



**City of West Palm Beach  
City Commission**

**PASS/FAIL AGENDA**

**January 11, 2010  
4:00 P.M.**

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

**MAYOR**

LOIS J. FRANKEL

**CITY COMMISSION**

PRESIDENT MOLLY DOUGLAS  
 COMMISSIONER WILLIAM MOSS  
 COMMISSIONER ISAAC ROBINSON, JR.  
 COMMISSIONER KIMBERLY MITCHELL  
 COMMISSIONER GERALDINE MUOIO

**ADMINISTRATION**

CITY ADMINISTRATOR EDWARD MITCHELL  
 CITY ATTORNEY CLAUDIA M. MC KENNA  
 CITY CLERK BLANE KAUTHEN

**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**PRESENTATION AND AWARDS OF MERIT (1 – 3):**

1. Presentation of Resolution No. 1-10(F) **ADOPTED** amending the Fiscal Year 2009/2010 General Fund budget to recognize Parking Meter Donation revenue for Columbus Day, October 12, 2009 and appropriating said funds for a donation to ASPIRA and presentation of a donation check.  
[Agenda Cover Memorandum No.: 17761](#)
2. Presentation of checks from the Marathon Of The Palm Beaches to the winners of "The Wacky Water Stations." The First Place Winner was the South End Neighborhood Association \$1,000 and the Second Place Winner was the Palm Beach County Clerk & Comptroller's Office \$500  
[Agenda Cover Memorandum No.: 17788](#)
3. Proclamation Honoring the South Florida Super Bowl Host Committee and Resolution No. 12-10(F) **ADOPTED** authorizing the expenditure of \$28,000 in sponsorship funds from the Super Bowl XLIV Host Committee for a Super Clematis by Night. Proclamation will be accepted by Catherine Minnis, Director of Community Outreach and Mike Zimmer, President of the South Florida Super Bowl Host Committee.  
[Agenda Cover Memorandum No.: 17762](#)

**ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:**

**RECEIVED / FILED:**

**CONSENT CALENDAR (4 -20): ITEM #8 WAS PULLED FROM THE CONSENT CALENDAR. ALL OTHER CONSENT CALENDAR ITEMS PASSED.**

4. **Minutes of the Regular City Commission Meeting held November 30, 2009.**  
[Agenda Cover Memorandum No.: 17764](#)

**Staff Recommended Motion:**

Approve the Minutes of the Regular City Commission Meeting held November 30, 2009.

**Fiscal Note:**

No fiscal impact.

5. **Minutes of the Regular City Commission Meeting held December 14, 2009.**  
[Agenda Cover Memorandum No.: 17765](#)

**Staff Recommended Motion:**

Approve the Minutes of the Regular City Commission Meeting held December 14, 2009.

6. **Approval of reappointment for Curtis Kelly, Gregory Burdick and Patricia Sned to the Parks and Recreation Advisory Committee for a term or two years, which will expire on November 1, 2011. Ms. Kelly, Mr. Burdick and Ms. Sned have served over the maximum allowed number of terms (3) and it is required that the Commission confirms their reappointments.**  
[Agenda Cover Memorandum No.: 17763](#)

**Staff Recommended Motion:**

Confirm reappointments

7. **Resolution No.11-10 authorizing a Special Event License Agreement between the City of West Palm Beach and Dr. Feelgood's Rock Bar and Grill to produce Dr. Feelgood's Two Year Anniversary on January 16, 2010 from 4:00 p.m. to 12:00 a.m.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND DR. FEELGOOD'S ROCK BAR AND GRILL; AUTHORIZING THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC AND NON-ALCOHOLIC BEVERAGES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17766](#)**

**Staff Recommended Motion:**

Approve Resolution No. 11-10.

**Background:**

Dr. Feelgood's Rock Bar and Grill will celebrate "Dr. Feelgood's Two Year Anniversary" on Saturday, January 16, 2010 from 4:00 p.m. to 12:00 a.m. in the 200 block of Clematis Street. "Dr. Feelgood's Two Year Anniversary" is a free event with live music and food, with an expected attendance of 2500. Prior to the event, Dr. Feelgood's Rock Bar and Grill will pay the City of West Palm Beach a \$100 Special Event permit fee and a \$500 Special Event security deposit within 14 days of the event. In addition, Dr. Feelgood's Rock Bar and Grill shall pay the estimated Police costs to be provided by and paid directly to the Police Department and the estimated EMS charges prior to the Special Event and will also be responsible for paying all costs related to City services including but not limited to Fire Inspections, Sanitation, and Parking services within 30 days after the event, if applicable. The promoter will be responsible for all clean up services during and after event of the event site and one block radius. This will include the 100, 200 and 300 blocks of Clematis Street, Centennial Square, Olive Avenue and Narcissus Avenue between Banyan Blvd and Datura Street. The promoter will provide the City of West Palm Beach with \$1 million general liability insurance policy and \$1 million liquor liability insurance policy, both naming the City as additionally insured.

8. **Resolution No. 19-10 **CONTINUED** authorizing a Special Event License Agreement between the City of West Palm Beach and Grease Burger Bar to produce "Grease Burger Bar Anniversary" on January 23, 2010 from 5:00pm to 4:00am.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND GREASE BURGER BAR TO CONDUCT "GREASE BURGER BAR ANNIVERSARY" TO BE HELD ON JANUARY 23, 2010 IN THE 200 BLOCK OF CLEMATIS STREET; AUTHORIZING THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC AND NON ALCOHOLIC BEVERAGES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17767](#)**

**Staff Recommended Motion:**

Approve Resolution No. 19-10.

**Background:**

Grease Burger Bar will host "Grease Burger Bar Anniversary" on Saturday, January 23, 2010 from 5:00 p.m. to 4:00 a.m. in the 200 block of Clematis Street. "Grease Burger Bar Anniversary", is a free event to celebrate Grease Burger Bar's one year anniversary with drink specials and live music. Expected attendance is 500-1000. Grease Burger Bar will pay the City of West Palm Beach a \$100 Special Event permit fee and a \$500 Special Event security deposit. In addition, Grease Burger Bar will pay the estimated Police costs and the estimated EMS charges prior to the Special Event. Police services will be provided by and costs for those services will be paid directly to the Police Department. Grease Burger Bar will also pay all parking fees within fourteen (14) days of the conclusion of the Special Event. The promoter will provide the City of West Palm Beach with a \$1 million general liability insurance policy and a \$1 million liquor liability insurance policy, both naming the City as additionally insured. Grease Burger Bar will be responsible for obtaining a support letter from the Downtown Development Authority stating that the event has received 51% approval from downtown merchants in support and will be responsible for all clean up services during and after the event. Clean up will include the event site and extend out for a one block radius. This will include the 100, 200 and 300 blocks of Clematis Street, Centennial Square, Olive Avenue and Narcissus Avenue between Banyan Blvd and Datura Street. The City reserves the right to approve the company selected by Grease Burger Bar to provide the clean up services at least fourteen (14) days prior to the Event. All outdoors amplified sound must conclude by 1:00 a.m.

9. **Authorizing the correction of a scrivener's error by replacing the date January 1, 2009, with January 1, 2010, on Resolution No. 396-09 which grants an ad valorem tax exemption for the property located at 190 Sunset Road.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 190 SUNSET ROAD, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17768](#)**

**Staff Recommended Motion:**

Approval of a correction of a scrivener's error amending the commencement date of the ad valorem tax exemption to January 1, 2010, for Resolution No. 396-09.

**Background:**

On November 30, 2009, Resolution No. 396-09 was approved which grants a 10-year ad valorem tax exemption for the property located at 190 Sunset Road, West Palm Beach, Florida. However, the commencement date was listed as January 1, 2009, which should have been January 1, 2010, to provide for a ten year period. The corrected Resolution is attached.

**Fiscal Note:**

No fiscal impact.

