



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**February 8, 2021
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:

UPDATE ON SPECIAL MAGISTRATE HEARING: CITY OF WPB AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

CONSENT CALENDAR (1-6): ALL CONSENT ITEMS (1-6) APPROVED

1. **Minutes of the Regular City Commission Meeting of January 11, 2021.**
Agenda Cover Memorandum No.: 23204

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of January 11, 2021.

2. **Resolution No. 20-21 authorizing the execution of an Interlocal Agreement between the Solid Waste Authority of Palm Beach County and the City regarding waste designated facilities and for a municipal revenue sharing recycling program.**

RESOLUTION NO. 20-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM AND THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY FOR THE DELIVERY OF MUNICIPAL SOLID WASTE TO DESIGNATED FACILITIES AND FOR A MUNICIPAL REVENUE SHARING RECYCLING PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Agenda Cover Memorandum No.: 23209

Staff Recommended Motion:

Approve Resolution No. 20-21.

Background:

The City provides for the collection of solid waste from the residents and businesses and residential recyclable materials within its boundaries and recognizes the need for safe and sanitary processing and disposal of solid waste and residential recyclable materials. Pursuant to Resolution No. 446-09, the City entered into an Interlocal Agreement with the Solid Waste Authority of Palm Beach County to participate in a coordinated County-wide program for the management of hazardous waste and control of solid waste processing and disposal and residential recycling participation in cooperation with federal, state, and local agencies responsible for the prevention, control, or abatement of air, water, and land pollution.

In 2020, the Florida Legislature amended Section 403.706, Florida Statutes regarding residential recycling collection and processing; the amended statute establishes a requirement that certain language be included in all new or renewed collection contracts with the intended goal of reducing contamination in recycling. The parties desire to update the Interlocal Agreement to incorporate language that meets the requirements of the new law and to reflect current industry definitions for the delivery of municipal solid waste to designated facilities and for a municipal revenue sharing recycling program. This Agreement will replace the Agreement previously approved by Resolution No. 446-09.

Resolution No. 20-21 approves an updated Agreement with the Solid Waste Authority for the delivery of municipal solid waste to designated facilities and for a municipal revenue sharing recycling program.

Fiscal Note:

No fiscal impact.

- 3. Resolution No. 26-21 authorizing and approving an agreement between the City and the State of Florida, Department of State for the award of a Division of Library and Information Services CARES Act grant in the amount of \$46,463.**

RESOLUTION NO. 26-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF FLORIDA, DEPARTMENT OF STATE FOR THE AWARD OF A DIVISION OF LIBRARY AND INFORMATION SERVICES CARES ACT GRANT IN THE AMOUNT OF \$46,463 TO FUND THE PROJECT “COUNTERING THE EFFECTS OF COVID-19 - ADAPTING FOR THE FUTURE”; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23206

Staff Recommended Motion:

Approve Resolution No. 26-21.

Background:

The Florida Department of State Division of Library and Information Services has received \$1,940,696 from the Institute of Museum and Library Services pursuant to the provisions of the CARES Act (Public Law 116-136). In accordance with the CARES Act, this funding is to be used for the following purposes: “to prevent, prepare for, and respond to coronavirus, including to expand digital network access, purchase internet accessible devices, and provide technical support services.” The CARES Act also provides that: “This funding is to be used as follows: (a) Primarily to address digital inclusion and related technical support; (b) Secondly, to address other efforts that prevent, prepare for, and respond to COVID-19; and (c) With respect to (a) and (b), reach museum and tribal partners, in addition to traditionally eligible library entities, where appropriate.”

The Mandel Public Library of West Palm Beach has received \$46,463 to increase outreach efforts to the community, specifically focusing on local childcare centers, nursing homes and assisted living facilities. As some COVID-19 restrictions are still in place and many citizens still uncomfortable coming into the library, staff is working tirelessly to connect patrons with digital materials and produce a wide variety of virtual programs to bring the library into their homes. This limited capacity for in-person assistance means most of our efforts are concentrated on providing the best services we can digitally and require new solutions to address changing needs. The library plans to enhance our digital presence with improved tools and equipment for producing elevated virtual programming to better serve the community at large. A reference chat service and new library programs calendar will help advance the library’s efforts of providing world-class virtual programs to the community. The library will further respond to the COVID-19 crisis by assembling and distributing Healing Library Kits to help patrons of all ages respond to and process the trauma of the current times. The library will also provide focused outreach to higher need populations including: childcare centers, nursing homes, and assisted living facilities by supplying physical and electronic materials and targeted programming with respect to the needs of those specific populations.

