



CITY COUNCIL BUDGET HEARING MEETING

City of Greenacres, Florida

Tuesday, September 05, 2023 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

AGENDA

Mayor and City Council

Joel Flores, Mayor

Peter A. Noble, Deputy Mayor

John Tharp, Councilmember, District I

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Christy Goddeau, City Attorney

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

First Budget Hearing - Fiscal Year 2024 Proposed Budget

- 1. PUBLIC HEARING: Ordinance 2023-11: First Reading:** Establishing a taxable valuation and levying an Ad Valorem Tax on property located within the corporate limits of Greenacres, Florida, as of the year ending December 31, 2023; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Teri Beiriger, Director of Finance.
- 2. PUBLIC HEARING: Ordinance: 2023-12: First Reading:** Adopting an operating budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Ter Beiriger, Director of Finance.

SPECIAL BUSINESS

- 3. Proclamation:** Hunger Action Month, Hillary Gale, Director of Client Services, Feeding South Florida.
- 4. Proclamation:** Firefighter Appreciation Month, Brian Fuller, Fire Chief, Fire Rescue.

CONSENT AGENDA

- 5. Official Council Minutes:** City Council Meeting and City Council Special Meeting Minutes, August 21, 2023.
- 6. Resolution 2023-34:** Approving a maintenance service agreement for landscape maintenance services for facilities and parks; authorizing the appropriate City Officials to

execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.

7. **Resolution 2023-35:** Approving a maintenance service agreement for pressure cleaning services; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.
8. **Resolution 2023-38:** Approving the maintenance service agreement between the City of Greenacres and HYVAC Mechanical Services, Inc. to provide hvac and ice machine services; authorizing the appropriate City Officials to execute the agreement, providing for an effective date. - Monica Powery, Director of Purchasing.

REGULAR AGENDA

9. **QUASI-JUDICIAL: PUBLIC HEARING: Resolution 2023-16:** Approving the petition for a Special Exception to allow a fast-food drive through restaurant in a Commercial Intensive (CI) zoning district, located within the River Bridge Centre on the Southwest corner of Forest Hill Boulevard and South Jog Road, as requested by the petitioner, Andrew Savage, agent for the owner, Publix; providing for repeal of conflicting resolutions; and providing for an effective date.- Denise Malone, Director of DNS. **(Continued from 8/21/2023, Council Meeting).**
10. **QUASI-JUDICIAL: PUBLIC HEARING: Resolution 2023-17:** Approving a site and development plan to allow for the proposed Chick-Fil-A fast food restaurant with drive-thru. The site is located within the River Bridge Centre on the southwest corner of the intersection of South Jog Road and Forest Hill Boulevard. The project consists of 4,680 square foot restaurant with one drive-thru lane and a by-pass lane that will be utilized to provide service during peak hour demand as requested by the Petitioner, Andrew Savage, PE of Bohler Engineering, agent for REAL SUB, LLC, providing for repeal of conflicting resolutions; and providing for an effective date. - Kara Irwin-Ferris, AICP, City Consultant. **(Continued from 8/21/2023, Council Meeting).**
11. **PUBLIC HEARING: Ordinance 2023-09: Second Reading:** Amending Chapter 15 Utilities, Article 4, Wastewater, Division 2, improvements, to include an additional project at Section 15-95 for expansion of Palm Beach County's wastewater system within the City of Greenacres; which project may be funded by special assessments determined by Palm Beach County; providing for conflicts, severability, codification, and an effective date. - Andrea McCue, City Manager.

DISCUSSION ITEM

12. Diversity Celebration - Mayor Joel Flores.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

MAYOR AND CITY COUNCIL REPORT

ADJOURNMENT

Upcoming Council Meetings

September 18, 2023. - Budget.

October 2, 2023.

Meeting Records Request

Any person requesting the appeal of a decision of the City Council will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

Notice of Council Meetings and Agendas

The first and third Monday of each month are regular meeting dates for the City Council; special or workshop meetings may be called, whenever necessary. Council Agendas are posted on the City's website on the Friday prior to each Council meeting. A copy of the meeting audio and the complete agenda may be requested at CityClerk@greenacresfl.gov or 561-642-2006.

Americans with Disabilities Act

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Quintella Moorner at Greenacres City Hall, 5800 Melaleuca Lane, Greenacres, Florida. Phone No. 561-642-2006. Hearing Assistance: If any person wishes to use a Listen Aid Hearing Device, please contact the City Clerk prior to any meeting held in the Council Chambers.



ITEM SUMMARY

MEETING DATE: September 5, 2023
FROM: Teri Lea Beiriger, Director of Finance
SUBJECT: Ord. Nos. 2023-11 and 2023-12

BACKGROUND

Florida Statutes Section 200.065 specifies the procedural steps that must be followed by each unit of local government in the preparation and approval of the government entity's property tax millage, levy, and annual budget. In accordance with these regulations, the certified taxable property values as of July 1, 2023, provided by the Palm Beach County Property Appraiser will be used to determine the ad valorem tax proceeds in the calculation of the Fiscal Year (FY) 2023-2024 Budget.

Taxing authorities must hold two (2) public hearings to adopt a millage rate and budget. This evening's hearing is the First Public Hearing of the City of Greenacres to adopt a tentative millage rate and budget for Fiscal Year 2023-24.

The tentative millage rate and the budget must be adopted by separate votes. Pursuant to direction provided by the City Council at the budget workshop held on July 17th and the budget meeting held on August 12th, staff has prepared the two (2) ordinances required by the Truth in Millage (TRIM) process for approval by the City Council. The ordinance to establish the taxable value and set the ad valorem rate (Ordinance 2023-11) must be passed first, followed by the ordinance to adopt the budget (Ordinance 2023-12).

ANALYSIS

The first ordinance, 2023-11, establishes the taxable value and sets the ad valorem rate.

The certified total taxable value of \$2,888,498,573 provided by the Property Appraiser's office is \$351,009,664 more than last year's certified taxable value of \$2,537,488,909. The 13.8% increase in taxable value is due to an increase in property values along with an increase in new construction.

The millage rate of 6.300 mills applicable to the General Fund Levy, for Fiscal Year 2024 is 12.37% greater than the calculated rolled-back millage rate pursuant to Section 200.065(1) F.S. of 5.6067 mills that generates the same amount of property tax revenue as last year on existing real and personal property.

The property tax rate of 6.300 mills set by ordinance 2023-11 would generate \$17,469,639 of ad valorem revenue, or \$2,101,793 more than FY2023.

The second ordinance, 2023-12, adopts an operating budget for the fiscal year beginning October 1, 2023 and ending September 30, 2024. The proposed budget appropriated revenues and expenditures from \$73,013,015 in FY 2023 to \$63,712,887 in FY 2024.

FINANCIAL INFORMATION

The proposed ordinances set the total millage at 6.3000 mills and appropriate \$63,712,887 for the operation of the City in FY2024.

LEGAL

The first budget hearing was advertised in the preliminary tax assessment notices as required in F.S. 200.065. The second hearing, to set the millage rate and adopt the FY2024 budget, is scheduled for September 18, 2023, at 6:00 p.m. at the Greenacres City Hall and will be advertised in a newspaper that has local circulation in the City.

STAFF RECOMMENDATION

Approval of Ordinance 2023-11 and Ordinance 2023-12.

ORDINANCE NO. 2023-11

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ESTABLISHING A TAXABLE VALUATION AND LEVYING AN AD VALOREM TAX ON PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF GREENACRES, FLORIDA, AS OF THE YEAR ENDING DECEMBER 31, 2023; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, in accordance with Chapter 200.065 F.S., the Palm Beach County Property Appraiser has certified the tax roll for the City of Greenacres for the purpose of computing an ad valorem tax rate for the fiscal year beginning October 1, 2023 and ending September 30, 2024; and

WHEREAS, in the preparation of the operating budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024, the City of Greenacres Council has utilized the certified taxable valuation in computing the ad valorem tax rate necessary to fund the operating budget; and

WHEREAS, the City Council has determined that setting the millage rate as set forth herein serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. For the purpose of setting an ad valorem tax rate for the operating budget, the effective taxable value for all real and personal property for the year 2023 was certified on July 1, 2023, to be \$2,888,498,573. The 2023 certified value was higher by \$351,009,664 (13.8%) than the 2022 final certified value of \$2,537,488,909.