10. **Authorizing the correction of a scrivener's error by replacing the date December 31, 2020 with December 31, 2019, on Resolution No. 361-09 which granted an ad valorem tax exemption for the property located at 296 Barcelona Road.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 296 BARCELONA ROAD, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17769](#)**

**Staff Recommended Motion:**

Approval of correction of a scrivener's error amending the expiration date of the ad valorem tax exemption to December 31, 2019, for Resolution No. 361-09.

**Background:**

On October 19, 2009, Resolution No. 361-09 was approved which granted a 10-year ad valorem tax exemption for the property located at 296 Barcelona Road, West Palm Beach, Florida. However, the expiration date was listed as December 31, 2020, but should have been December 31, 2019, to provide for a ten year period. The corrected Resolution is attached.

**Fiscal Note:**

No fiscal impact.

11. **Resolution No. 6-10 authorizing execution of the Library Fundraising Agreement with the West Palm Beach Library Foundation.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LIBRARY FUND RAISING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE WEST PALM BEACH LIBRARY FOUNDATION, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17770](#)**

**Staff Recommended Motion:**

Approve Resolution No. 6-10.

**Background:**

The West Palm Beach Library Foundation is an Internal Revenue Code 501(c)(3) corporation which was created to provide financial support to the City of West Palm Beach for the construction, development and operation of a public library building, as provided in Article III of the Foundation's Articles of Incorporation.

The Foundation intends to raise general donations and apply for grant funds as well as accept donations for the Library in exchange for naming opportunities/recognition plaques at the Library. Additionally, the Foundation desires to create an endowment for the Library with general donations. All donations will assist in funding the costs of furniture, fixtures, equipment, computers, book and media collections and special programs needed to enhance the Library and

its programs.

Resolution No. 6-10 authorizes execution of a new Library Fund Raising Agreement with the Foundation. The Agreement authorizes the Foundation to pursue donations for the Library in exchange for naming rights to identified areas of the Library. Exhibit A to the Agreement lists the identified areas and the donation goal for each area. The acceptance of each naming rights donation will be ratified by the City Commission. Donations may be payable over 10 years. Naming rights will be granted in perpetuity. Naming rights will be granted for monetary donations or in-kind contributions with the specific approval of the City Commission.

The Foundation shall also have the authority to accept general donations for the Library toward the endowment fund. General donations may be utilized for furniture, fixtures, equipment, computers, book and media collections and special programs, as requested by the City and approved by the Foundation.

In addition, the Foundation may apply for grant funds for use by the City for Library programs, capital costs, and other proper uses, as provided herein. The Foundation shall confer with the Library Director regarding any proposed grant application. The Library Director shall ensure that the grant is vetted through the City's grant review process and receives a "go" to apply before directing the Foundation to apply for any grant.

The Agreement was approved by the Foundation Board at their December meeting.

**12. Resolution No. 413-09(F) amending the Fiscal Year 2009/10 Miscellaneous Trust Fund Budget to authorize appropriations from the State Law Enforcement Forfeiture Receipts for the purchase of law enforcement equipment.**

**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 2009/2010 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR LAW ENFORCEMENT EQUIPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17771](#)**

**Staff Recommended Motion:**

Approve Resolution No. 413-09(F).

**Background:**

Resolution No. 413-09(F) amends the Miscellaneous Trust Fund budget to authorize the appropriation from the State Law Enforcement Forfeiture Receipts for the purpose described below.

The State Law Enforcement Trust Fund expenditure of \$35,615, which the Chief of Police certifies is in compliance with Section 932.7055(5)(b), Florida Statutes, is for the following:

SURVEY TECHNOLOGIES INCORPORATED STI-9450 - The STI 9450 has been in this niche market for several years and is able to ensure proven results in collecting and reporting

information related to RF(radio frequency). This data is an invaluable tool for monitoring and

diagnosing RF related issues. STI products offer the most flexible package in the market today. STI products offer features not currently offered by competitors like up-link testing, voice quality automated testing, custom user fields, etc. STI offers two variations of the tools; one for mobile (in-car) and a portable, self-powered unit (for in-building measurements). The WPB technical team concluded that the most suitable solution for current and future City's needs is a combination of hardware and software that enables two teams to concurrently perform distinct tests; one mobile, one portable.

Acquiring the STI -9450 will enable technicians to precisely determine the footprint of any RF system including our legacy Motorola SmartNet system and the Harris OpenSky system. Technicians will be able to establish the actual RF signal strength offered by the 5 (five) OpenSky sites throughout the contractually covered area. The raw data can be easily transformed into understandable graphic representations (e.g. multicolor contour plots). This is needed to accurately determine resources needed to finish the OpenSky deployment. The STI-9450 will provide accurate information to diagnose coverage and complete detailed reports, thus ensuring the City's best interest by generating unbiased data and exceeding standards dictated by most vendors' Acceptance Test Procedures.

This expenditure is sought to provide additional equipment or expertise to the police department, and is not sought to meet the police department's normal operating expenses.

**Fiscal Note:**

Resolution No. 413-09(F) provides appropriations from State Law Enforcement Forfeiture receipts as described above. Upon approval of this item, the balance in state receipts is approximately \$80,000.

13. **Resolution No. 445-09(F) amending the personnel detail of the Water and Sewer Operating Fund Budget for FY 2009/2010 to provide for the upgrade of the positions of Chief Water Plant Operator and Chief Wastewater Plant Operator to the positions of Water Plant Superintendent and Wastewater Plant Superintendent.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE WATER & SEWER OPERATING FUND BUDGET TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE PUBLIC UTILITIES DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17772](#)**

**Staff Recommended Motion:**

Approve Resolution No. 445-09(F).

**Background:**

The current Chief Operator positions have been vacant since November 2007 (Water Chief Operator) and June 2008 (Wastewater Chief Operator). These are vital positions at both plants and report directly to the Water Plant Manager and Executive Manager of the ECR, respectively. These positions help manage the day-to-day operations of the physical plants. Recruitment has been problematic due to the current salary range and job description which has been updated to reflect the proposed superintendent positions. Upgrading these positions will enable staff to

recruit these positions targeting senior level water and wastewater plant operators and managers to fill these critical vacancies.

Resolution No. 445-09(F) amends the personnel detail of the Water and Sewer Operating Fund Budget for FY 2009/2010 to add the two new Superintendent positions and delete the two Chief Operator positions.

**Fiscal Note:**

There is no financial impact for FY 2009/2010, as the additional salary for the new positions has already been made up out of salary savings due to vacancies.

14. **Resolution No. 5-10(F) amending the personnel detail of the Water and Sewer Operating Fund Budget for FY 2009/2010 to provide for the upgrade of the position of Public Utilities Operations Coordinator to the position of Public Utilities Operations and Maintenance Superintendent.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE WATER & SEWER OPERATING FUND BUDGET TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE PUBLIC UTILITIES DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17773](#)**

**Staff Recommended Motion:**

Approve Resolution No. 5-10(F).

**Background:**

As part of the reorganization of the Public Utilities Department the Distribution and Collections Division is being separated in to two separate divisions, Water Distribution and Wastewater Collections. This will enable the divisions to be more productive by having employees working under separate disciplines within the Utility. The Wastewater Collections will report to an Operations and Maintenance Superintendent specializing in sewer collections. Currently O&M has only one Superintendent who has functional responsibility of over 70 employees with a myriad of functional duties, including 24/7, 365 day response for both water and sewer concerns in the utility system. Dividing these two functions will allow for better oversight and management of the two functions of water and wastewater. Currently a vacant position exists within the wastewater portion of the division, Public Utilities Operations Coordinator, paygrade 58, which is being requested to be upgraded to an O&M Superintendent, paygrade 65. This will enable the department to actively recruit this position targeting senior level wastewater collections field superintendents.

**Fiscal Note:**

Resolution No. 5-10(F) amends the personnel detail for the upgrade as described above. The additional salary dollars for this upgrade will come from salary savings due to vacancies.