Fiscal Note:

Resolution No. 336-20(F) passed 01-11-2021 providing budget appropriations in the Grants Special Revenue fund.

4. **Resolution No. 32-21 authorizing the Mayor to execute an Interlocal Agreement with Palm Beach County for participation in the Drowning Prevention Coalition's Learn to Swim Program that distributes vouchers to the public, which may be redeemed for swimming lessons at the Warren Hawkins Aquatic Center.**

RESOLUTION NO. 32-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT FOR SWIMMING LESSONS BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR PARTICIPATION IN THE DROWNING PREVENTION COALITION'S LEARN TO SWIM PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23207

Staff Recommended Motion:

Approve Resolution No. 32-21.

Background:

The Palm Beach County Drowning Prevention Coalition's 2021-2024 Learn to Swim Program is a voucher based reimbursement program for organizations that provide swimming lessons. The City's Department of Parks and Recreation has participated as a designated aquatic facility to provide lessons using the voucher reimbursement for several years.

The Drowning Prevention Coalition distributes vouchers for free swim lessons to qualified applicants. Any family receiving State or Federal assistance, such as free or reduced lunch for school age children, qualifies for vouchers. The Drowning Prevention Coalition's Learn to Swim Program allows voucher recipients to take swim lessons at the Warren Hawkins Aquatic Center for a free or reduced rate. Vouchers can be used to cover cost of lessons up to \$60. Vouchers are available for youth through the second level of the American Red Cross learn to swim program. Eight (8) evening classes for non-swimmers are held Mondays and Wednesdays in the Spring and Fall seasons for four (4) weeks and Mondays-Thursdays for two (2) weeks in the summer. Weekend classes are available on Saturday mornings. Summer camp lessons are held once a week for six (6) weeks. The vouchers may be applied toward the cost of a semi-private or private swim lesson. City aquatic staff are Water Safety Instructors certified through the American Red Cross.

Upon completion of the course, the City will present the vouchers to the Drowning Prevention Coalition for payment. The voucher reimbursement will be at the same rate as the current evening group lesson fee of \$35/resident, \$44/non-City resident, and the Summer Camp group rate of \$35/child.

This is a win-win partnership, which increases drowning prevention awareness as well as offers a mechanism to provide swimming lessons to those who are at risk for drowning.

Resolution No. 32-21 approves the three (3) year Interlocal Agreement for Swimming Lessons between Palm Beach County and the City.

Fiscal Note:

Funds collected will go towards the estimated revenues already budgeted in the General Fund, Community Recreation cost center.

5. **Resolution No. 34-21 authorizing contracts for master property insurance, water system property insurance, excess liability insurance, excess workers' compensation insurance, crime insurance, and miscellaneous insurance policies for policy year 2021-2022.**

RESOLUTION NO. 34-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING APPLICATION FOR AND EXECUTION OF ALL NECESSARY CONTRACTS FOR MASTER PROPERTY INSURANCE, WATER SYSTEM PROPERTY INSURANCE, EXCESS LIABILITY, EXCESS WORKERS' COMPENSATION, CRIME INSURANCE, ECR PROPERTY GENERAL LIABILITY AND OTHER INSURANCE, PUBLIC OFFICIALS BOND, CITY CENTER PROPERTY INSURANCE, FIDUCIARY LIABILITY, CRA PROPERTY AND LIABILITY AND OTHER MISCELLANEOUS INSURANCE, FOR THE PERIODS OF MARCH 1, 2021 – FEBRUARY 28, 2022 AND OCTOBER 1, 2021 – SEPTEMBER 30, 2022, AS RECOMMENDED BY THE CITY'S INSURANCE BROKER, ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC.; AUTHORIZING PAYMENT OF ALL INSURANCE PREMIUMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23208

Staff Recommended Motion:

Approve Resolution No. 34-21.

Background:

The City, through the broker of record, Arthur J. Gallagher Risk Management Services, Inc., is in the process of obtaining master property insurance, water systems property insurance, excess liability, excess workers' compensation, crime insurance, and other miscellaneous insurance coverages for the 2021-2022 policy year. Master property insurance, utility systems insurance, excess liability insurance, excess workers' compensation insurance, and crime insurance coverages will be bound effective March 1, 2021. Miscellaneous other coverages will bind as they expire. The City is self-insured for workers' compensation, automobile liability, and general liability up to various self-insured retention levels. The City purchases excess insurance policies for liability claims exceeding \$350,000 and for workers' compensation claims exceeding \$500,000.

Section 66-94 of the City Code requires that contracts for insurance be approved by the City Commission.

