE NO. 4902-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCES NOS. 1438-79, 1534-80, 1618-82, 1716-83, 1863-85; 2209-88 AND 2642-93, AS AMENDED, RELATING TO THE AIRPORT INDUSTRIAL PARK COMMERCIAL PLANNED DEVELOPMENT, LOCATED AT 1601 BELVEDERE ROAD, TO TRANSFER THE SITE PLAN APPROVALS AND RELATED CONDITIONS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 171-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONSOLIDATING THE DEVELOPMENT REGULATIONS AND APPROVING A MAJOR AMENDMENT TO THE AIRPORT INDUSTRIAL PARK COMMERCIAL PLANNED DEVELOPMENT, LOCATED AT 1601 BELVEDERE ROAD, REVISING THE SIGN MASTER PLAN, AND RENAMING THE PLANNED DEVELOPMENT AS THE SERVICO COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22976

Staff Recommended Motion:

APPROVE Ordinance No. 4902-20, transferring the site plan and related conditions for the Airport Industrial Park CPD to a separate resolution on First Reading. This Motion is based upon the application submitted, the staff report and recommendation of the Planning Board, the finding that the request complies with the Comprehensive Plan and the standards of Section 94-32 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 171-20, approving a Major Amendment to the Airport Industrial Park CPD to revise the sign plan and rename the CPD as the Servico CPD. This Motion is based upon the factual testimony presented, the application submitted, the staff report and recommendation of the Planning Board, along with the finding that the standards of Section 94-32 of the Zoning and Land Development Regulations have been met.

Background:

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

The Servico CPD is comprised of an approximately 7.87-acre parcel at the northwest corner of Belvedere Road and Australian Ave. The property, which has been designated a CPD since 1979, was originally rezoned from “C-3” (Commercial Industrial District) and “C-1” (Neighborhood Shopping District) to CPD as part of the Centrepark West/Industrial Park Planned Development (aka: Airport Industrial Park Planned Development) by City of West Palm Beach in Ordinance No. 1438-79. The underlying zoning for the CPD was identified as General Commercial (GC). According to the Applicant’s Justification Statement, the applicant is now seeking to amend the allowed wall signage on wall identification signs facing Belvedere Road.

In September 1980, Ordinance 1534-80 amended the planned development to permit the development of the subject property, Servico CPD, for office and hotel use. The CPD was further amended by Ordinances 1618-82 and 1716-83, before the Servico Planned Development was constructed in 1983. The site, which consists of the original structures built in 1983, contains 189,103 square feet of hotel use, 110,795 square feet of office use, and a 47,583 square foot parking garage. Servico CPD was subsequently amended by Ordinances 1863-85, 2209-88, and 2242-93. The most recent amendment to the planned development, 2242-93, amended the sign program language to allow for façade signage fronting Belvedere Road on the hotel and office towers. This sign program approved four (4) total wall signs facing Belvedere Road. At the time this sign program was approved, the signage exceeded the allowed amount of signage by the underlying zoning. Since adoption, signage regulations have become less restrictive for General Commercial (GC) properties. No known record exists of why the Servico Planned Development signage regulations were written specifically for façade signs facing Belvedere Road. Whereas the language adopted in 1993 allowed a total of 760 square feet of signage facing Belvedere Road on the site, if approved the proposed change would allow a total of 1000 square feet of signage facing Belvedere Road. The total allowed signage for the office building would increase by 240 square feet, while the hotel signage would remain the same. If no language in the CPD existed for signage, the signage would be regulated by the GC sign regulations. Pursuant to Sec. 94-409 of the Zoning and Land Development Regulations, each office tower, with approximately 8,360 square footage of façade would be allowed 639.1 square feet of signage facing Belvedere Road. The applicant’s request for an amended total of 600 square feet of signage total for the office uses is far below the 1278.2 square feet total that would be allowed by right under GC code.

CONCLUSION: In Staff's professional opinion, the proposed amendment to the Servico CPD complies with the standards required by the City's Comprehensive Plan and the Zoning and Land Development Regulations. Therefore, Staff is recommending approval.

PLANNING BOARD: After a Public Hearing on April 21, 2020, the Planning Board unanimously recommended approval (7-0) of the request.

Individual notices were mailed to all property owners within 500 feet of the property and signs were posted on the subject property. Ordinance No. 4902-20 and Resolution No. 171-20 was advertised in the Palm Beach Post on July 3, 2020.

COMMISSION DISTRICT: The Servico CPD is in Commission District No. 5: Christina Lambert.

14. **Public Hearing of Resolution No. 175-20: A request by Joni Brinkman, of Urban Design Kilday Studios, on behalf of 3111 Prospect Place Equities LLC, for a Minor Subdivision to approve the plat entitled "Casa Mara Plat", generally located at the northwest corner of Hampton Road and South Dixie Highway.**

RESOLUTION NO. 175-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION (REPLAT) OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "CASA MARA PLAT", CONTAINING A TOTAL OF APPROXIMATELY 9.3620 ACRES LOCATED AT THE NORTHWEST CORNER OF HAMPTON ROAD AND SOUTH DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22977

Staff Recommended Motion:

Approve Resolution No. 175-20, creating the plat entitled "Casa Mara Plat". This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-342 of the City's Zoning and Land Development Regulations.

Background:

The subject property, located on the northwest corner of Hampton Road and South Dixie Highway, consists of approximately 9.362 acres and is the location of the 3111 South Dixie Commercial Planned Development (CPD). On September 24, 2018, the City Commission approved Resolution No. 227-18, approving the development regulations for the 3111 South Dixie CPD and providing for a multiple-use development consisting of 300 residential dwelling units and approximately 16,000 square feet of commercial uses. As part of the conditions of approval for the development, the applicant was required to replat the property. The applicant is now requesting that the property be platted to satisfy such requirement. It is Staff's professional opinion that the proposed plat complies with the standards required by the City's Comprehensive Plan and the Subdivision General Design Standards required by Section 94-342 of the City's 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: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Resolution No. 175-20 was also advertised in the Palm Beach Post on July 3, 2020.

COMMISSION DISTRICT: The subject property is located within Commission District No. 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

ADJOURNMENT:

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

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