15. **Resolution No. 17-10(F) amending the personnel detail of the Water and Sewer Operating Fund Budget for FY 2009/2010 to provide for the addition of an Administrative Assistant position at the Water Treatment Plant.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE WATER & SEWER OPERATING FUND BUDGET TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE PUBLIC UTILITIES DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17774](#)**

**Staff Recommended Motion:**

Approve Resolution No. 17-10(F).

**Background:**

The current and planned improvements to the water treatment plant and remote pump stations require additional administrative assistance at the water treatment plant. Therefore, the Director of Public Utilities has determined that an Administrative Assistant position be added in support of the Water Plant Manager and Laboratory Manager rather than additional reliance on the Engineering Services Department.

**Fiscal Note:**

Resolution No. 17-10(F) amends the personnel detail for the addition of an Administrative Assistant position. The additional funds needed for this position will come from salary savings due to vacancies and reduced overtime.

16. **Resolution No. 7-10 authorizing the Mayor to execute an interconnection agreement with Florida Power and Light allowing the photovoltaic solar panel system for the Green Pavilion to be connected to the FPL power grid.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR INTERCONNECTION AND AN INTERCONNECTION AGREEMENT FOR CUSTOMER-OWNED RENEWABLE GENERATION BETWEEN FLORIDA POWER & LIGHT AND THE CITY OF WEST PALM BEACH FOR WATERFRONT'S GREEN PAVILION PHOTOVOLTAIC SOLAR PANEL SYSTEM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17775](#)**

**Staff Recommended Motion:**

Approve Resolution No. 7-10.

**Background:**

The Florida Legislature has determined it to be in the public interest to promote the development of renewable energy resources. Pursuant to Sec. 366.91, Florida Statutes, each public utility is required to offer a purchase contract to producers of renewable energy; and in accordance with the law, Florida Power and Light (FPL) developed a standard interconnection agreement and net metering program, with a \$400 application fee. The standard interconnection agreement requires the City to indemnify FPL from and against any and all losses, damages and claims resulting from the operation of the customer-owned renewable energy generation system, without sovereign immunity limitations.

The City Commission of the City of West Palm Beach approved component upgrades to the

Waterfront Pavilion necessary to achieve LEED certification. One of those components is a 17 kw photovoltaic solar power system planned to provide enough power to fuel the entire Pavilion, and may be able to produce excess renewable energy for FPL's electrical service grid.

The City of West Palm Beach desires to apply for a net metering permit from FPL and execute an Interconnection Agreement.

**Fiscal Note:**

Funding will come from the waterfront project.

17. **Resolution No. 8-10 of the City of West Palm Beach Supporting H.R. 3745, The Community Preservation Act, which addresses critical and immediate threats to local Public, Education and Government Access channels, and directing staff to forward this resolution to appropriate members of Congress and to other appropriate organizations.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, SUPPORTING H.R. 3745, THE COMMUNITY ACCESS PRESERVATION ACT, WHICH ADDRESSES CRITICAL AND IMMEDIATE THREATS TO LOCAL PUBLIC, EDUCATION, AND GOVERNMENT ACCESS CHANNELS AND DIRECTING STAFF TO FORWARD THIS RESOLUTION TO APPROPRIATE MEMBERS OF CONGRESS AND TO OTHER APPROPRIATE ORGANIZATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17776](#)**

**Staff Recommended Motion:**

Approve Resolution No. 8-10.

**Background:**

The City's government access channel, West Palm TV, has suffered from a law passed by the State of Florida in 2007 called the "Consumer Choice Act". Other Florida Public, Education and Government Access (PEG) channels have also suffered harm from the passage of the Consumer Choice Act. Among the changes this law made, were replacing local franchise agreements with a "state certificate" to operate a video service (such as cable TV), the ability for video service providers to move PEG channels to "digital tiers", and moving customer service from the local to the state level. As a result of the loss of a local franchise agreement in exchange for use of rights of way, the \$90,000 per year West Palm TV currently receives from Comcast will end in fiscal year 2012. H.R. 3745, introduced by the United States House of Representatives entitled the "Community Access Preservation Act" or "CAP Act" amends the Communications Act of 1934 and addresses critical and immediate threats to local PEG channels. This bill has been supported by many other communities across the state and country - including Palm Beach County (Resolution of support attached). Without the support of local governments such as the City of West Palm Beach, Federal and State leadership will not understand the threat to public access of local government that would be realized if this legislation is not passed. For more information about this bill, please see the attached text and summary.

**Fiscal Note:**

The Community Access Preservation Act, seeks to restore funding for PEG channels from the

video service providers. Comcast had been submitting \$90K per year for capital support of West

Palm TV, the City's government access channel. This funding is due to expire in FY'12 per the '07 Consumer Choice Act.

- 18. Resolution No. 414-09 authorizing the execution of a Joint Participation and Project Funding Agreement between Palm Beach County and the City of West Palm Beach for construction of certain City utility adjustments on 45th Street and Jog Road.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A JOINT PARTICIPATION AND PROJECT FUNDING AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH FOR THE CONSTRUCTION OF CERTAIN UTILITY ADJUSTMENTS ON 45TH STREET AND JOG ROAD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17777](#)**

**Staff Recommended Motion:**

Approve Resolution No. 414-09.

**Background:**

In October 27, 2009, Palm Beach County received bids for the construction of 45th Street and Jog Road ("County Project"). The County Project consists of the re-alignment of Jog Road at 45th Street, replacement of the Florida Turnpike overpass, widening of 45th Street (Florida Turnpike to east of Haverhill Road), and drainage improvements on Haverhill Road (from the 45th Street intersection south for approximately 500 linear feet). The proposed improvements include drainage system and addition of traffic signalization. The City desires to make certain improvements to its existing utilities within the County Project corridor. The City improvements include certain adjustments to existing water main and force main at various locations in order to avoid conflict with the proposed drainage and roadway design, construction of a 12-inch water main aerial crossing on Jog Road over the Solid Waste Authority canal, and relocation of a 4-inch force main on 45th Street.

The County and the City have determined that it is in the best interest of the public for both parties to enter into a Joint Participation and Project Funding Agreement for the construction of the County's Project and the City's utility improvements ("Agreement"). Under the terms of the Agreement, the City shall reimburse the County a total estimated amount of \$ 453,838.80. This amount includes the utility and contingency bid items for improvements to City's utilities.

- 19. Resolution No. 355-09 authorizing the Mayor to execute a Lease Agreement between the City and Bright Idea Design Studios, Inc. for lease of the retail space located at 505 Clematis Street.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY AND BRIGHT IDEAS DESIGN STUDIOS, INC. FOR PROPERTY LOCATED AT 505 CLEMATIS STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17778](#)**

**Staff Recommended Motion:**

Approve Resolution No. 355-09.

**Background:**

In February 2007, through Resolution Nos. 07-06 and 37-07, the CRA Board of Commissioners and City Commission, respectively, authorized the execution of an Interlocal Agreement between the CRA and the City so as to provide for the obligations of the CRA and the City in conjunction with the property acquisition, construction and operation of the Clematis Street Parking Garage project. Within that Interlocal Agreement, one of the obligations of the CRA is to coordinate leasing of the ground floor retail space.

There is approximately 2,200 total of square feet of first floor retail space on the Clematis Street frontage of the Clematis Street parking garage. The CRA has contracted with Compass Realty to assist with finding prospective tenants and negotiating leases for the space(s). On November 10, 2009, the DDA Board reviewed a proposal and presentation from Bright Ideas Design Studios and recommended that CRA/City begin lease negotiations with this prospective tenant. CRA and City staff, as well as Compass Realty, negotiated the attached lease with the prospective tenant.

Mr. Omar Bailey, president of Bright Idea Studios, Inc., is requesting to lease 505 Clematis Street. Mr. Bailey has been designing and developing footwear products for retail stores since 2006 and operates a New York Studio showroom. Current clients include Guess Jeans, Gary Sheffield (MLB), and Rocawear. As a visionary, Mr. Bailey wants his corporate headquarters and retail footwear store to be in a progressive, thriving, downtown such as West Palm Beach. The company plans to hire three full-time employees, and one part-time employee.