Resolution No. 34-21 authorizes contracts and binders for the described insurance coverages.

Fiscal Note:

Will approve a total not-to-exceed sum of \$3,233,000 for the specified insurance coverages. Fully-budgeted.

- 6. Waiver of conflict for one (1) resident advisory review committee member reviewing solicitations received for the sale or lease and development of property located at 8111 S. Dixie Highway.**
Agenda Cover Memorandum No.: 23216

Background:

On December 18, 2020, the City issued an Invitation to Negotiate (ITN) to solicit proposals for the purchase and/or lease and development of property located at 8111 S. Dixie Highway. In accordance with solicitation document, the City is required to establish two (2) review committees to review and rank the proposals. One (1) review committee will be internal City staff and the other will be a citizen's review committee consisting of seven (7) members as follows:

- One (1) resident from each of the five (5) Commission Districts selected by the respective City Commissioner (5 committee members);
- One (1) South-end resident of the City selected by the Mayor; and
- One (1) business owner in South-end of the City selected by the Mayor.

One of the citizens review committee members, Ms. Janice Savice Williams, is an officer and partner of Siebert Williams Shank & Co., LLC, an organization who has previously provided underwriting services to the City and may potentially do so in the future.

The described relationship creates a conflict pursuant to both the Florida and Palm Beach County Code of Ethics. However, pursuant to the Florida Code of Ethics, the Mayor may waive the conflict after a public hearing and subject to his determination and after the appointee's full disclosure of the transaction or relationship. Ms. Savin Williams has made full disclosures and has filed Form 4A, which is attached to this item. The Mayor, therefore, finds that all statutory conditions for the waiver have been met, and is waiving all conflicts created by Ms. Janice Savice Williams' relationship with Siebert, Williams, Shank & Co., LLC.

RESOLUTIONS (7):

7. Resolution No. 18-21(F) **APPROVED** amends the full-time equivalent (F.T.E.) budget for the purpose of moving the Code Enforcement positions to the Police Department by decreasing 20.30 F.T.E.s in the Development Services Department and increasing 20.30 F.T.E.s in the Police Department.

Resolution No. 19-21(F) **APPROVED** amends the General Fund budget for moving 25 personnel positions equal to 20.30 F.T.E.s and reallocating revenue and expenditures from the Development Services Department to the Police Department for the Code Enforcement operations.

RESOLUTION NO. 18-21(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FY 2020/2021 FULL TIME EQUIVALENT (F.T.E.) GENERAL FUND BUDGET FOR THE DEVELOPMENT SERVICES DEPARTMENT AND THE POLICE DEPARTMENT FOR THE PURPOSE OF MOVING THE CODE ENFORCEMENT FULL TIME EQUIVALENT (F.T.E.) AUTHORIZED PERSONNEL TO THE POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 19-21(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 2020/2021 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE GENERAL FUND BUDGET FOR THE PURPOSE OF MOVING THE CODE ENFORCEMENT DIVISION PERSONNEL AND REVENUES FROM THE DEVELOPMENT SERVICES DEPARTMENT TO THE POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23205

Staff Recommended Motion:

Approve Resolution No. 18-21(F) and Resolution No. 19-21(F).

Background:

The integration of the City's Code Enforcement Division with the Police Department is part of the Police Department's crime reduction strategy. There is a significant correlation between criminal activity and vacant or poorly attended properties. Coordination of efforts in tackling both criminal and code violations is intended to more efficiently and effectively reduce crime and improve quality of life for those who choose to live, work, and play in West Palm Beach. This coordinated approach has been successfully employed in many other jurisdictions and previously successful in West Palm Beach through 2001.

The FY 2021 adopted budget appropriations for the Code Enforcement cost center will transfer entirely to the Police Department, and the actual total revenue and expenditures will transfer through a series of accounting entries until complete. The budget moves will not impact the date of the Police Department plan for the formal transition of operation, which is tentatively planned to be complete in March 2021.

Resolution No. 18-21(F) provides for the transfer of 25 positions with a total allocation of 20.30 F.T.E.s from the Development Services Department to the Police Department for the purpose of moving the Code Enforcement and Chronic Nuisance position counts to the Police Department.