SECTION 2. For the purpose of funding the operating budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024, the effective taxable value as listed above will be and is hereby taxed at the total rate of 6.300 mills.

SECTION 3. The millage rate of 6.300 mills applicable to the General Fund Levy, for Fiscal Year 2023 is 12.37% greater than the calculated rolled-back millage rate pursuant to Section 200.065(1) F.S. of 5.6067 mills that generates the same amount of property tax revenue as last year on existing real and personal property.

SECTION 4. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 5. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 6. Effective Date

The provisions of this Ordinance shall become effective October 1, 2023, in accordance with the laws of the State of Florida.

Passed on the first reading this 5th day of September 2023.

Voted:

Joel Flores, Mayor

Peter Noble, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

John Tharp, Council Member, *District I*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

ORDINANCE NO. 2023-12

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ADOPTING AN OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager, in accordance with provisions of State Law and the City Charter, has submitted a proposed budget to the City Council for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024; and

WHEREAS, the City Council has considered the recommendations of the City Manager and has made revisions thereto; and

WHEREAS, the City Council has complied with Chapter 200.065 F.S., in the setting of a proposed millage rate and the computation of a roll-back rate; and

WHEREAS, the City Council has scheduled and advertised public hearings on the proposed operating budget in accordance with Chapter 200.065, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. For the purpose of fixing the amount of appropriations for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, it is estimated that revenues will be available to meet budgeted appropriations according to the following sources:

REVENUES GENERAL FUND

<i>Ad Valorem Taxes</i>	\$	17,469,639
<i>Utility Taxes</i>		3,326,000
<i>Other Taxes</i>		2,835,738
<i>Permits & Fees</i>		3,107,701
<i>Intergovernmental</i>		7,213,653
<i>Charges for Services</i>		6,863,005
<i>Fines & Forfeitures</i>		122,350

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<i>Interest Income</i>	369,446
<i>Rents & Royalties</i>	410,573
<i>Miscellaneous</i>	246,912
<i>Total Revenues - General Fund</i>	\$ 41,965,017

SPECIAL REVENUE FUNDS**Forfeitures Fund**

<i>Florida State Statute 932.7055 Prohibits Budgeting Anticipated Revenue ...</i>	N/A
<i>Use of Fund Balance</i>	\$ 94,718
<i>Sub-Total Forfeitures Fund</i>	\$ 94,718

Arboreous Fund

<i>Revenue - Contributions, Interest Earned, Impact Fees</i>	\$ 975
<i>Use of Fund Balance</i>	6,025
<i>Sub-Total Arboreous Fund</i>	\$ 7,000

Fire Rescue Donations and Contributions Fund

<i>Revenue - Contributions & Interest Earned</i>	\$ 180
<i>Use of Fund Balance</i>	2,214
<i>Sub-Total Public Safety Donation and Contributions Fund</i>	\$ 2,394

Youth Programs Fund

<i>Revenue - Intergovernmental Grants, Fees, Contributions</i>	\$ 961,034
<i>Budgeted Fund Balance Surplus</i>	-37,730
<i>Sub-Total Youth Programs Fund</i>	\$ 923,304

Total Revenues - Special Revenue Funds **\$ 1,027,416**

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DEBT SERVICE FUND**Public Facility Improvement Notes**

<i>Interest Earned</i>	<i>\$</i>	<i>9,950</i>
<i>Inter-fund Transfer</i>		<i>380,000</i>
<i>Budgeted Fund Balance Surplus</i>		<i>13,309</i>
<i>Total Revenues - Debt Service Fund</i>	<i>\$</i>	<i>403,259</i>

CAPITAL PROJECTS FUNDS

<i>Revenue New Growth Fund</i>	<i>\$</i>	<i>758,469</i>
<i>Revenue Parks and Recreation</i>		<i>690,216</i>
<i>Revenue Reconstruction & Maintenance</i>		<i>1,288,095</i>
<i>Revenue Infrastructure Surtax</i>		<i>7,173,061</i>
<i>Revenue American Rescue Plan</i>		<i>7,234,748</i>
<i>Use of Fund Balance</i>		<i>3,173,464</i>

Total Revenues - Capital Projects Funds ***\$*** ***20,318,053***

Total Revenues Available ***\$*** ***63,713,745***

SECTION 2. For the purpose of financing the operations of the City of Greenacres, Florida, for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024, there is hereby appropriated from taxes and other revenues and sources received by the City of Greenacres, the following amounts:

APPROPRIATIONS**GENERAL FUND**

<i>Administration</i>	<i>\$</i>	<i>3,227,345</i>
<i>Finance</i>		<i>1,138,844</i>
<i>Purchasing</i>		<i>403,684</i>
<i>Information Technology</i>		<i>1,650,001</i>
<i>Development & Neighborhood Ser</i>		<i>2,681,170</i>

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<i>Public Works</i>	<i>3,774,622</i>
<i>Fire Rescue</i>	<i>11,393,308</i>
<i>Community and Recreation Services.....</i>	<i>1,836,191</i>
<i>Non-Departmental</i>	<i>14,569,853</i>
<i>Interfund Transfers</i>	<i>1,240,000</i>
<i>Contingency.....</i>	<i>50,000</i>

Total General Fund Appropriations \$ 41,965,017

SPECIAL REVENUE FUNDS

<i>Forfeitures Fund</i>	<i>\$ 94,718</i>
<i>Arboreous Fund.....</i>	<i>7,000</i>
<i>Public Safety Donation & Contribution Fund</i>	<i>2,394</i>
<i>Youth Programs Fund.....</i>	<i>923,304</i>
Total Special Revenue Appropriations	\$ 1,027,416

DEBT SERVICE**Public Facility Imp. Notes**

<i>Principal</i>	<i>\$ 391,384</i>
<i>Interest</i>	<i>\$ 11,875</i>

Total Debt Service Fund Appropriations \$ 403,259

CAPITAL IMPROVEMENT FUNDS

<i>New Growth</i>	<i>\$ 1,140,810</i>
<i>Parks and Recreation</i>	<i>506,147</i>
<i>Reconstruction & Maintenance</i>	<i>1,421,256</i>
<i>Infrastructure Surtax.....</i>	<i>8,565,155</i>
<i>American Rescue Plan.....</i>	<i>8,684,685</i>
<i>Inter-fund Transfer.....</i>	<i>0</i>

Total Capital Funds Appropriations \$ 20,318,053

Total Appropriations..... \$ 63,713,745

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

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SECTION 4. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 5. Effective Date

The provisions of this Ordinance shall become effective October 1, 2023 in accordance with the laws of the State of Florida.

Ordinance No. 2023-12 | Adoption of Operating Budget

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Passed on the first reading this 5th day of September 2023.

Voted:

Joel Flores, Mayor

Peter Noble, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

John Tharp, Council Member, *District I*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

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WHEREAS, the City Manager, in accordance with provisions of State Law and the City Charter, has submitted a proposed budget to the City Council for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024; and

WHEREAS, the City Council has considered the recommendations of the City Manager and has made revisions thereto; and

WHEREAS, the City Council has complied with Chapter 200.065 F.S., in the setting of a proposed millage rate and the computation of a roll-back rate; and

WHEREAS, the City Council has scheduled and advertised public hearings on the proposed operating budget in accordance with Chapter 200.065, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. For the purpose of fixing the amount of appropriations for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, it is estimated that revenues will be available to meet budgeted appropriations according to the following sources:

REVENUES GENERAL FUND

<i>Ad Valorem Taxes</i>	\$	17,469,639
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<i>Total Revenues - General Fund</i>	\$ 41,965,017

SPECIAL REVENUE FUNDS**Forfeitures Fund**

<i>Florida State Statute 932.7055 Prohibits Budgeting Anticipated Revenue ...</i>	N/A
<i>Use of Fund Balance</i>	\$ 94,718
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<i>Budgeted Fund Balance Surplus</i>	-37,730
<i>Sub-Total Youth Programs Fund</i>	\$ 923,304

Total Revenues - Special Revenue Funds **\$ 1,027,416**

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DEBT SERVICE FUND**Public Facility Improvement Notes**

<i>Interest Earned</i>	<i>\$</i>	<i>9,950</i>
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Total Revenues - Debt Service Fund	\$	403,259

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<i>Revenue New Growth Fund</i>	<i>\$</i>	<i>758,469</i>
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<i>Revenue American Rescue Plan</i>		<i>7,234,748</i>
<i>Use of Fund Balance</i>		<i>3,173,464</i>
Total Revenues - Capital Projects Funds	\$	20,318,053