The proposed terms of the lease include the following:

- lease of approximately 1,140 square feet at 505 Clematis Street for a 3-year term, renewable at the discretion of Landlord for one additional 2-year term
- tenant responsible for payment of all utilities, garbage and recycling, parking, pest control, A/C annual maintenance, and signage
- City to pay ad valorem property taxes
- base monthly rent of \$1,710.00 (\$18 s.f. gross rent) plus sales tax
- security deposit equal to two months rent due upon execution of lease
- tenant to be open for business seven (7) days per week; Monday-Saturday a minimum of 9 a.m.-5 p.m. and Sunday a minimum of 10:00 a.m. to 2:00 p.m..

At its meeting of September 8, 2009, through Resolution No. 308-09, the City Commission declared the property surplus, pursuant to Section 2-31(27)(b) of the City Code. Approval of Resolution No. 355-09 will approve and authorize the Mayor to execute a lease with Bright Ideas Design Studios, Inc. for the retail space located at 505 Clematis Street

**Fiscal Note:**

Anticipated revenue of approximately \$1,710.00 per month.

20. **Resolution No. 14-10 to approve Change Order No. 2 in the amount of \$187,751.99 for the Gaines Park Community Center and North Wing Renovation.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM**

**BEACH, FLORIDA, APPROVING CHANGE ORDER NO. 2 TO THE CONTRACT FOR**

**GAINES PARK COMMUNITY CENTER AND NORTH WING RENOVATION WITH BRADANNA, INC. IN THE AMOUNT OF \$187,751.99; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17783](#)**

**Staff Recommended Motion:**

Approve Resolution No. 14-10.

**Background:**

On April 20, 2008 the contract with Bradanna, Inc. was approved in the amount of \$3,380,812.74 by Resolution No. 382-08. The work involves the construction of a 10,000 square foot multipurpose building with offices at the Gaines Park Community Center. The main part of the building seats 350 people at tables in a partitionable room. There is an additional smaller partitionable room for smaller functions that also supports activities at the outside stage. The contract also includes the renovation of the 8,600 square foot North Wing (former Head Start Facility). Renovations include bathroom upgrades, painting and new flooring and lighting. Also included is a new fire alarm system for the remainder of the existing community center, tree replacements and light replacements associated with the original contract. Several credits are included resulting from Change Order No.1.

On September 8, 2009 Change Order No.1 was approved in the amount of \$357,137.79 which added an additional 171 calendar days to the contract time . The additional work was needed due to unexpected floor types, revisions to the roof system, and fire separation issues to comply with current codes. Additional work and delays have occurred due to the condition of the old air conditioning system in the North Wing.

Resolution No. 14-10 seeks the approval of Change Order No.2 in the amount of \$187,751.99, bringing the final contract value to \$3,925,702.52. Additionally the change order includes the addition of one hundred eighteen calendar days to the contract time. The contract is expected to be completed on April 7, 2010.

**RESOLUTIONS (21 – 26):**

21. **Resolution No. 434-09 ADOPTED authorizing the execution of a successor collective bargaining agreement between the City of West Palm Beach and the International Association of Fire Fighters (IAFF), Local 727, Rank & File for the period October 1, 2009 - September 30, 2010.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING THAT CERTAIN COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) LOCAL 727, RANK & FILE, FOR THE PERIOD OCTOBER 1, 2009 TO SEPTEMBER 30, 2010; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17779](#)**

**Staff Recommended Motion:**

Approve Resolution No. 434-09.

**Background:**

Attached for your approval is Resolution No. 434-09 ratifying the Collective Bargaining Agreement (CBA) with the International Association of Fire Fighters (IAFF), Local 727, Rank & File. The parties have reached a one-year (1) agreement for the period beginning October 1, 2009 through September 30, 2010. The IAFF ratified the attached Collective Bargaining Agreement on December 21, 2009, by a vote of 107 for ratification and 37 against ratification.

1. Disability (Article 7)

Section 4. Added new language establishing criteria for Temporary Reassignment Due to Non-Duty related Injury or Illness for light duty work assignments.

2. Substance Abuse (Article 10)

Added steroids testing to the current status quo substance abuse provisions.

3. Assignments (Article 20)

Section 1 eliminates the 5% step up for fire fighters assigned to a transport vehicle.

Section 2 allows for performance objectives to be established by management for step up assignments.

4. Basic Work Period (Article 21)

Authorizes the increase of total hours worked during a twenty-one (21) day work period from one-hundred and forty-four (144) to one-hundred and fifty-nine (159) for overtime compensation.

5. Overtime (Article 22)

Authorizes the increase of total hours worked during a twenty-one (21) day work period from one-hundred and forty-four (144) to one-hundred and fifty-nine (159) for overtime compensation.

6. Longevity (Article 24)

Freezes longevity for all current members and eliminates the longevity for all new hires hired after October 1, 2009.

7. Bereavement Leave (Article 25)

Clarified language on domestic partners.

8. Promotions (Article 26)

Clarifies the promotional processes for Fire Fighter to Captain selection for promotional positions within the fire department.

9. Health Insurance and Other Benefits (Article 28)

Adds new language that states the City's contribution to the health insurance benefit fund shall be zero from October 1, 2009 to April 30, 2010.

Effective May 1, 2010 the City's current contribution to the Benefit Fund shall be reduced from the current amount of \$830.68 to \$765.00 per month per employee.

Section 12. Life Insurance - reduces the amount that retirees may purchase for life insurance upon retirement from \$25,000.00 to \$10,000.00

10. Salary Plan (Article 31)

Freezes Paramedic Incentive at the current level of 15% of base pay, not to exceed \$384.62 per pay period for a total of \$10,000 annually.

Changes Section 8 Incentives to read:

Exclusive of paramedic certification and degree incentive, an employee shall be limited to three (3) certifications for incentive pay purposes.

Adds new language that caps all incentives except for paramedic incentive at the dollar amount received by a topped out firefighter in the current step plan.

Removes the following incentives:

SWAT Paramedic Incentive and Honor Guard Incentive

Freezes the current pay plan in Section 10.

11. Duration of Agreement (Article 37)

Provides for a one (1) year contract for the period beginning October 1, 2009 to September 31, 2010.

22. **Resolution No. 435-09 ADOPTED authorizing the execution of a successor collective bargaining agreement between the City of West Palm Beach and the International Association of Fire Firefighters (IAFF) Local 727, Battalion Chief Unit, for the period October 1, 2009 - September 30, 2010.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING THAT CERTAIN COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) LOCAL 727, BATTALION CHIEF UNIT FOR THE PERIOD OCTOBER 1, 2009 TO SEPTEMBER 30, 2010; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17780](#)**

**Staff Recommended Motion:**

Approve Resolution No. 435-09.

**Background:**

Attached for your approval is Resolution No. 435-09 ratifying the Collective Bargaining Agreement (CBA) with the International Association of Fire Fighters (IAFF), Local 727, Battalion Chief Unit. The parties have reached a one-year (1) agreement for the period beginning October 1, 2009 through September 30, 2010. The IAFF ratified the attached Collective Bargaining Agreement on December 21, 2009, by a vote of 5 for ratification and 1 against ratification.

Key provisions of the agreement (as enclosed) are as follows:

1. Disability (Article 7)

Section 4. Added new language establishing criteria for Temporary Reassignment Due to Non-Duty related Injury or Illness for light duty work assignments.

2. Physicals (Article 8)

Strikethrough language for Battalion Chief Physical Exams and adds new language that the Battalion Chief's contract shall follow the Rank & File Contract as it relates to the conduct of physical exams and the standards remain as status quo, no change to current standards.

3. Uniforms and Equipment (Article 12)

Changes the payment of the uniform allowance from a lump sum payment of \$900.00 to a twenty-six (26) pay period bases in the amount of \$36.54 per pay period.

4. Longevity (Article 24)

Freezes longevity for all current members and eliminates the longevity for all new hires hired after October 1, 2009.