The Code Enforcement and Chronic Nuisance position transfers include the following 25 positions:

- 1: Community Improvement Manager
- 1: Code Enforcement Supervisor
- 1: Chronic Nuisance Officer
- 1: Graffiti Eradicator
- 17: Code Enforcement Officers
- 1: Clerical Specialist
- 3: Administrative Assistants

Resolution No. 19-21(F) provides for the transfer of the FY 2021 budget allocations of \$112,540 from the Business Tax cost center (033200) and \$2,224,194 from the Code Enforcement cost center (033210) and moves \$60,300 to the Planning Department for a net total of \$2,276,434 of budget allocations moving to the Police Department under new cost center 031210. The budget reallocations will support the transfer of operations from the Development Services Department to the Police Department for 25 positions that will fall under the direction of the Police Department.

Fiscal Note:

Approval will move budgeted revenues of \$1,473,000 and expenditures of \$2,276,434 along with 20.30 FTE personnel counts from Development Services to the Police Department.

PUBLIC HEARINGS (8-11):

8. **Public Hearing and Second Reading of Ordinance No. 4920-20 **APPROVED** authorizing the sale and conveyance of property located at 627 and 629 11th Street to Altru Homes, LLC for \$50,000.**

ORDINANCE NO. 4920-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE OF THE PROPERTIES LOCATED AT 627 AND 629 11TH STREET TO ALTRU HOMES, LLC, AND AUTHORIZING EXECUTION OF A SALE AND PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23210

Staff Recommended Motion:

Approve Ordinance No. 4920-20 at Second Reading.

Background:

On October 19, 2020, via Resolution No. 260-20, the City Commission approved the surplus and disposition of properties located at 627 and 629 11th Street, PCN No. 74-43-43-16-01-021-0101 and PCN No. 74-43-43-16-01-021-0102 respectively, declared the properties surplus, and authorized the disposition through negotiation of the sale to interested parties. City staff and Real Estate Asset Disposition Corp., a contractor who currently provides real estate services to the City, advertised the sale of certain City-owned properties through the City's website and Multiple Listing Services (MLS) for a minimum of twenty-one (21) days.

Pursuant to Section 2-31(27)(c) of the Code of Ordinances, a sale or lease of a property, which is assessed by the county property appraiser for less than \$50,000, does not require an appraisal. As determined by the Broker Price Opinion completed by Real Estate Asset Disposition Corp., the properties were listed for \$41,900.

The City received three (3) offers to purchase City-owned properties located at 627 11th Street and 629 11th Street, as a bundle, ranging from \$22,000 to 50,000. City staff recommends accepting the offer in the amount of \$50,000 from Altru Homes, LLC. The proceeds of the sale will be deposited in the City's General Fund's Real Estate Management cost center.

As a condition of the sale, the City will require that the purchaser meet certain conditions. The conditions include:

1. The Purchaser must obtain a Building permit within 180 days.
2. The Purchaser must commence construction of a single family or multi-family dwelling or commercial building within 365 days from the date of issuance of the Building permit.

3. The Properties must be sold to a buyer who intends to occupy the properties as its primary residence.

The City will hold a reverter deed to ensure the purchaser satisfies the conditions listed above. If the purchaser fails to satisfy the conditions, and the City exercises its right of reverter, the City may be required to take the property back subject to a construction mortgage.

In accordance with to Section 2-31(27)(g)(7) of the Code of Ordinances, Ordinance No. 4920-20 authorizes sale and transfer of the properties to Altru Homes, LLC and approves the Sale and Purchase Agreement. The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading as required by Sec. 2-31(27) of the Code. The Ordinance further releases the mineral and petroleum rights the City has in the properties.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Approval will provide proceeds of \$50,000 less any closing fees and costs. Proceeds will be deposited in the City's General Fund's Real Estate Management cost center.

9. **Public Hearing and Second Reading of Ordinance No. 4922-20 APPROVED authorizing the sale and conveyance of property located at 937 39th Street to Housing Partnership d/b/a Community Partners of South Florida for \$40,000.**

ORDINANCE NO. 4922-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE OF THE PROPERTY LOCATED AT 937 39TH STREET TO HOUSING PARTNERSHIP, INC. D/B/A COMMUNITY PARTNERS OF SOUTH FLORIDA, AND AUTHORIZING EXECUTION OF A SALE AND PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23211

Staff Recommended Motion:

Approve Ordinance No. 4922-20 at Second Reading.

Background:

On October 19, 2020, via Resolution No. 260-20, the City Commission approved the surplus and disposition of property located on at 937 39th Street, PCN No. 74-43-43-09-05-060-0240, declared the Property surplus, and authorized the disposition through negotiation of the sale to interested parties. City staff and Real Estate Asset Disposition Corp., a contractor who currently provides real estate services to the City, advertised the sale of certain City-owned properties through the City's website and Multiple Listing Services (MLS) for a minimum of twenty-one (21) days.