Total Revenues Available \$ 63,713,745

SECTION 2. For the purpose of financing the operations of the City of Greenacres, Florida, for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024, there is hereby appropriated from taxes and other revenues and sources received by the City of Greenacres, the following amounts:

APPROPRIATIONS**GENERAL FUND**

<i>Administration</i>	<i>\$</i>	<i>3,227,345</i>
<i>Finance</i>		<i>1,138,844</i>
<i>Purchasing.....</i>		<i>403,684</i>
<i>Information Technology.....</i>		<i>1,650,001</i>
<i>Development & Neighborhood Ser</i>		<i>2,681,170</i>

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<i>Fire Rescue</i>	11,393,308
<i>Community and Recreation Services</i>	1,836,191
<i>Non-Departmental</i>	14,569,853
<i>Interfund Transfers</i>	1,240,000
<i>Contingency</i>	<u>50,000</u>

Total General Fund Appropriations \$ 41,965,017

SPECIAL REVENUE FUNDS

<i>Forfeitures Fund</i>	\$ 94,718
<i>Arboreous Fund</i>	7,000
<i>Public Safety Donation & Contribution Fund</i>	2,394
<i>Youth Programs Fund</i>	<u>923,304</u>
Total Special Revenue Appropriations	\$ 1,027,416

DEBT SERVICE**Public Facility Imp. Notes**

<i>Principal</i>	\$ 391,384
<i>Interest</i>	<u>\$ 11,875</u>

Total Debt Service Fund Appropriations \$ 403,259

CAPITAL IMPROVEMENT FUNDS

<i>New Growth</i>	\$ 1,140,810
<i>Parks and Recreation</i>	506,147
<i>Reconstruction & Maintenance</i>	1,421,256
<i>Infrastructure Surtax</i>	8,565,155
<i>American Rescue Plan</i>	8,684,685
<i>Inter-fund Transfer</i>	<u>0</u>

Total Capital Funds Appropriations \$ 20,318,053

Total Appropriations..... \$ 63,713,745

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 4. Effective Date

The provisions of this Ordinance shall become effective October 1, 2023 in accordance with the laws of the State of Florida.

Ordinance No. 2023-12 | Adoption of Operating Budget

Page No. 6

Passed on the first reading this 5th day of September 2023.

Voted:

Joel Flores, Mayor

Peter Noble, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

John Tharp, Council Member, *District I*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, August 21, 2023 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

MINUTES

Mayor and City Council

Joel Flores, Mayor

Peter A. Noble, Deputy Mayor

John Tharp, Councilmember, District I

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Christy Goddeau, City Attorney

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

Mayor Flores called the meeting to order at 6:01PM and City Clerk Moorer called the roll.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion made by Councilmember Dugo, Seconded by Deputy Mayor Noble to approve the agenda with the inclusion of removing Item number 4, Resolution 2023-31, to the Regular Agenda.

Voting Yea: Deputy Mayor Noble, Councilmember Tharp, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

Mr. Michael Rodriguez, Wendy's restaurant owner stated he was opposed to the new Chick-fil-A restaurant due to competition, economy, and employee loss.

SPECIAL BUSINESS

1. Comprehensive Plan, Evaluation and Appraisal Report (EAR) update. - Denise Malone, Director of Development and Neighborhood Services.

Ms. Malone reviewed the Comprehensive Plan which would be transmitted to the State in September. She highlighted the included elements, and the big picture summary, next steps to be taken and element concepts.

CONSENT AGENDA

2. **Official Council Minutes:** City Council Meeting Minutes, August 7, 2023. - Quintella L. Moorer, City Clerk.
3. **Resolution 2023-30:** Amending and adopting the Personnel Policies Handbook; repealing all Resolutions and Council Polices in conflict herewith; providing a conflicts

clause and a severability clause; providing an effective date and for other purposes. - Suzanne Skidmore, Director of Human Resources and Risk Management.

4. **Resolution 2023-32:** Authorizing the submittal of the 2022 Department of Homeland Security Grant Application for Assistance to firefighters in the amount of \$69,300.96 for the purpose of covering the overtime cost associated with training and of backfill personnel who are training using front-line apparatus and equipment providing the most real-life experience; and providing an effective date. -Teri Lea Beiriger, Director of Finance.
5. **Resolution 2023-33:** Approving the Traffic Control Jurisdiction Agreement between the City of Greenacres/Palm Beach County Sheriff's Office (PBSO) District 16, and the Ranchette Square Homeowner's Association Inc., for the Ranchette Road Townhomes. - Denise Malone, Director of Development of Neighborhood Services.
6. **Resolution 2023-36:** Authorizing the execution of the fiscal year 2023-2024 Community Development Block Grant (CDBG) Agreement for Phase 2 Lift Station Original Section sewer project; and providing for an effective date. - Carlos Cedeno, Director of Public Works.

Motion made by Councilmember Diaz, Seconded by Councilmember Dugo to approve the Consent agenda.

Voting Yea: Deputy Mayor Noble, Councilmember Tharp, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

REGULAR AGENDA

7. **QUASI-JUDICIAL PUBLIC HEARING: Resolution 2023-16:** Approving the petition for a Special Exception to allow a fast-food drive through restaurant in a Commercial Intensive (CI) zoning district, located within the River Bridge Centre on the Southwest corner of Forest Hill Boulevard and South Jog Road, as requested by the petitioner, Andrew Savage, agent for the owner, Publix; providing for repeal of conflicting resolutions; and providing for an effective date.- Kara Irwin-Ferris, AICP, City Consultant.

Mayor Flores stated Items 8 and 9 would be read together as Quasi-Judicial items but voted on separately.

Ms. Malone read the Quasi-Judicial Hearing procedures.

Ms. Moorer sworn in four people.

Ms. Moorer read the ordinance by title.

No ex-parte communication was reported by the Mayor and Council.

Mr. Nicolas Hagood, Bohler Engineering, presented the Special Exception as it related to Chick-fil-A. He highlighted the flow of the double line drive through process, storm water drainage, service to the community, quality of employment and training.

Mr. Hagood also mentioned a comprehensive traffic study was completed and the outcome was reported as no major impacts to the City and he stated the applicant added additional landscaping.

Ms. Malone presented Staff's presentation. She stated the site plan special exception was for a drive through with a one-way circular by-pass lane to be used. She continued to explain the flow of the parking lot.

Ms. Malone discussed more about the parking spaces, landscaping, peak hours, traffic impact, entrance and exit, drainage and utilities.

She said the request does comply with the City's Comprehensive Plan and was consistent with the surrounding area. Staff recommended approval.

The Mayor and Council collectively mentioned various concerns such as traffic patterns, parking lot configuration options, school release schedules, congestion at the entrance and exit lanes, peak hours and handling double lanes, amount of car pile up and dumpster enclosures.

Ms. Malone explained the parking lot was treated as a whole and not by separate owners.

Mr. Hagood explained a traffic study was completed and he did not foresee an issue based on the traffic stimulation.

Mr. Adam Kerr, Kimberly Horn stated analysis and stimulations were done by engineers and they did not expect any issues.

After further discussion, Mr. Hagood stated the applicant trusted the data and did not feel traffic was an issue.

Mayor Flores asked if the item could be moved to figure out more options for parking reconfigurations.

Ms. Goddeau stated the item could be continued until a time uncertain and/or create conditions of approval which would be enforced by the City's Code Enforcement.

Mr. Michael Rodriguez, Wendy's owner stated he opposed Chick-fil-a in the River Bridge Centre as he felt traffic would create an issue.

Mr. Charles Shaw, resident, agreed that there were issues with the existing traffic flow at the River Bridge Centre plaza and suggested to continue the item until there was a parking lot reconfiguration plan.

The Council agreed to continue the item until September 5, 2023, at 6:30pm in the Greenacres Council Chambers.

Motion made by Councilmember Tharp, Seconded by Councilmember Bousquet to approve to Continue Ordinance 2023-16 to September 5, 2023.

Voting Yea: Deputy Mayor Noble, Councilmember Tharp, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

- 8. Resolution 2023-17:** Approving a site and development plan to allow for the proposed Chick-Fil-A fast food restaurant with drive-thru. The site is located within the River Bridge Centre on the southwest corner of the intersection of South Jog Road and Forest Hill Boulevard. The project consists of 4,680 square foot restaurant with one drive-thru lane and a by-pass lane that will be utilized to provide service during peak hour demand as requested by the Petitioner, Andrew Savage, PE of Bohler Engineering, agent for REAL SUB, LLC, providing for repeal of conflicting resolutions; and providing for an effective date. - Kara Irwin-Ferris, AICP, City Consultant.