5. Promotions (Article 26)

Clarifies the promotional processes for the selection for battalion chief promotional positions within the fire department to include the ability to appointment battalion chiefs from an external applicant pool.

6. Health Insurance and Other Benefits (Article 28)

Strikethrough language for Battalion Chief Health Insurance and Other Benefits and adds new language that the Battalion Chief's contract shall follow the Rank & File Contract as it relates to the payment of Health Insurance and Other Benefits.

7. Salary Plan (Article 31)

Upon ratification of this agreement, reduces the Battalion Chief Management Incentive from \$3,600.00 annually to \$2,340.00 annually a 35% reduction in incentive amount.

Freezes the current pay plan in Section 10.

8. Duration of Agreement (Article 37)

Provides for a one (1) year contract for the period beginning October 1, 2009 to September 31, 2010.

23. **Resolution No. 04-10 ADOPTED** authorizing the execution of Amendment No. 2 the Consulting Services Agreement with Mr. Albert J. Marinello.

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 2 TO THE AGREEMENT WITH MR. ALBERT J. MARINELLO FOR CONSULTING SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17781](#)**

**Staff Recommended Motion:**

Approve Resolution No. 04-10.

**Background:**

The City entered into a Consulting Services Agreement with Mr. Albert J. Marinello in January, 2008 to provide for the provision of certain construction management, project administration and coordination assistance, relating to the City's engineering, water, environmental and stormwater projects. Mr. Marinello continues to provide valuable assistance and management on City projects including Howard Park Stormwater Improvements, Public Utilities Lift Station rehabilitations, Meyer Amphitheatre Roof Replacement, Outfall Dredging and others as requested. Resolution No. 526-08 authorized Amendment No. 1 on January 12, 2009.

Resolution No. 04-10 authorizes the execution of Amendment No. 2 to the Agreement for Consulting Services between the City and Mr. Marinello. Compensation for the second term of the Agreement of up to one year has been reduced by 5% from the previous year to a not to exceed amount of \$71,250.00 (including reimbursable expenses), at a rate reduced rate of \$71.25 per hour, without benefits. The City at its sole discretion may renew the Agreement for an additional time period based upon performance and funding.

**Fiscal Note:**

Funds are available in the Engineering Services operating account.

24. **Resolution No. 9-10 CONTINUED** authorizing the execution of an Agreement for Consulting Services between the City of West Palm Beach and Cavanaugh Macdonald Consulting, LLC; and Resolution No. 10-10(F) **CONTINUED** providing appropriations.

**RESOLUTION NO. 9-10: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF A PENSION PLAN CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND CAVANAUGH MACDONALD CONSULTING, LLC; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 10-10(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 2009/2010 IN ACCORDANCE**

**WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO PROVIDE APPROPRIATIONS FOR A POLICE AND FIRE PENSIONS STUDY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17782](#)**

**Staff Recommended Motion:**

**Approve Resolution No. 9-10 and Resolution No. 10-10(F).**

**Background:**

The City has been experiencing rising costs pertaining to meeting the funding obligations of City sponsored defined benefit pension systems. The regressive performance of the stock market has had a negative effect on the return on pension fund investments. The lack of positive pension fund investment returns has placed even more of a financial obligation on the City in order to meet actuarial requirements. According to the September 30, 2008 actuarial valuation reports, the Police Officers retirement System is funded at 92% which equates to an unfunded liability of \$18.8 million and the Firefighters Retirement System is funded at 68.4 which equates to an unfunded liability of \$40.3 million.

The City's pension contribution for the Police Officers Retirement System for FY 2010 is \$4.0 million as compared to the previous fiscal year contribution of \$3.4 million. This represents a 15% increase. The City's pension contribution for the Firefighters Retirement System for FY 2010 is \$4.4 million as compared to the previous fiscal year contribution of \$3.8 million. This represents a 13.6% increase. These increases put a tremendous strain on the FY 2010 budget and are unsustainable in the future.

All municipalities are facing financial challenges that require analysis of major expense items to determine where monies can be saved and still remain competitive for attracting and retaining top human talent. The City, like other Florida cities, believes that future pension expense can be better controlled through a study of current pension plans and an analysis of alternative pension plan designs.

The Town of Palm Beach recently conducted an RFP for a similar pension study. The Town selected and entered into an agreement with Cavanaugh Macdonald Consulting, LLC. The City wishes to piggyback on the contract entered into by the Town of Palm Beach.

**Fiscal Note:**

Resolution No. 10-10(F) provides appropriations of \$96,500 for this study. Funds are available within the City Administrator's budget from the following sources: Police Management Study (\$84,500) and Tech Solve Lean Government (\$50,000) for a total of \$134,500 available. The balance of \$38,000 will be added to General Fund contingency. Upon approval of this item, the balance in contingency will be approximately \$2.4 million.

25. **Resolution No. 33-10 ADOPTED authorizes the issuance of Public Service Tax Refunding Bonds, Series 2010 for an amount not to exceed \$13,000,000 for the purpose of refunding principal outstanding in the amount of \$8,950,000 of Public Service Tax Refunding Bonds, Series 1997 and principal outstanding in the amount of \$5,840,000 of Public Service Tax Bonds, Series 1998.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA (i) AMENDING THE DEFINITION OF “PUBLIC SERVICE TAX” IN RESOLUTION NO. 174-92 ADOPTED BY THE CITY ON OCTOBER 19, 1992, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$13,000,000 IN PRINCIPAL AMOUNT OF CITY OF WEST PALM BEACH, FLORIDA PUBLIC SERVICE TAX REFUNDING BONDS, SERIES 2010, FOR THE PRINCIPAL PURPOSE OF REFUNDING THE CITY’S OUTSTANDING PUBLIC SERVICE TAX REFUNDING BONDS, SERIES 1997, AND PUBLIC SERVICE TAX BONDS, SERIES 1998, PURSUANT TO SECTION 210 OF SAID RESOLUTION NO. 174-92; PROVIDING THAT SAID SERIES 2010 BONDS AND INTEREST THEREON SHALL BE LIMITED OBLIGATIONS OF THE CITY PAYABLE SOLELY FROM PLEDGED REVENUES AS PROVIDED IN SAID RESOLUTION NO. 174-92 AND THIS SERIES RESOLUTION; PROVIDING CERTAIN DETAILS OF THE SERIES 2010 BONDS; DELEGATING OTHER DETAILS AND MATTERS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS AND THE BONDS TO BE REFUNDED TO THE MAYOR, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; AUTHORIZING THE NEGOTIATED SALE AND AWARD BY THE MAYOR OF THE SERIES 2010 BONDS TO THE UNDERWRITER, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; APPROVING THE FORM OF AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH OFFICIAL STATEMENT; AUTHORIZING A BOOK-ENTRY REGISTRATION SYSTEM WITH RESPECT TO THE SERIES 2010 BONDS; AUTHORIZING THE REFUNDING, DEFEASANCE AND REDEMPTION OF THE BONDS TO BE REFUNDED; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND APPOINTING AN ESCROW AGENT; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE SERIES 2010 BONDS AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DISCLOSURE DISSEMINATION AGENT AGREEMENT WITH RESPECT THERETO AND APPOINTING A DISCLOSURE DISSEMINATION AGENT THEREUNDER; APPOINTING A BOND REGISTRAR FOR THE SERIES 2010 BONDS; PROVIDING FEDERAL TAX COVENANTS FOR THE OWNERS OF THE SERIES 2010 BONDS; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**[Agenda Cover Memorandum No.: 17790](#)**

**Staff Recommended Motion:**

Approve Resolution No. 33-10.

**Background:**

Resolution No. 33-10 authorizes the issuance of Public Service Tax Refunding Bonds, Series 2010 for an amount not-to-exceed \$13,000,000 for the purpose of refunding principal outstanding in the amount of \$8,950,000 of Public Service Tax Refunding Bonds, Series 1997 and principal outstanding in the amount of \$5,840,000 of Public Service Tax Bonds, Series 1998.