Pursuant to Section 2-31(27)(c) of the Code of Ordinances, a sale or lease of a property, which is assessed by the county property appraiser for less than \$50,000, does not require an appraisal. As determined by the Broker Price Opinion completed by Real Estate Asset Disposition Corp., the property was listed for \$40,000.

The City received nine (9) offers to purchase City-owned property located at 937 39th Street ranging from \$26,900 to 50,000. Given the experience in affordable housing development and that the organization is a partner with Northend R.I.S.E., Inc. on various redevelopment efforts in the area, City staff recommends accepting the offer in the amount of \$40,000 from Housing Partnership d/b/a Community Partners of South Florida. The proceeds of the sale will be deposited in the City's General Fund's Real Estate Management cost center.

As a condition of the sale, the City will require that the purchaser meet certain conditions. The conditions include:

1. The Purchaser must obtain a Building permit within 180 days.
2. The Purchaser must commence construction of a single family or multi-family dwelling or commercial building within 365 days from the date of issuance of the Building permit.
3. The Property must be sold to a buyer who intends to occupy the properties as its primary residence.

The City will hold a reverter deed to ensure the purchaser satisfies the conditions listed above. If the purchaser fails to satisfy the conditions, and the City exercises its right of reverter, the City may be required to take the property back subject to a construction mortgage.

In accordance with to Section 2-31(27)(g)(7) of the Code of Ordinances, Ordinance No. 4922-20 authorizes sale and transfer of the property to Housing Partnership, Inc. d/b/a Community Partners of South Florida and approves the Sale and Purchase Agreement. The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading as required by Sec. 2-31(27) of the Code. The Ordinance further releases the mineral and petroleum rights the City has in the property.

Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

Approval will provide proceeds in the amount of \$40,000 less any closing fees and costs. Proceeds will be deposited in the City's General Fund's Real Estate Management cost center.

10. **Public Hearing and Second Reading of Ordinance No. 4924-20 **APPROVED** authorizing the sale and conveyance of property located at 225 Monroe Drive to 225 Monroe, LLC for \$450,000.**

ORDINANCE NO. 4924-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SALE AND CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 225 MONROE DRIVE TO 225 MONROE, LLC.; AUTHORIZING EXECUTION OF A SALE AND PURCHASE AGREEMENT FOR \$450,000 AND ALL ANCILLARY DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23212

Staff Recommended Motion:

Approve Ordinance No. 4924-20 at Second Reading.

Background:

On October 19, 2020, via Resolution No. 260-20, the City Commission approved the surplus and disposition of property located on at 225 Monroe Drive, PCN No. 74-43-43-34-09-009-0540 and authorized the disposition through negotiation of the sale to interested parties. City staff and Real Estate Asset Disposition Corp., a contractor who currently provides real estate services to the City, advertised the sale of certain City-owned properties through the City's website and Multiple Listing Services (MLS) for a minimum of twenty-one (21) days.

Pursuant to Section 2-31(27)(c) of the Code of Ordinances, a sale or lease of a property, which is assessed by the county property appraiser between \$50,000 and \$500,000, shall require one (1) appraisal. As such, the City obtained an appraisal from Anderson and Carr, Inc., which determined the value at \$420,000. However, in accordance with the Brokers Price Opinion provided by Real Estate Asset Disposition Corp., the property was listed at \$499,900.

The City received five (5) offers to purchase City-owned property located at 225 Monroe Drive ranging from \$405,000 to \$499,900. Due to the historic nature of the structure and 225 Monroe, LLC's experience with historic restoration, the City accepted an offer from 225 Monroe LLC in the amount of \$450,000. As per Section 2-31(27)(c) of the Code Ordinances, the sale price shall be not less than 85 percent (85%) of the fair market value of the appraisal. The offer accepted is over the fair market value as determined in the appraisal. 225 Monroe, LLC has performed historic renovations on several properties including: 257 Granada (a 1925 home in EL Cid), 294 Queens Court (a 1930s Mango Promenade historic remodel), 312 Cordova (a 1954 home in EL Cid), 320 Murray Road (a 1920s home), and Park Slope Town and Courtyard Homes (a 14 home new development). In addition, 225 Monroe, LLC received the 2020 City of West Palm Beach Historic Preservation Award. The proceeds of the sale of this property will be deposited in the City's General Fund.

Ordinance No. 4924-20 authorizes sale and transfer of the property to 225 Monroe, LLC and approves the Sale and Purchase Agreement. The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading, or both, as required by Sec. 2-31(27) of the Code. The Ordinance further releases the mineral and petroleum rights the City has in the property.