Motion made by Councilmember Tharp, Seconded by Councilmember Bousquet to continue Ordinance 2023-17 to the September 5, 2023, Council Meeting at 6:30pm.

Voting Yea: Deputy Mayor Noble, Councilmember Tharp, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

- 9. Ordinance 2023-09: First Reading:** Amending Chapter 15 Utilities, Article 4, Wastewater, Division 2, improvements, to include an additional project at Section 15-95 for expansion of Palm Beach County's wastewater system within the City of Greenacres; which project may be funded by special assessments determined by Palm Beach County; providing for conflicts, severability, codification, and an effective date. - Andrea McCue, City Manager.

Ms. Moorer read the ordinance by title.

Ms. McCue stated the City received notice from Palm Beach Utilities that residents of Walker Avenue petitioned for storm water access. The City was required to approve a resolution to include the improvements. A special assessment and cost would be sent to residents.

Motion made by Deputy Mayor Noble, Seconded by Councilmember Dugo to approve Ordinance 2023-09, on First Reading.

Voting Yea: Deputy Mayor Noble, Councilmember Tharp, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

- 10. Resolution 2023-31:** Approving the establishment of an Education Advisory Committee; providing for a purpose, composition, qualifications, duties, meetings, and an effective date. - Andrea McCue, City Manager.

Councilmember Diaz wanted clarification regarding Section 4 number 2 of the resolution. regarding zone areas for Greenacres for member participation. After discussion, the Council decided to revise the language to read "within the City's zoned attendance area". Ms. McCue also mentioned the Committee would have nine members.

Motion made by Councilmember Diaz, Seconded by Councilmember Dugo to approve the revised language stated by Staff.

Voting Yea: Deputy Mayor Noble, Councilmember Tharp, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

DISCUSSION ITEM - None.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Ms. Celia Lema, President, Uruguay Hoy, Community Services, Inc. requested a Jose Artigas Uruguayan historic statue. She left signed petitions with the City Clerk and contact information.

CITY MANAGER'S REPORT

11. Community Recreation Services Report.
12. Development and Neighborhood Services Report.
13. Economic Development Report.
14. Fire Rescue Report.
15. Finance Report.
16. Palm Beach Sheriff's Office District 16 Report.
17. Public Works Report.
18. Purchasing Report.
19. Youth Programs Report.

Ms. McCue stated the next Let's Talk would be held August 23 at 6pm. She mentioned the press conference with Congresswoman Lois Frankel would be August 28 regarding the Youth Programs building.

Ms. McCue said the Miami Diaper bank distribution partnership was a success. She also stated the City's 100th Year Celebration was planned for May 2025 - May 2026. She would like to create a thirteen-member committee to start the planning.

Ms. McCue mentioned the City would be starting a Restaurant Spotlight that would highlight one restaurant biweekly on social media.

CITY ATTORNEY'S REPORT

Ms. Goddeau said the Insurance Commissioner ordered companies to review the insurance price change.

MAYOR AND CITY COUNCIL REPORT

Councilmember Tharp thanked Staff regarding the Diaper drive turn out and congratulations to Astro Skate on the grand opening. He also mentioned the Greenacres Bowl for the Florida Sports Hall of Fame fundraising had nice turn out.

Councilmember Diaz congratulated the Greenacres Adult daycare tenth anniversary and Astro Skate grand opening. She also congratulated Ms. McCue regarding her Hometown Hero award from the Florida League of Cities. She thanked Fire Rescue for allowing her the honor of joining the Recruit Walk, as part of the Fire Rescue training program.

Mayor Flores said the League of Cities Conference was very informative and would like to see all of Council attend next year. He suggested adding a previous Councilmember to serve on the 100th year committee.

Mayor Flores asked for Council's consideration to add a discussion item regarding an international walk, or something related to celebrating diversity in the City.

Councilmember Dugo suggested Ms. McCue review previous request for monuments.

ADJOURNMENT

7:47pm.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



CITY COUNCIL SPECIAL MEETING

City of Greenacres, Florida

Monday, August 21, 2023, at 7:58PM

City Hall Council Chambers | 5800 Melaleuca Lane

MINUTES

Mayor and City Council

Joel Flores, Mayor

Peter A. Noble, Deputy Mayor

John Tharp, Councilmember, District I

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Christy Goddeau, City Attorney

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

Mayor Flores called the meeting to order at 7:58pm and Ms. Moorer called the roll.

AGENDA APPROVAL

Motion made by Councilmember Diaz, Seconded by Councilmember Bousquet to approve the agenda.

Voting Yea: Deputy Mayor Noble, Councilmember Tharp, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

REGULAR AGENDA

Fiscal Year 2024 Budget.

1. FY 2024 Budget Review. - Andrea McCue, City Manager.

Ms. McCue stated she was presenting a follow up to the July 17, budget review meeting. She displayed the millage rate comparison based on the proposed 6.3, 6.2 and the rollback of 5.6067. She said the 6.3 which included all rates, figures and staffing would be a positive of \$96,134 and over the reserved amount of 25 percent. Ms. McCue stated the other millage rate would place the City in a deficit of over two million dollars.

She reviewed the projected 2023 forecast as of July mentioning the revenue would be in the good of over \$3.4 million. Expenditures would end positively at \$1.1 million.

Ms. McCue displayed a few samples of pickleball court options. She provided a few ideas for indoor and outdoor courts, a few options for cost rates, staffing, possible revenue and locations.

Most of Council agreed to try out an indoor court option in the Community Center with an undecided rental cost.

The Council agreed on a 6.3 millage rate.

Motion made by Deputy Mayor Noble, Seconded by Councilmember Dugo to agree on a 6.3 millage rate.

Voting Yea: Deputy Mayor Noble, Councilmember Tharp, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Ms. Debra Tendrich, of Eat Better, Live Better asked the City to nominate a school in need of teachers and staff to receive turkeys for the holiday season.

CITY MANAGER'S REPORT

MAYOR AND CITY COUNCIL REPORT

ADJOURNMENT

8:21pm.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



ITEM SUMMARY

MEETING DATE: September 5, 2023

FROM: Monica Powery, Director, Purchasing

SUBJECT: Award of Bid No. 24-001 Landscape Maintenance Services for Facilities & Parks

BACKGROUND

The City of Greenacres desires to hire an experienced and qualified company to provide landscape maintenance services for fourteen (14) City facilities and parks. The bid was advertised by the City's Purchasing Department on July 2, 2023.

ANALYSIS

The proposals were opened on August 7, 2023 with ten (10) bidders responding. The attached tabulation sheet summarized the results received. The lowest quote received was from D.S. Landscaping, Inc., however, they have been deemed non-responsive. Therefore City staff has evaluated the proposals and recommends award to L.V. Superior Landscaping, Inc. as the lowest responsive and responsible bidder.

FINANCIAL INFORMATION

Sufficient funds are budgeted in account 001-40-46-34-4 to provide for award.

LEGAL

The recommendation for award is in accordance with the requirements of City policies and procedures.

STAFF RECOMMENDATION

Approval of Resolution No. 2023-34 authorizing execution of a one-year agreement with the option for three (3) additional one-year renewals for Bid No. 24-001 Landscape Maintenance Services for Facilities & Parks Services to L.V. Superior Landscaping, Inc.

RESOLUTION NO. 2023-34

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES FOR FACILITIES & PARKS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City is in need of landscape maintenance services for fourteen (14)

City facilities and parks; and

WHEREAS, The Purchasing Department issued Invitation to Bid No. 24-001 (the “BID”);

and

WHEREAS, the Director of Purchasing recommends approval of the Agreement; and

WHEREAS, the BID was advertised on the legal notices section of the Palm Beach Post on July 2, 2023, and a notice was also sent to seven hundred eighteen (718) prospective bidders via DemandStar; and

WHEREAS, on August 7, 2023 at 3:00 p.m. EST, the BID closed and the Purchasing Department (the “Department”) received ten (10) responses which were reviewed by the Department to ensure the responses met the BID requirements and the bidders were both responsive and responsible; and

WHEREAS, the Department recommends that the City Council approved award of the BID to L.V. Superior Landscaping, Inc. and authorize the execution of the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The City Council hereby authorizes the Agreement for Landscape Maintenance Services for Facilities & Parks between the City of Greenacres and L.V. Superior Landscaping, Inc.