The City's Finance Director, Financial Advisor and Underwriters regularly perform capital market analysis to identify refunding opportunities that provide the lowest financing costs to rate-payers given capital market fluctuations, capital market outlook, and rating agency considerations. Due to lower interest rates currently available on municipal debt, potential savings in interest costs can be achieved through refunding the outstanding Public Service Tax Bonds. This refunding opportunity was brought to the City by RBC Capital. In accordance with the City's adopted Debt Policy, Resolution No. 33-10 requires that the present value of the debt service savings due to the refunding be at a minimum of three percent of the outstanding bonds.

Due to the uncertainty of municipal markets and the need to access the market quickly in order to obtain the best interest rate, the attached Resolution authorizes the Mayor to finalize and execute, within the parameters set forth in the resolution, the bond documents, including the Bond Purchase Agreement, the Official Statement, the Escrow Deposit Agreement and the Disclosure Dissemination Agent Agreement. Additionally, the Resolution authorizes the City to enter into a negotiated sale of the Public Service Tax Refunding Bonds, Series 2010 with RBC Capital.

The issuance of Public Service Refunding Tax Bonds, Series 2010 does not present a general obligation of the City payable from Ad Valorem taxes, but is a special limited obligation payable solely from Public Service Tax monies.

Notice of this Resolution was published December 1st and December 8th in the Palm Beach Post and Bond Buyer.

**Fiscal Note:**

The Public Service Tax Refunding Bonds, Series 2010 will provide annual savings to the rate-payers. Based on current yield rates and market conditions, the forecasted savings is approximately \$145,000 annually from 2011-2014 for an estimated total present value savings of \$580,000 or 3.95% of the refunded bonds. Fees and related costs of issuance have been factored into the present value savings.

26. **Resolution No. 34-10 ADOPTED authorizes the issuance of Utility System Refunding Bonds, Series 2010 for an amount not to exceed \$16,000,000 for the purpose of refunding principal outstanding in the amount of \$14,810,000 of Utility System Revenue Refunding Bonds, Series 1998.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$16,000,000 IN PRINCIPAL AMOUNT OF CITY OF WEST PALM BEACH, FLORIDA UTILITY SYSTEM REVENUE REFUNDING BONDS, SERIES 2010, FOR THE PRINCIPAL PURPOSE OF REFUNDING ALL OR A PORTION OF THE CITY'S OUTSTANDING UTILITY SYSTEM REVENUE REFUNDING BONDS, SERIES 1998, PURSUANT TO SECTION 210 OF RESOLUTION NO. 240-93 ADOPTED BY THE CITY ON NOVEMBER 29, 1993, AS AMENDED; PROVIDING THAT SAID SERIES 2010 BONDS SHALL BE LIMITED OBLIGATIONS OF THE CITY PAYABLE SOLELY FROM NET REVENUES AS PROVIDED IN SAID RESOLUTION 240-93, AS AMENDED; PROVIDING CERTAIN DETAILS OF THE SERIES 2010 BONDS; DELEGATING OTHER DETAILS AND MATTERS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS AND THE BONDS TO BE REFUNDED TO THE MAYOR,**

**WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; AUTHORIZING THE NEGOTIATED SALE AND AWARD BY THE MAYOR OF THE SERIES 2010 BONDS TO THE UNDERWRITER, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; APPROVING THE FORM OF AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH OFFICIAL STATEMENT; AUTHORIZING A BOOK-ENTRY REGISTRATION SYSTEM WITH RESPECT TO THE SERIES 2010 BONDS; AUTHORIZING THE REFUNDING, DEFEASANCE AND REDEMPTION OF THE BONDS TO BE REFUNDED; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND APPOINTING AN ESCROW AGENT; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE SERIES 2010 BONDS AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DISCLOSURE DISSEMINATION AGENT AGREEMENT WITH RESPECT THERETO AND APPOINTING A DISCLOSURE DISSEMINATION AGENT THEREUNDER; APPOINTING A BOND REGISTRAR FOR THE SERIES 2010 BONDS; PROVIDING FEDERAL TAX COVENANTS FOR THE OWNERS OF THE SERIES 2010 BONDS; PROVIDING FOR A BOND INSURANCE POLICY FOR THE SERIES 2010 BONDS AND COVENANTS FOR THE PROVIDER THEREOF; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**[Agenda Cover Memorandum No.: 17791](#)**

**Staff Recommended Motion:**

Approve Resolution No. 34-10.

**Background:**

Resolution No. 34-10 authorizes the issuance of Utility System Refunding Bonds, Series 2010 for an amount not to exceed \$16,000,000 for the purpose of refunding principal outstanding in the amount of \$14,810,000 of Utility System Revenue Refunding Bonds, Series 1998.

The City's Finance Director, Financial Advisor and Underwriters regularly perform capital market analysis to identify refunding opportunities that provide the lowest financing costs to rate-payers given capital market fluctuations, capital market outlook, and rating agency considerations. Due to lower interest rates currently available on municipal debt, potential savings in interest costs can be achieved through refunding the outstanding Utility System Revenue Refunding Bonds, Series 1998. In accordance with the City's adopted Debt Policy, Resolution No. 34-10 requires that the present value of the debt service savings due to the refunding be at a minimum of three percent of the outstanding bonds.

Due to the uncertainty of municipal markets and the need to access the market quickly in order to obtain the best interest rate, the attached resolution authorizes the Mayor to finalize and execute, within the parameters set forth in the resolution, the bond documents, including the Bond Purchase Agreement, the Official Statement, the Escrow Deposit Agreement and the Disclosure Dissemination Agent Agreement. Additionally, the resolution authorizes the City to enter into a negotiated sale of the Utility System Revenue Refunding Bonds, Series 2010 with Estrada Hinojosa & Company, Inc.

The issuance of Utility System Revenue Refunding Tax Bonds, Series 2010 does not present a

general obligation of the City payable from Ad Valorem taxes, but is an obligation payable solely from the revenues of the Utility System.

**Fiscal Note:**

The Utility System Refunding Bonds, Series 2010 will provide annual savings to the utility rate-payers. Based on current yield rates and market conditions, the forecasted savings is approximately \$60,000 annually from 2011-2027 for an estimated total present value savings of \$740,000 or 5.0% of the refunded bonds. Fees and related costs of issuance have been factored into the present value savings.

**PUBLIC HEARING (27 – 30):**

27. **Public Hearing and Second Reading of Ordinance No. 4246-09 **ADOPTED**: Redesignating Central Park as an Historic District on the West Palm Beach Register of Historic Places to recognize the change in status of 43 properties from non-contributing to contributing; five properties from contributing to non-contributing; and amending the Historic District boundaries.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REDESIGNATING CENTRAL PARK, AS AN HISTORIC DISTRICT ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17784](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4246-09, redesignating Central Park as an Historic District on the West Palm Beach Register of Historic Places and classifying 43 additional properties as contributing; reclassifying five properties as non-contributing, and amending the District boundaries, with a find of facts as they are listed in Section 1 of the Ordinance. This motion is based upon the recommendation of the Historic Preservation Board, the consultant report, the factual testimony presented, the staff report, and the findings that the designation meets the criteria set forth in Section 94-48 of the Zoning and Land Development Regulations.

**Background:**

Update: At First Reading on December 14, 2009, the City Commission approved (5-0) the redesignation of Central Park modifying the recommendation to reclassify 43 additional properties as contributing and five as non-contributing; and excluding 3800 S. Dixie Highway from the district boundaries.

The Central Park Historic District was listed on the West Palm Beach (local) Register of Historic Places in 1993 and a smaller portion of the district was listed on the National Register in 1999. The designation report in 1993 identified the period of significance from 1921-1940. A guideline established through the National Historic Preservation Act of 1966 states that properties 50 years old or older are eligible for designation. This guideline has been adopted in the West Palm Beach Historic Preservation Ordinance. Since several properties in the established boundaries of the Central Park Historic District have reached that 50 year mark since the 1993 designation, a resurvey was initiated by the City. The City was able to secure grant funds through the State to

hire a consultant, Janus Research, to complete the resurvey (see attached report and findings). Field work included the review of all non-contributing structures to determine if they have gained contributing status and a review of contributing structures if some should now be classified as non-contributing.