Commission District 5: Commissioner Christina Lambert.

11. **Public Hearing and Second Reading of Ordinance No. 4932-21 APPROVED amending the Code of Ordinances at Chapter 74 - Solid Waste to revise and clarify several sections regarding collection services, hazardous waste disposal, and landscape contractor responsibilities.**

ORDINANCE NO. 4932-21: 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 74 (SOLID WASTE) BY AMENDING AND RESTATING ARTICLE I (IN GENERAL), TO AMEND SECTION 74-3 (DEFINITIONS) BY AMENDING THE DEFINITION OF “SPECIAL COLLECTION PICK-UPS”; TO AMEND SUBSECTION 74-4 (c) (6) RELATING TO REMOVAL OF YARD AND GARDEN WASTE; TO AMEND SUBSECTION 74-4 (l) (3) (a) AND (b) RELATING TO THE SIZE OF COMMERCIAL REFUSE CONTAINERS; BY AMENDING AND RESTATING ARTICLE II (SOLID WASTE COLLECTION AND DISPOSAL) TO AMEND SUBSECTION 74-31 (b) TO ADD A NEW SUBSECTION “(1)” RELATING TO THE SIZE OF RESIDENTIAL REFUSE CONTAINERS AND A NEW SUBSECTION “(2)” RELATING TO USE OF COMPACTORS; TO AMEND SUBSECTION 74-34 (a) (2) RELATING TO THE PREPARATION AND STORAGE OF COMMERCIAL SOLID WASTE; TO AMEND SUBSECTION 74-35 (c) (1) RELATING TO BULK GOODS AND WHITE GOODS; TO AMEND SECTION 74-35 TO ADD A NEW SUBSECTION “(e)” RELATING TO DISPOSAL OF HAZARDOUS WASTE; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23213

Staff Recommended Motion:

Approve Ordinance No. 4932-21 Second Reading on February 8, 2021.

Background:

As a result of implementing the provisions of the City’s solid waste ordinance, Chapter 74 of the code of ordinances, the Department of Public Works has found several areas, which should be improved in order to promote greater efficiency and effectiveness. These areas include fees for special collections, dumpster sizes for commercial customers, bulk and white goods regulations, handling of hazardous waste, and removal requirements for landscape materials. The proposed revisions to Chapter 74 provided in Ordinance No. 4932-21 addresses these deficiencies.

PUBLIC HEARING – QUASI JUDICIAL (12-13):

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

12. **Public Hearing and Second Reading of Ordinance No. 4931-21 **APPROVED** regarding a rezoning to change the zoning designation of ±9.84 acres located at the northwest corner of 45th Street and Military Trail from General Commercial to Commercial Planned Development; and**

Public Hearing of Resolution No. 9-21 **APPROVED approving the development regulations, design guidelines and conditions for the Prime Corner Commercial Planned Development and granting waivers from the Zoning and Land Development Regulations.**

The above referenced requests are being made by Alan Ciklin of Ciklin Lubitz and George G. Gentile of 2GHO, on behalf of Prime Development LLC, to provide for a master planned development, including the construction of a 5,636 square foot (WaWa) convenience store with motor vehicle fuel sales.

ORDINANCE NO. 4931-21: 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, FLORIDA, BY REZONING ±9.84 ACRES LOCATED AT THE NORTHWEST CORNER OF 45TH STREET AND MILITARY TRAIL FROM GENERAL COMMERCIAL TO COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 9-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS, DESIGN GUIDELINES AND CONDITIONS FOR THE PRIME CORNER COMMERCIAL PLANNED DEVELOPMENT; GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THE PLANNED DEVELOPMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23214

Staff Recommended Motion:

Approve Ordinance No. 4931-21 changing the zoning designation of ±9.84 acres located at the northwest corner of 45th Street and Military Trail from General Commercial to Commercial Planned Development. The 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 Section 94-32 of the City's Zoning and Land

Development Regulations.

Approve Resolution No. 9-21, which will approve the development regulations, design guidelines and conditions for the Prime Corner Commercial Planned Development and granting waivers of the Zoning and Land Development Regulations.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report.)