SECTION 2. The City Council authorizes the appropriate City Officials to execute the

Resolution No. 2023-34 | Landscape Maintenance Services for Facilities & Parks
Page No. 2

Agreement.

SECTION 3. This Resolution shall be effective upon its adoption.

RESOLVED AND ADOPTED this 5 of day of September 2023

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Council Member, *District I*

Voted:
Peter Noble, Deputy Mayor

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: September 5, 2023

FROM: Monica Powery, Director, Purchasing

SUBJECT: Award of Bid No. 24-002 Pressure Cleaning Services

BACKGROUND

The City of Greenacres desires to hire an experienced and qualified company for citywide pressure cleaning services to include, but not limited to, medians, curbs and gutters, sidewalks, roofs, buildings, courts, car stops, and park structures. The bid was advertised by the City's Purchasing Department on July 2, 2023.

ANALYSIS

The proposals were opened on August 2, 2023 with eight (8) bidders responding. The attached tabulation sheet summarized the results received. City staff has evaluated the proposals and recommends award to The Pressure Cleaning Man, Inc. as the lowest responsive and responsible bidder.

FINANCIAL INFORMATION

Funds will be expensed as needed throughout the Fiscal Year. Sufficient funds are budgeted in the Public Works Department.

LEGAL

The recommendation for award is in accordance with the requirements of City policies and procedures.

STAFF RECOMMENDATION

Approval of Resolution No. 2023-35 authorizing execution of a one-year agreement with the option for three (3) additional one-year renewals for Bid No. 24-002 Pressure Cleaning Services to The Pressure Cleaning Man, Inc.

RESOLUTION NO. 2023-35

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A MAINTENANCE SERVICE AGREEMENT FOR PRESSURE CLEANING SERVICES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City is in need of citywide pressure cleaning services; and

WHEREAS, The Purchasing Department issued Invitation to Bid No. 24-002 (the "BID");

and

WHEREAS, the Director of Purchasing recommends approval of the Agreement; and

WHEREAS, the BID was advertised on the legal notices section of the Palm Beach Post on July 2, 2023, and a notice was also sent to two hundred twenty (220) prospective bidders via DemandStar; and

WHEREAS, on August 2, 2023 at 3:00 p.m. EST, the BID closed and the Purchasing Department (the "Department") received eight (8) responses which were reviewed by the Department to ensure the responses met the BID requirements and the bidders were both responsive and responsible; and

WHEREAS, the Department recommends that the City Council approved award of the BID to The Pressure Cleaning Man, Inc. and authorize the execution of the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The City Council hereby authorizes the Agreement for Pressure Cleaning Services between the City of Greenacres and The Pressure Cleaning Man, Inc.

SECTION 2. The City Council authorizes the appropriate City Officials to execute the Agreement.

SECTION 3. This Resolution shall be effective upon its adoption.

RESOLVED AND ADOPTED this 5 of day of September 2023

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Council Member, *District I*

Voted:
Peter Noble, Deputy Mayor

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: September 5, 2023

FROM: Monica Powery, Director, Purchasing

SUBJECT: Award of RFP No. 24-003 HVAC and Ice Machine Services

BACKGROUND

The City of Greenacres desires to hire experienced and qualified companies for a multi-year HVAC (heating, ventilating, and air-conditioning) and ice machine contract to perform repair and installation services as needed at various municipal facilities in the City. The RFP was advertised by the City's Purchasing Department on July 16, 2023.

ANALYSIS

The proposals were opened on August 16, 2023 with three (3) proposers responding. The attached tabulation sheet summarized the responses received.

The Selection Committee was comprised of the following City personnel: Public Facilities Supervisor, Vehicle Maintenance Supervisor, Senior Buyer and the Director of Purchasing as the chair. On August 25, 2023, the Selection Committee held a meeting to discuss, evaluate and rank all the firms. The attached tabulation sheet summarizes the committee's final ranking.

FINANCIAL INFORMATION

Sufficient funds are budgeted within the Public Works Department, Building Division for repairs and maintenance, and in the Capital Improvement Program for those units scheduled to be replaced.

LEGAL

The recommendation for award is in accordance with the requirements of City policies and procedures.

STAFF RECOMMENDATION

Approval of Resolution No. 2023-38 authorizing execution of a one-year agreement with the option for three (3) additional one-year renewals for RFP No. 24-003 HVAC and Ice Machine Services to Hyvac Mechanical Services, Inc.

RESOLUTION NO. 2023-38

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE MAINTENANCE SERVICE AGREEMENT BETWEEN THE CITY OF GREENACRES AND HYVAC MECHANICAL SERVICES, INC. TO PROVIDE HVAC AND ICE MACHINE SERVICES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City is in need of a qualified firms to provide HVAC (heating, ventilating, and air-conditioning) and ice machine repairs and installation as needed at various facilities in the City; and

WHEREAS, The Purchasing Department (the "Department") issued Request for Proposal No. 24-003 (the "RFP"); and

WHEREAS, the RFP was advertised in the legal notices section of the Palm Beach Post on July 16, 2023, and a notice was also sent to eight hundred forty-one (841) prospective proposers via DemandStar; and

WHEREAS, on August 16, 2023 at 3:00 p.m. EST, the RFP closed and the Purchasing Department received three (3) responses which were reviewed by staff to ensure the responses met the RFP requirements. All proposals received were determined to be both responsive and responsible; and

WHEREAS, the Selection Committee (the "Committee") met on August 25, 2023 to discuss and evaluate the firms to determine which would be in the best interest of the City; and

WHEREAS, the Committee recommends that the City Council approve award of the RFP to Hyvac Mechanical Services, Inc. and authorize the execution of the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

Resolution No. 2023-38 | HVAC and Ice Machine Services

Page No. 2

SECTION 1. The City Council hereby authorizes the Award for HVAC and Ice Machine Services to Hyvac Mechanical Services, Inc.

SECTION 2. The City Council authorizes the appropriate City Officials to execute the Agreement.

SECTION 3. This Resolution shall be effective upon its adoption.

RESOLVED AND ADOPTED this 5 of day of September 2023

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Council Member, *District I*

Voted:
Peter Noble, Deputy Mayor

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: September 5, 2023

FROM: Denise Malone, AICP, Development and Neighborhood Services Director

SUBJECT: **Resolution 2023-16, SE-21-03**
River Bridge Center Drive-in/Fast-Food Restaurant Special Exception

BACKGROUND

The applicant is requesting special exception approval for a drive-through/fast food restaurant use in the Commercial Intensive (CI) zoning district. In the Commercial Intensive (CI) Zoning District, a drive-through is permitted subject to special exception approval. The current petition being processed for River Bridge Centre is to construct a 4,680 square foot fast-food restaurant (Chick Fil-A) with a drive-through facility. The proposed restaurant will have access only through the River Bridge Shopping Center.

ANALYSIS

The approximately 27.48-acre site was voluntarily annexed into the City on October 8, 1973. On January 20, 1986, the City Council granted site plan approval to petition SP-85-12, River Bridge Centre. The majority of the site was then developed with a shopping center including a movie theater, a grocery store, a drug store and professional office space. Since that time, there have been 12 site plan approvals and 24 modifications related to River Bridge Centre. The uses have remained the same within that time with the exception of the movie theater converting into a gym in accordance with SP-85-12(X).

The Development Review Committee reviewed this proposal and recommended approval, followed by the Planning and Zoning Board of Appeals which recommended approval by a vote of 5-0 at their meeting on May 11, 2023. On the June 5, 2023 City Council meeting the applicant requested to postpone the Special Exception to a later date to be concurrent with the site plan application request. The City Council continued Special Exception SE-21-03 through Resolution 2023-16 to the September 5, 2023 City Council Meeting.

The proposal has satisfied the Special Exception criteria and findings of fact as indicated in the staff report with six (6) conditions of approval. Specifically, the proposed use will not create a nuisance factor detrimental to the adjacent and nearby properties since it will provide enhanced landscaping, it is compatible with the existing character of this commercial area, the use has been reviewed by staff for automobile, pedestrian, and fire safety, and the proposed use meets all applicable Code requirements and maintains safe and efficient traffic at this site, as reviewed by the City's Traffic Consultant.