There are a total of 180 properties in the district. Of the previously 104 non-contributing structures in the district, Janus Research has recommended that 49 now meet the eligibility criteria for contributing status. This change can be mainly attributed to the Post World War II buildings in the Ranch, Masonry Vernacular and Contemporary styles of architecture that are now older than 50 years.

Another recommendation by Janus Research includes the reclassification of 11 properties from contributing to non-contributing due to significant alterations, thereby resulting in 142 contributing and 38 non-contributing, once all the changes have been accounted for. Additionally, Janus Research is recommending the inclusion of 3800 South Dixie Highway for inclusion in the district and a boundary amendment to exclude 3900 South Dixie Highway.

The Central Park Historic District was originally and is currently significant under Criteria A and C of Section 94-48 of the Historic Preservation Ordinance.

#### HISTORIC PRESERVATION BOARD RECOMMENDATION:

On October 27, 2009, the Historic Preservation Board recommended approval (7-0) to redesignate the Central Park Historic District, further refining the recommended property list to reclassify 44 additional structure as contributing, five as non-contributing, with the inclusion of 3800 South Dixie Highway for inclusion in the district and a boundary amendment to exclude 3900 South Dixie Highway. The result of recommending 44 instead of 49 for contributing and five instead of 11 for non-contributing was a result of Staff and the Board fine tuning the recommendation so that all structures indeed met the West Palm Beach Historic Preservation criteria for architectural integrity.

The district is located in Commission District 3, Commissioner Kimberly Mitchell. The City sent a direct mailer and hosted an informational workshop for the neighborhood, a 30-day direct mailer was sent listing the property recommendations and the Historic Preservation Board meeting date, a direct mailer was sent to all residents regarding the City Commission meeting and additionally a certified letter was sent to property owners whose structures were being reclassified.

In accordance with Section 94-48 of the Zoning and Land Development Regulations, the City Commission may approve the designation, approve the designation with conditions, delay the designation for up to one year, or deny the redesignation.

#### **Fiscal Note:**

No fiscal impact.

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

#### **Staff Recommended Motion:**

28. **Public Hearing and Second Reading of Ordinance No. 4247-09 ADOPTED: Redesignating Northboro Park as a Historic District on the West Palm Beach Register of Historic Places to**

**recognize the change in status of 36 properties from non-contributing to contributing; and one property from contributing to non-contributing.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REDESIGNATING NORTHBORO PARK, AS AN HISTORIC DISTRICT ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17785](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4247-09, redesignating Northboro Park as a Historic District on the West Palm Beach Register of Historic Places to reclassify 36 additional properties as contributing and reclassify one property as non-contributing. The facts are as listed in Section 1 of the Ordinance. This motion is based upon the recommendation of the Historic Preservation Board, the Janus Research Inc. report, the factual testimony presented, the staff report, and the findings that the designation meets the criteria set forth in Section 94-48 of the Zoning and Land Development Regulations.

**Background:**

The Northboro Park Historic District was listed on the West Palm Beach (local) Register of Historic Places in 1992 and listed on the National Register in 2007. The designation report in 1992 identified the period of significance from 1921-1940. A guideline established through the National Historic Preservation Act of 1966 states that properties 50 years old or older are eligible for designation. This guideline has been adopted in the West Palm Beach Historic Preservation Ordinance. Since several properties in the established boundaries of the Northboro Park historic district have reached that 50 year mark since the 1992 designation, a resurvey was initiated by the City. The City was able to secure grant funds through the State to hire a consultant, Janus Research, to complete the resurvey (see attached report and findings). Field work included the review of all non-contributing structures to determine if they have gained contributing status, and a review of contributing structures if any should now be classified as non-contributing.

There are a total of 120 properties in the district. Of the previously 54 non-contributing structures in the district, Janus Research has recommended that 38 now meet the eligibility criteria for contributing status. This change can be mainly attributed to the Post World War II buildings in the Minimal Traditional, Ranch, Masonry and Frame Vernacular styles of architecture that are now older than 50 years.

Another recommendation by Janus Research includes the reclassification of three properties from contributing to non-contributing due to significant alterations, thereby resulting in 107 contributing and 13 non-contributing once all the changes have been accounted for.

The Northboro Park Historic District was originally and is currently significant under Criteria A and C of Section 94-48 of the Historic Preservation Ordinance.

**HISTORIC PRESERVATION BOARD RECOMMENDATION:**

On October 27, 2009, the Historic Preservation Board recommended approval (7-0) to redesignate the Northboro Park Historic District, to include a further refined property list reclassifying 36 properties as contributing and one property as non-contributing on the West Palm Beach Local

Register of Historic Places. The result of recommending 36 instead of 38 for contributing and one instead of three for non-contributing was a result of Staff and the Board fine tuning the

recommendation so that all structures indeed met the West Palm Beach Historic Preservation criteria for architectural integrity.

The district is located in Commission District 1, Commissioner Molly Douglas. The City sent a direct mailer and hosted an informational workshop for the neighborhood, a 30-day direct mailer was sent listing the property recommendations and the Historic Preservation Board meeting date, a direct mailer was sent to all residents regarding the City Commission meeting and additionally a certified letter was sent to property owners whose structures were being reclassified.

In accordance with Section 94-48 of the Zoning and Land Development Regulations, the City Commission may approve the designation, approve the designation with conditions, delay the designation for up to one year, or deny the redesignation.

**Fiscal Note:**

No fiscal impact.

29. **Public Hearing and Second Reading of Ordinance No. 4248-09 ADOPTED: Redesignating Old Northwood as an Historic District on the West Palm Beach Register of Historic Places to recognize the change in status of 80 properties from non-contributing to contributing; and six properties from contributing to non-contributing.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REDESIGNATING OLD NORTHWOOD PARK, AS AN HISTORIC DISTRICT ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17786](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4248-09, redesignating Old Northwood as an Historic District on the West Palm Beach Register of Historic Places to reclassify 80 additional properties as contributing and reclassify six properties as non-contributing. The facts are as listed in Section 1 of the Ordinance. This motion is based upon the recommendation of the Historic Preservation Board, the Janus Research Inc. report, the factual testimony presented, the staff report, and the findings that the designation meets the criteria set forth in Section 94-48 of the Zoning and Land Development Regulations.

**Background:**

Update: On December 14, 2009, the City Commission approved (5-0) the redesignation of Old Northwood adding 80 properties to the contributing category; reclassifying six properties as non-contributing; clarifying that the accessory structure at 500 27th Street is non-contributing; and retaining 415 30th Street, 522 33rd Street and 3201 N. Dixie Highway as contributing properties.

The Old Northwood Historic District was listed on the West Palm Beach (local) Register of Historic Places in 1991 and listed on the National Register in 1994. The designation report in 1992 identified the period of significance from 1921-1945. A guideline established through the National Historic Preservation Act of 1966 states that properties 50 years old or older are eligible

for designation. This guideline has been adopted in the West Palm Beach Historic Preservation Ordinance. Since several properties in the established boundaries of the Old Northwood Historic

District have reached that 50 year mark since the 1991 designation, a re-survey was initiated by the City. The City was able to secure grant funds through the State to hire a consultant, Janus Research, to complete the resurvey (see attached report and findings). Field work included the review of all non-contributing structures to determine if they have gained contributing status, and a review of contributing structures if some should now be classified as non-contributing.

There are a total of 324 properties in the district. Of the previously 106 non-contributing structures in the district, Janus Research has recommended that 85 now meet the eligibility criteria for contributing status. This change can be mainly attributed to the Post World War II buildings in the Ranch, Masonry Vernacular and Contemporary styles of architecture that are now older than 50 years.

Another recommendation by Janus Research includes the reclassification of 16 properties from contributing to non-contributing due to significant alterations, thereby resulting in 287 contributing and 37 non-contributing once all the changes have been accounted for.