The subject property is comprised of two (2) separate parcels located at the northwest corner of 45th Street and Military Trail (PCNs: 74-42-43-01-01-000-0012 [east parcel] and 74-42-43-01-01-000-0052 [west parcel]). At one point in time, the east parcel of the subject property was divided into numerous parcels with varying Future Land Use (FLU) and Zoning designations, and was occupied by a number of uses, including a plant nursery, a telecommunications tower (constructed in 1985 and will remain as part of the CPD), a small convenience store with accessory motor vehicle fuel sales, and abandoned structures and yards previously used for industrial equipment sales/rental. After the individual parcels were acquired by the applicant, the west parcel of the subject property was voluntarily annexed into the City and assigned a Commercial (C) and a GC zoning designation (Reference: Ordinance Nos. 4846-19, 4847-19 and 4848-19); and the smaller individual parcels in the eastern half of the subject property had been consolidated with a C FLU and a GC zoning designation. The parcels had been purchased with the intent to redevelop the site with a larger commercial project. Today, only the telecommunications tower (located at the northeast portion of the property) exists, while the remainder of the site has been cleared of any structures with the exception to remnant asphalt and anchors from previous development on the property.

The applicant is seeking approval to rezone the subject property from GC to CPD to provide for a cohesive commercial development project. The project includes requests for two (2) waivers to the Zoning and Land Development Regulations (ZLDRs) and the establishment of design guidelines for the CPD. The proposed project, known as “Prime Corner”, is summarized below:

Design Guidelines:

The development project will be treated as one (1) cohesive site with no individual parcels proposed within the CPD. The purpose of the Prime Corner CPD Design Guidelines is to provide for a unified and attractive development by regulating the uses, site design, building placement, and architectural standards to ensure consistency and compatibility within the CPD and surrounding area. Some of the key elements in the proposed design guidelines include: permitted and prohibited uses; building setbacks; access, roadways and pedestrian connections; lighting; and architectural design standards. The Design Guidelines are provided in Resolution No. 9-21.

Master Development Plan:

The Master Development Plan lays out the framework for all future development within the CPD, including the type of uses, and the allocation and building size information for the uses within the development. According to the Master Development Plan, the proposed development will provide a maximum of 50,436 square feet of building for the overall CPD, and will contain the following uses:

- WaWa Convenience Store with Motor Vehicle Fuel Sales: 5,636 square feet
- Fast-food Restaurant with Drive-through: 8,900 square feet
- General Commercial: 30,900 square feet
- Restaurant: 5,000 square feet

Waiver Requests:

The applicant is seeking two (2) waivers from the Zoning and Land Development Regulations to provide for the proposed development. The waivers include:

- 1) Maximum number of access points; and
- 2) Side setback for the gasoline price sign.

Staff does not object to the waiver requests, as the waivers are not expected to generate any safety concerns to the property or to the surrounding area.

WaWa Site Development Plan:

At this time, only the site plan for a 5,636 square foot WaWa convenience store building and gas station with sixteen (16) fueling pumps has been submitted for development at the southeast corner of the proposed development site. The Site Plan, Landscape Plan, and Architectural Drawings for the WaWa are provided.

The site design for the proposed WaWa is typical for the brand in terms of building placement, outdoor seating for patrons, architecture and the number of fueling pumps for motor vehicles. The design also incorporates pedestrian walkways that connect to the existing sidewalk network along 45th Street and cross-access to future development sites within the CPD. Although twenty-three (23) parking spaces are required, a total of forty-eight (48) parking spaces will be provided for use. The loading zone and dumpster enclosure area is located on the west side of the building, and a landscape island will be provided to separate and screen the loading area/dumpster enclosure area from the main circulation/access point immediately west of the loading area. All technical site plan, traffic circulation, and safety issues for the WaWa development have been addressed to the satisfaction of Staff.

CONCLUSION: It is Staff's professional opinion that the proposed development plan will be a significant improvement to the site that will also have a positive effect on future development in the area. The Development Services Department – Planning Division has found the requests to comply with the Rezoning Standards of Section 94-32 and the Site Design Qualitative Development Standards of Section 94-35(c) of the ZLDRs; and therefore, Staff is recommending approval, subject to the conditions outlined in Resolution No. 9-21.

PLANNING BOARD: After a Public Hearing on December 15, 2020, the Planning Board recommended approval (6-0) of the requests, subject to the conditions contained in Resolution No. 9-21.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs had also been posted on the subject property. In accordance with the advertising requirements of the Florida Statutes and the ZLDRs, Ordinance No. 4931-21 and Resolution No. 9-21 were advertised in the Palm Beach Post on January 29, 2021.

Commission District 4: Commissioner Joseph Peduzzi.

13. **Public Hearing of Resolution No. 16-21 APPROVED regarding a Major Amendment to the Centrepark Commercial Planned Development and Development of Regional Impact to provide for the construction of a mixed-use development at the northwest corner of Centrepark Boulevard and Centrepark Drive East and granting waivers to the City's Zoning and Land Development Regulations.**

The above-referenced request is being made by Jon Schmidt, ASLA, LEED AP, of Schmidt Nichols, on behalf of Centrepark Residences LLC.