FINANCIAL INFORMATION

N/A

LEGAL

Resolution 2023-16 was prepared in accordance with all applicable State statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of SE-21-03 through the adoption of Resolution 2023-16.

RESOLUTION NO. 2023-16

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE PETITION FOR A SPECIAL EXCEPTION TO ALLOW A FAST-FOOD DRIVE THROUGH RESTAURANT IN A COMMERCIAL INTENSIVE (CI) ZONING DISTRICT, LOCATED WITHIN THE RIVER BRIDGE CENTRE ON THE SOUTHWEST CORNER OF FOREST HILL BOULEVARD AND SOUTH JOG ROAD, AS REQUESTED BY THE PETITIONER, ANDREW SAVAGE, AGENT FOR THE OWNER, PUBLIX; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Andrew Savage, Bohler Engineering, hereafter “Petitioner”, as agent for the owner, REAL SUB, LLC has submitted a petition for a Special Exception approval to allow a fast-food drive through restaurant to be located within a Commercial Intensive (CI) zoning district, located at 6714 Forest Hill Blvd, pursuant to Section 16-499, Commercial Intensive (CI) regulations of the Zoning Code; and

WHEREAS, the Petitioner presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Development and Neighborhood Department which, in turn, recommended approval of the Special Exception to allow for a Fast-Food Drive Through Restaurant within a Commercial Intensive (CI) zoning district, with the conditions identified in the Development Review Committee Staff Report and Recommendation, Exhibit “A” dated May 4, 2023, as revised; and

WHEREAS, the Planning and Zoning Board of Appeals reviewed the petition in a public hearing on May 11, 2023, for compliance with the Special Exception Criteria as indicated by the Findings of Fact contained in the Development Review Committee Staff Report and Recommendation and has found that the project is in compliance with said criteria; and

WHEREAS, the Planning and Zoning Board of Appeals made a recommendation on the petition to the City Council for approval; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Special Exception to allow for a Fast-Food Drive Through Restaurant within a Commercial Intensive (CI) zoning district subject to the conditions stipulated in the Development Review Committee Report.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The Petition, (SE-21-03), a Special Exception to allow for a Fast-Food Restaurant within a Commercial Intensive (CI) zoning district, is hereby approved. The special exception approval is for the Chick Fil-A Drive-in/Fast Food Restaurant franchise. Any applicants, successors or assigns shall require a new special exception application for review and approval by the City if the franchise vacates the location. New users shall be required to address the criteria for the special exception.

SECTION 2. The approval of Petition SE-21-03 is subject to all conditions contained in the Development Review Committee Staff Report and Recommendation, Exhibit "A", dated May 4, 2023, as revised (attached).

SECTION 3. All resolutions in conflict herewith are hereby repealed.

SECTION 4. This resolution shall be effective upon its adoption subject to the conditions of Petition SE 21-03 and SP 85-12RR.

RESOLVED AND ADOPTED this 5th of day of September, 2023

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Council Member, *District I*

Voted:
Peter Noble, Deputy Mayor

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: September 5, 2023

FROM: Denise Malone, AICP, Development and Neighborhood Services Director

SUBJECT: **Resolution 2023-17, SP-85-12RR**
River Bridge Center Drive-in/Fast-Food Restaurant Site Plan

BACKGROUND

A request from Andrew Savage, PE of Bohler Engineering, agent for REAL SUB, LLC, for approval of the proposed fast-food restaurant with drive-thru. The site is located within the River Bridge Centre on the southwest corner of the intersection of South Jog Road and Forest Hill Boulevard.

The applicant is requesting approval for a 4,680 square foot fast-food restaurant with drive-thru (Chick Fil-A) on the 27.48-acre River Bridge Centre master site. The development is located adjacent to Forest Hill Boulevard between the developed outparcels for International House of Pancakes and Applebee's Restaurant, and egress and ingress is provided from the River Bridge access points along Forest Hill Boulevard and South Jog Road

The Development Review Committee has reviewed this proposal and recommended approval, followed by the Planning and Zoning Board of Appeals which recommended approval by a vote of 5-0 at their meeting on July 13, 2023. The City Council continued Site Plan SP-85-12RR through Resolution 2023-17 to the September 5, 2023 City Council Meeting.

ANALYSIS

The proposed site and development plan is for a fast-food restaurant with drive-thru facilities. In the Commercial Intensive (CI) Zoning District, a fast-food restaurant is a permitted use and a drive thru is permitted subject to special exception approval. The proposed Chick-Fil-A restaurant will have access only through the River Bridge Shopping center. The restaurant will have one drive-thru lane and a by-pass lane that will be utilized to provide service during peak hour demand.

FINANCIAL INFORMATION

The project shall be required to pay the City's impact fees of \$2.80 per square foot of buildable area per Section 16-201. The amount of **\$13,104** shall be paid at the time of issuance of building construction permits. (PLANNING)

The project shall be required to pay the City's Arts in Public Places (AIPP) public art fee if the

construction value is two hundred fifty thousand dollars (\$250,000) or greater per Section 16-661. If applicable, the public art fee shall be equal to one (1) percent of construction value of the project. Thirty (30) percent or (.03) of the one (1) percent of the public art fee would be due at time of building permit issuance and seventy (70) percent or (.07) of the one (1) percent prior to and as a condition of issuance of the certificate of occupancy that includes the public art. (PLANNING)

LEGAL

Resolution 2023-17 was prepared in accordance with all applicable State statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of SP-85-12 RR through the adoption of Resolution 2023-17.

RESOLUTION NO. 2023-17

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE APPLICATION FOR SITE PLAN APPROVAL TO CONSTRUCT A CHICK-FIL-A FAST FOOD RESTAURANT WITH DRIVE THROUGH IN A COMMERCIAL INTENSIVE (CI) ZONING DISTRICT, LOCATED WITHIN THE RIVER BRIDGE CENTER AT THE SOUTHWEST CORNER OF SOUTH JOG ROAD AND FOREST HILL BOULEVARD, AS REQUESTED BY THE PETITIONER, ANDREW SAVAGE, AGENT FOR THE OWNER, REAL SUB, LLC; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Andrew Savage., hereinafter "Petitioner", as agent for the owner, REAL SUB LLC, has made an application for Site Plan approval for construction of a Chick-Fil-A fast food drive through restaurant within a Commercial Intensive (CI) zoning district, located within the River Bridge Center at the Southwest corner of South Jog Road and Forest Hill Boulevard; and

WHEREAS, the petitioner presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Planning and Engineering Division which, in turn, recommended approval of the Site Plan to allow for construction of a Chick-Fil-A fast food drive through restaurant within the River Bridge Centre with the conditions identified herein; and

WHEREAS, the Planning and Zoning Board of Appeals held a public hearing on July 13, 2023, reviewed the Petitioner's request, and made a recommendation on the petition with a vote of 5 to 0; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Site Plan for construction of a Chick-Fil-A fast food drive through restaurant within a Commercial Intensive (CI) zoning district located within the River Bridge Center, subject to the conditions of approval and staff recommendation at the August 21, 2023 Public Hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The Petition, SP-85-12RR, a Site Plan is hereby APPROVED for construction of a Chick-Fil-A fast food drive through restaurant with drive through within a Commercial Intensive (CI) zoning district located within the River Bridge Center at the Southwest corner of South Jog Road and Forest Hill Boulevard, subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by resolution for real property as follows:

Legal Description

PCN: 18-42-44-10-13-000-0010 and 18-42-44-10-13-000-0030

Parcel 1, River Bridge Centre, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 53, Page 186, said lands situate, lying and being in Palm Beach County, Florida

AND

Parcel 3, River Bridge Centre, according to the plat thereof on file in the office of the Clerk of the Circuit Courts in and for Palm Beach County, Florida recorded in Plat Book 53, Page 186, said lands situate, lying and being in Palm Beach County, Florida

SECTION 2. This approval is subject to the following conditions, which shall be the responsibility of and binding upon the Applicant, its successors, or assigns:

1. The most stringent requirements of Exhibit "A" Development Review Committee Report and Recommendation dated July 7, 2023, and Exhibit "B" Site and Development Plans date stamped June 20, 2023, including the following shall apply:
 - a. Overall Site Plan prepared by Bohler and dated May 24, 2023 (Sheet C-4).