The Old Northwood Historic District was originally and is currently significant under Criteria B and C of Section 94-48 of the Historic Preservation Ordinance.

#### HISTORIC PRESERVATION BOARD RECOMMENDATION:

On October 27, 2009, the Historic Preservation Board recommended approval (7-0) to redesignate the Old Northwood Park Historic District, with a further refined property list to reclassify 80 structures as contributing and nine structures as non-contributing, on the West Palm Beach Local Register of Historic Places. The result of recommending 80 instead of 85 for contributing and nine instead of 16 for non-contributing was a result of Staff and the Board fine tuning the recommendation so that all structures indeed met the West Palm Beach Historic Preservation criteria for architectural integrity.

The district is located in Commission District 1, Commissioner Molly Douglas. The City sent a direct mailer and held an informational workshop for the neighborhood, a 30-day direct mailer was sent listing the recommendations and the Historic Preservation Board meeting, a direct mailer was sent to all residents regarding the City Commission meeting and an additional certified letter was sent to property owners whose structures were being reclassified noticing them of the City Commission hearing.

In accordance with Section 94-48 of the Zoning and Land Development Regulations, the City Commission may approve the designation, approve the designation with conditions, delay the designation for up to one year, or deny the redesignation.

#### **Fiscal Note:**

No fiscal impact.

30. **Public Hearing and First Reading of Ordinance No. 4252-09 CONTINUED which establishes certain terms, conditions and methods of calculation for the existing tax rates contained in Chapter 82, Taxation, Section 82-163, Business Tax Classifications and Rate Schedule relating to Retail and Wholesale Businesses.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 82 (TAXATION), SECTION 82-163 (BUSINESS TAX CLASSIFICATIONS AND RATE SCHEDULE) OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, TO ESTABLISH THE TERMS, CONDITIONS AND CALCULATION METHOD FOR RETAIL AND WHOLESALE BUSINESSES; AND PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 17789](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4252-09 on First Reading and schedule a Public Hearing and Second Reading for January 25, 2010.

**Background:**

The issuance of a local business tax receipt is used by a local government to grant the privilege of engaging in or managing any business, profession and occupation within its jurisdiction. Local governments are authorized to levy and set the amount of a business tax for the privilege of engaging in a business or profession, or occupation within its jurisdiction.

The City of West Palm Beach collects a Local Business Tax in order to generate sufficient revenue to offset the costs the City experiences in providing essential services to businesses and their customers for those businesses which are located within the City limits. The City Business Tax system utilizes several methods to calculate an annual local business tax depending on the applicable business classification. For wholesale and retail businesses, an "inventory-based" taxation methodology is used which is intended to fairly levy a tax based upon the value of inventory which a business reports to the City on an annual basis.

In May 2008, with the approval and adoption of Ordinance No. 4095-07, the City Commission adjusted the previously existing Rate Schedule for the City's business tax. This action, primarily intended to update the various tax rates charged to businesses within the City, by increasing the tax rates by 5%. Ordinance No. 4095-07 also altered the method of calculation for the tax rate of retail businesses by removing a previously existing "maximum tax" or "cap" of \$9,922.50 on all retail businesses. Since the City Business Tax system for retail businesses is inventory based, the \$9,922.50 maximum tax translated to an inventory level of approximately \$2.14 million based on the adjusted rate structure. Prior to the adoption of Ordinance No 4095-07, regardless of the actual inventory value, all businesses with an inventory value over \$2.14 million paid the exact same maximum or "cap" tax of \$9,922.50. Subsequent to removal of the "cap" a small number of retail businesses in the City, with reported inventories well over \$2.14 million dollars, primarily the new and used car dealers, experienced significant increases in the amount of tax levied. The amount of the increase experienced was directly proportional to the amount of inventory reported over the prior "cap" inventory limit. These specific businesses comprise a much less intensive ongoing use of municipal resources.

By Ordinance No. 4252-09, the City wishes to clarify the method of calculation in the current and existing Business Tax Rate Schedule. This ordinance does not seek to change the actual business tax classifications, nor does it represent a change in the actual business tax rate contained in the

Business Tax Rate Schedule enacted by the City in May 2008. By Ordinance 4252-09, the City wishes to clarify the existing rate schedule by setting forth the terms and conditions for applying

the inventory-based rate contained in Sector 44-45, Retail Trade of Section 82-163 entitled "Business tax classifications and rate schedule of the City Code", Sector 4410, 44110 New Car Dealers, and 44112 Used Car Dealers, by further articulating the method of calculation of those inventory-based rates. This clarification is sought solely for the purpose of refining the application and administration of the current business tax rate schedule and collection of related fees as applied to new and used car dealers in the City. The clarification sought is to remove the unlimited inventory base calculation inadvertently created by removal of the previous cap.

Ordinance No. 4252-09 is intended to top taxable inventory, for purposes of calculating a tax rate, at \$5 million dollars. This action is intended to clarify the method of calculation of local business taxes for new and used car dealer establishments.

In addition to the clarification relating to Retail Trades, the City also wishes to clarify the terms, conditions and method of calculation in Section 82-163 of the City Code, Sector 42 entitled Wholesale Trade, Sector 4410, 44110 New Car Dealers, and 44112 Used Car Dealers, for the sole purpose of clarifying that wholesale businesses with inventories valued at exactly one million dollars are to be included in the highest tax rate category for forementioned sector.

The clarifications sought by Ordinance No. 4252-09 will not reclassify, increase, decrease or otherwise eliminate or alter the existing tax rate for Sector 44-45, Retail Trade or Sector 42, Wholesale Trade of Section 82-163, or any other sector contained in the Business Tax Classifications and Rate Schedule.

**Fiscal Note:**

Approval will correct an unintended consequence of removal of the previously existing tax cap, but will also result in a loss of approximately \$234,694.70 to the General Fund.

**OTHER BUSINESS: QUASI-JUDICIAL:**

31. **Appeal of the Historic Preservation Board decision in Case No. 09-53, denying the Preconstruction Application for an Ad Valorem Tax Exemption at 3201 Poinsettia Avenue, within the Old Northwood Historic District. APPROVED IN FAVOR OF THE APPLICANT**  
**[Agenda Cover Memorandum No.: 17787](#)**

**Staff Recommended Motion:**

Consider the appeal.

**Background:**

On November 28, 2009, Carl Peterson, applicant and prospective purchaser of the subject property, submitted an Ad Valorem Tax Exemption, Preconstruction Application, with the consent of the owner, Bart Van Der Horst. The one-story, Masonry Vernacular style residence was constructed in 1941 and is classified as a contributing structure within the Old Northwood Historic District. On October 27, 2009, the HPB recommended this property to be non-contributing as part of the Old Northwood Historic District Redesignation (HPB Case No. 09-42). However, per Ordinance No. 4648-09, Redesignation of the Old Northwood Historic District, the property is proposed to remain contributing. As a contributing structure, the property is eligible to participate

in the Ad Valorem Tax Exemption Program for qualifying improvements to the historic structure.

On December 22, 2009, staff presented a Preconstruction Application to the Historic Preservation Board with a recommendation of APPROVAL. The Historic Preservation Board voted unanimously (7-0) to DENY the application, based on the testimony presented, and that competent, substantial evidence of record had not been submitted that satisfied compliance with Standards 2 and 3 of the Secretary of Interior's Standards for Rehabilitation, as well as the additional compatibility criteria set forth in the Historic Preservation Ordinance (Ordinance No. 3554-02).

The applicant's request to appeal the Board's denial was timely received on December 23, 2009. Pursuant to Sec. 94-50 of the Code of Ordinances, Historic Preservation Board decisions may be appealed to the City Commission. The appeal hearing shall be held within 60 days of the written request to appeal. The City Commission's review is de novo.

The residence is located in City Commission District No. 1, Commissioner Molly Douglas.

**COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:**

**COMMENTS BY THE CITY COMMISSIONERS:**

**COMMENTS BY THE MAYOR:**

**ADJOURNMENT:**

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