RESOLUTION NO. 16-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE CENTREPARK COMMERCIAL PLANNED DEVELOPMENT AND DEVELOPMENT OF REGIONAL IMPACT, GENERALLY LOCATED ON THE EAST SIDE OF AUSTRALIAN AVENUE, SOUTHWEST OF INTERSTATE 95, TO PROVIDE FOR THE CONSTRUCTION OF A MIXED-USE DEVELOPMENT AT THE NORTHWEST CORNER OF CENTREPARK BOULEVARD AND CENTREPARK DRIVE EAST; GRANTING WAIVERS TO THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23215

Staff Recommended Motion:

Approve Resolution No. 16-21 regarding a Major Amendment to the Centrepark Commercial Planned Development and Development of Regional Impact to provide for the construction of a mixed-use development at the northwest corner of Centrepark Boulevard and Centrepark Drive East and granting waivers to the City's Zoning and Land Development Regulations. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, the findings that the request complies with the Comprehensive Plan, and the standards in Section 94-32 and 94-35 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.)

Located on the northwest corner of Centrepark Boulevard and Centrepark Drive East, the subject property is one of the last vacant parcels remaining within the Centrepark Commercial Planned Development (CPD). The Centrepark CPD was originally established in 1985 with the adoption of Ordinance No. 1884-85 and Resolution No. 121-85; the development was also a Development of Regional Impact (DRI). Amended from time to time, the current master plan and development conditions for the CPD/DRI are reflected in Resolution No. 22-19.

Currently, the Development Order for the Centrepark CPD/DRI provides a Master Plan allowing for the development of office, hotel, residential, and commercial uses. It is important to note that the residential dwellings units are subject to a workforce housing policy that was approved specifically for the Centrepark DRI. Such policy was originally approved in 2006 but amended recently with the adoption of Resolution No. 98-17.

In order to develop one of the last remaining vacant parcels within the CPD/DRI, the applicant has submitted an application to construct an eight (8) story building, consisting primarily of multi-family residential with a limited amount of non-residential uses on the ground floor. The building would be serviced by a seven (7) level parking garage with roof top amenity/pool deck. The applicant is actually proposing two (2) scenarios as part of the project, outlined below as Options A & B:

	<u>Option A</u>	<u>Option B</u>
Multifamily (Dwelling units):	226	233
Office (Square Feet):	6,787	N/A
Retail (Square Feet):	2,024	1,938

The only variation between the scenarios is that Option A utilizes a larger portion of the ground floor for office and retail uses, where Option B provides additional walk-up dwelling units and only a limited amount of retail space on the ground floor. All other aspects, including the building envelope, footprint, parking garage configuration, and layout/use of upper floors all remains unchanged. The applicant is requesting that both options be a part of the review process, so that the project can remain flexible and allow the market to drive, which option ultimately proceeds to construction for the ground floor build-out.

Normally, projects complying with the provisions of the Centrepark CPD/DRI Development Order and Master Plan would be processed in accordance with Sec. 94-35.d.6. of the City's Zoning and Land Development Regulations (ZLDRs) as a staff-level review. However, the applicant is requesting five (5) waivers from various provisions of the ZLDRs and as such, a Major Amendment is necessary. The waiver requests are:

- Waiver #1: Sec. 94-443.d.2.a. - Shade Tree Requirements for Multifamily Uses
- Waiver #2: Sec. 94-443.d. - Landscape Buffer (South and East Property Lines)
- Waiver #3: Sec. 94-443.a.2. - Landscape Buffer (Northwest Property Line)
- Waivers #4 and #5: Sec. 94-243: Table VIII-3 - Maximum Lot Coverage and Minimum Open Space

CONCLUSION: Overall, the proposed development will continue to introduce residential dwelling units into an area of the City that is within close proximity to the downtown, but unfortunately has been reserved for a more suburban form of office development for so many years. Subject to the granting of the waivers, and the conditions contained herein, the project complies with all of the requirements of Centrepark CPD/DRI (including the workforce housing policy) and the City's ZLDRs. The Development Services Department – Planning Division has found that the request satisfies all of the standards found within the City's ZLDRs and therefore, Staff is recommending approval of the request, subject to the conditions set forth in Resolution No. 22-19.

PLANNING BOARD: After a Public Hearing on December 15, 2020, the Planning Board recommended approval (5-0) of the request.

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. 16-21 was also advertised in the Palm Beach Post on January 29, 2021.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

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.