Resolution No. 2023-17 | SP-85-12RR Chick-Fil-A

Page No. 3

- b. Landscaping Plans prepared by Bohler and dated May 1, 2023 (C-701 through C-709)
 - c. Architectural Plans prepared by Chick-fil-A and dated March 31, 2023 and May 10, 2023 (A-201 (May 10, 2023) and A-301 (March 31, 2023))
 - d. Paving, Grading and Drainage Plans prepared by Bohler and dated May 1, 2023 (C-401 through C-402, C-501, C- 601, C-602, and C-901 through C-913)
 - e. Site Layout Plans and Photometric prepared by Bohler and dated May 1, 2023 (C-101 through C-103, C-201, C-301 through C-303)
 - f. Survey prepared by Brown and Phillips, Inc. and dated January 14, 2021 (Sheets 1 and 2)
2. The site shall be developed in accordance with the approved Special Exception (SE 21-03) (PLANNING)
3. Permits from the South Florida Water Management District and Lake Worth Drainage District for the stormwater management system must be obtained prior to the issuance of building permits (ENGINEERING)
4. Permits from the Health Department for the water and sewer system must be obtained prior to the issuance of building permits if the shopping center's water and sewer systems were not designed to accommodate the outparcel. (ENGINEERING)
5. Complete drainage calculations addressing water quality and quantity in accordance with the requirements of the S.F.W.M.D. must be submitted for review along with complete paving, drainage, water, and sewer construction plans prior to the issuance of building permits. (ENGINEERING)
6. All utilities shall be provided underground. (ENGINEERING)
7. The project shall participate in the City Tree Dedication Program; one (1) tree to be donated per 1,000 sq. ft. of building area or a fraction thereof, therefore **five (5)** Live Oaks or equivalent cash payment shall be donated to the City subject to the following specification: Live Oak, Florida Grade #1 Container Grown; minimum 12 ft. high; 2-inch diameter trunk at 4 ft., and 5 ft. spread. (PLANNING)
8. The project shall be required to pay the City's impact fees of \$2.80 per square foot of buildable area per Section 16-201. The amount of **\$13,104** shall be paid at the time of issuance of building construction permits. (PLANNING)
9. The building shall be required to be protected with automatic fire detection and alarm systems in accordance with standard seventy-two of the NFPA. The systems shall be monitored by an approved central station. (FIRE)
10. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (PLANNING)

11. A bicycle rack accommodating a minimum of 5 bikes is required on site. Current site plan has it located on the south side of the building. (PLANNING)
12. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate the protection of existing trees to remain. Additions to the landscaping plan may be necessary to meet Code requirements if the existing material to remain is unsuitable for buffer purposes. (PLANNING)
13. Other than the approved menu board speaker at the Drive-In/Fast Food Restaurant drive-thru, no outdoor speakers shall be permitted. (PLANNING)
14. Outdoor storage of materials and equipment (i.e., merchandise, pallets, etc....) is prohibited. (PLANNING)
15. All existing trees shown to remain on the approved landscape plans shall be maintained in perpetuity. In the event they should die, they shall be replaced with like species of a size and quantity in accord with the tree credits in table 16-1271 of the City of Greenacres Code. (PLANNING)
16. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the build-out date of December 31, 2024 unless a revised traffic study with a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (PLANNING)
17. All roof top mechanical equipment shall be screened on all four sides consistent with the architecture of the building; no equipment shall be taller than the proposed screening. All ground mounted equipment (air conditioning, backflow preventor, etc....) shall be screened on all four sides; no equipment shall be taller than the proposed screening. (PLANNING)
18. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres." (PLANNING)
19. If required, the site plan shall be revised to reflect all conditions of approval and re-submitted prior to the issuance of building permits. (PLANNING)
20. A Certificate of Occupancy shall be issued only after compliance with all conditions of approval. (BUILDING)
21. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or the certificate of occupancy. (PLANNING)
22. The applicant shall be required to maintain a traffic management plan to address peak service hour queuing within the plaza site. Negative impacts to the plaza will need to be

addressed by the property management staff. Queuing shall not be permitted to block any access points of ingress or egress for the plaza. The management plan shall include planning for emergency events when the by-pass lane is being used for queuing. (PLANNING)

SECTION 3. This resolution shall be effective upon its adoption.

[The remainder of this page intentionally left blank.]

RESOLVED AND ADOPTED this 5th of day of September 2023

Voted:

Joel Flores, Mayor

John Tharp, Council Member, *District I*

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Deputy Mayor

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

SP-85-12RR (Resolution 2023-17)
Exhibit "A"
Date: July 7, 2023

Revise: 07/13/2023



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Resolution 2023-17: SP-85-12RR River Bridge Centre Fast Food Drive-Thru Restaurant

Consideration of Approval: A request from Andrew Savage, PE of Bohler Engineering, agent for REAL SUB, LLC, for approval of the proposed fast-food restaurant with drive-thru. The project consists of 4,680 square foot restaurant (Chick Fil-A) with one drive-thru lane and a by-pass lane that will be utilized to provide service during peak hour demand. The site is located within the River Bridge Centre on the southwest corner of the intersection of South Jog Road and Forest Hill Boulevard.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☐ Legislative

☐ Public Hearing

Originating Department:

Planning & Engineering

Project Manager

Kara Irwin-Ferris, AICP

Reviewed By:

Director of Development and Neighborhood Services

Denise Malone, AICP

Approved By:

City Manager

Andrea McCue

Public Notice:

☐ Required
☒ Not Required

Dates:

Paper:

Mailing

☐ Required
☒ Not Required

Notice Distance:

Attachments:

- Survey
- Development and Site Plans
- Aerial Map
- Resolution 2023-17

City Council Action:

☐ Approval

☐ Approve with Conditions

☐ Denial

☐ Continued to: _____

I. Executive Summary

The applicant is requesting approval for a 4,680 square foot Chick Fil-A restaurant with drive-thru on the 27.48-acre River Bridge Centre master site. The development is located adjacent to Forest Hill Boulevard between the developed outparcels for International House of Pancakes and Applebee's Restaurant, and egress and ingress is provided from the River Bridge access points along Forest Hill Boulevard and South Jog Road. A concurrent petition for a Special Exception (SE-21-03) for a drive-thru is being processed.

II. Site Data:

Existing Land Use:	Vacant
Proposed Land Use:	Fast-food restaurant with drive through facilities
Parcel Id:	18-42-44-10-13-000-0010
Parcel Size:	1,197,034.2 square feet (27.48 acres)
Future Land Use Designation:	Commercial (CM)
Existing Zoning:	Commercial Intensive (CI)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Olive Tree PUD Woodlakes Plaza	Residential(RS-MD) Commercial (CM)	Residential Medium (RM-2) Commercial Intensive (CI)
<i>South</i>	River Bridge Center	Commercial (CM)	Commercial Intensive (CI)
<i>East</i>	Applebee's Grill and Bar	Commercial (CM)	Commercial Intensive (CI)
<i>West</i>	IHOP	Commercial (CM)	Commercial Intensive (CI)

III. Annexation/Zoning History:

The approximately 27.48-acre site was voluntarily annexed into the City on October 8, 1973. On January 20, 1986, the City Council granted site plan approval to petition SP-85-12, River Bridge Centre. Most of the site was then developed with a shopping center including a movie theater, a grocery store, a drug store, and professional office space. Since that time, there have been 12 site plan approvals and 24 modifications related to River Bridge Centre. The uses have remained the same within that time except for the movie theater converting into a gym in accordance with SP-85-12(X). The current petition being processed for River Bridge Centre is to construct a 4,680 square foot fast-food restaurant with a drive through facility. In the Commercial Intensive (CI) Zoning District, a fast-food restaurant is a permitted use and a drive-thru is permitted subject to special exception approval. The proposed Chick-Fil-A restaurant will have access only through the River Bridge Shopping Center.

IV. Applicable City Code Provisions:

Sec. 16-196 through 16-202 pertaining to site and development plans.
 Sec. 16-496 through 16-520 pertaining to the CI District.
 Sec. 16-1241 through 16-1330 pertaining to landscaping.
 Sec. 16-1331 through 16-1335 pertaining to off-street parking.
 Sec. 16-698 pertaining to access for commercial uses.

V. Summary Of Proposed Site and Development Plan Details:

Plan Details: The petitioner's site and development plan (stamp-dated June 20, 2023) depict the following:

1. Total land area of 1,197,034.2 sq. ft. (27.48 acres) for the plaza.
2. The removal of 93 parking spaces and two terminal landscape islands.
3. A total proposed building floor area of 231,952 sq. ft. (including 4,680 sq. fast food restaurant expansion)
4. A total of 1345 parking spaces and 43 handicapped spaces. A total of 490 parking spaces for the Outparcels and 19 handicapped parking spaces. Overall, the parking for the plaza will be reduced by seventy-four (74) spaces, but the parcel is still overparked by 185 spaces.
5. One vehicular ingress/ egress access points to Forest Hill Blvd, two access points to Jog Road, and one access to River Bridge Boulevard. The Chick Fil-A restaurant will only have access via the internal accessways within the plaza.
6. Dumpster and recycling area with masonry wall enclosure and opaque gates.
7. Landscaping Plan.
8. Conceptual Engineering Plan.
9. Building Plans and Elevations.
10. Boundary Survey.

Table 2: Proposed Site Data:			
Area:	Square Footage:	Acreage:	Percentage:
Existing Building Floor Area	227,272 sq. ft.	5.22	18.99 %
Proposed Expansion	4,680 sq. ft.	0.107	0.0039 %
Existing Site Landscape Area	164,897 sq. ft.	3.78	13.77 %
<i>Total Proposed Landscape Area</i>	170,771 sq. ft.	3.92	14.27 %
<i>Total Proposed Building Floor Area</i>	231,952 sq. ft.	5.327	0.194 FAR

VI. Staff Analysis:

The proposed site and development plan is for a Chick-Fil-A fast food restaurant with drive-thru facilities. In the Commercial Intensive (CI) Zoning District, a drive thru is permitted subject to special exception approval. The proposed Chick-Fil-A restaurant will have access only through the River Bridge Shopping center. The Development Review Committee reviewed the Site and

Development Plans on October 13 and 20, 2022.

Development Review Committee Comments:

Fire Department:	Incorporated into the staff report.
Building Division:	No comments.
Planning Division:	Incorporated into the staff report.
PBSO District 16.:	No comments.
Public Works Dept.:	No comments
CRS Department:	No comments
Traffic/Engineering:	Incorporated into the staff report

Outside Agencies

PBC Traffic Div.:	Project's traffic is vested from original approval.
PBC Water Utilities:	Water and sewer available.
LWDD:	Project will be permitted to discharge into its system.
Palm Tram:	Project will have no adverse affect.

Standards And Staff Findings

- | | | |
|----|-------------------------------|---|
| 1. | Minimum Lot Requirements: | Site area of 27.479 acres meets the minimum site area of 2 acres minimum Lot width of 1,666.639 feet exceeds the minimum width of 200 feet. |
| 2. | Maximum Lot Coverage: | Building coverage of 18.99% does not exceed the maximum of 30%. |
| 3. | Minimum Yard Requirements: | Building setbacks meet all yard requirements of 50' front, 25' side corner, 20' side interior and 30' rear. |
| 4. | Height Restrictions: | The 1-story building height of 20'4.5" does not exceed the allowable 35'. |
| 5. | Off-Street Parking & Loading: | The 1345 parking spaces for the master site, including 43 handicapped parking spaces exceeds the 1160 required parking spaces. The proposed Chick Fil-A will remove 93 spaces and add 19 parking spaces near the restaurant including two (2) handicapped parking spaces. |
| 6. | Landscaping: | The landscaping plan complies with the landscape code requirements. |
| 7. | Sign Regulations: | Signage requirements will be reviewed during |

Building Permits process.

8. Utilities: The proposed water, sanitary, sewer and drainage systems **will meet** code requirements subject to final permitting.
9. Concurrency Considerations: Project traffic **meets** traffic concurrency per the Palm Beach County traffic concurrency letter and City traffic consultant analysis. Water and Sewer service and capacities are available to serve the site.
10. Comp Plan Considerations: The proposed development is **consistent** with the land use classification of Commercial (CM).
11. Color Scheme The colors of the building shall be white, brushed pewter, and mineral deposit, which are shades of white and gray. The roof metal coping shall be mineral deposit and the storefront shall be clear anodized aluminum.

VII. Issues:

Site Circulation and Queuing

The applicant has requested a concurrent application for the special exception approval (SE-21-03) of a drive-thru facility for the proposed fast-food restaurant. The code requires a by-pass lane for one-way traffic flow patterns. The site is proposing a one-way drive pattern, so the drive-thru includes a by-pass lane. The applicant is proposing to utilize the by-pass land for additional car queuing during peak service hours in order to provide additional storage on site. The code does not require a management plan for drive-thru facilities, but the proposed user does consistently manage the demand for their products effectively on other sites throughout the County and State, and has agreed to do the same for this site.

The applicant's proposed development has been reviewed by and granted traffic concurrency by Palm Beach County Traffic division. The City's Traffic Consultant has reviewed the request for concurrency and the impacts on local roads as well. The applicant has addressed the concerns of the City's Traffic Engineer relative to the signalized intersection at River Bridge Boulevard and possible impacts.

In addition, the applicant has studied the car storage demand from other sites in the area during peak demand hours and has provided the data to the City for review. The applicant has provided 16 queuing storage spaces in the drive-thru lanes from the entrance to the take-out window, which is more spaces than is required to meet the demand studied at other locations in the County. The site is located interior to the plaza and additional queuing can utilize internal drive aisles and will not impact the ingress/egress points in the plaza or adjacent roadways. Staff has included

conditions of approval requiring the applicant to address problems with the management of the demand, as well as addressing issues that arise from utilization of the by-pass lane during peak demand. The applicant has agreed to the conditions of approval.

VIII. Staff Recommendation:

Based on the preceding analysis, the Development Review Committee recommends approval of SP-85-12RR for a Chick-Fil-A fast food restaurant with drive-thru facilities with the following conditions:

1. The most stringent requirements of Exhibit "A" Development Review Committee Report and Recommendation dated July 6, 2023, and Exhibit "B" Site and Development Plans including the following shall apply:
 - a. Landscaping Plans prepared by Bohler and stamp-dated May 1, 2023 (C-701-C-709)
 - b. Architectural Plans prepared by Chick-fil-A and stamp-dated September 19, 2022 (A-201 and A-301)
 - c. Paving, Grading and Drainage Plans prepared by Bohler and stamp-dated June 20, 2023 (C-401)
 - d. Site Plan prepared by Bohler and stamp-dated June 20, 2023 (C-101-C-103, C-201, C-301-C-303,
 - e. Survey prepared by Brown and Phillips, Inc. and stamp dated September 19, 2022 (PLANNING-ZONING)
2. The site shall be developed in accordance with the approved Special Exception (SE 21-03) (PLANNING)
3. Permits from the South Florida Water Management District and Lake Worth Drainage District for the stormwater management system must be obtained prior to the issuance of building permits (ENGINEERING)
4. Permits from the Health Department for the water and sewer system must be obtained prior to the issuance of building permits if the shopping center's water and sewer systems were not designed to accommodate the outparcel. (ENGINEERING)
5. Complete drainage calculations addressing water quality and quantity in accordance with the requirements of the S.F.W.M.D. must be submitted for review along with complete paving, drainage, water, and sewer construction plans prior to the issuance of building permits. (ENGINEERING)
6. All utilities shall be provided underground. (ENGINEERING)
7. The project shall participate in the City Tree Dedication Program; one (1) tree to be donated per 1,000 sq. ft. of building area or a fraction thereof, therefore **five (5)** Live Oaks or equivalent cash payment shall be donated to the City subject to the following specification: Live Oak, Florida Grade #1 Container Grown; minimum 12 ft. high; 2-inch diameter trunk

at 4 ft., and 5 ft. spread. (PLANNING)

8. The project shall be required to pay the City's impact fees of \$2.80 per square foot of buildable area per Section 16-201. The amount of **\$13,104** shall be paid at the time of issuance of building construction permits. (PLANNING)
9. The project shall be required to pay the City's Arts in Public Places (AIPP) public art fee if the construction value is two hundred fifty thousand dollars (\$250,000) or greater per Section 16-661. If applicable, the public art fee shall be equal to one (1) percent of construction value of the project. Thirty (30) percent or (.03) of the one (1) percent of the public art fee would be due at time of building permit issuance and seventy (70) percent or (.07) of the one (1) percent prior to and as a condition of issuance of the certificate of occupancy that includes the public art. (PLANNING)
10. The building shall be required to be protected with automatic fire detection and alarm systems in accordance with standard 72 of the NFPA. The systems shall be monitored by an approved central station. (FIRE)
11. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (PLANNING)
12. A bicycle rack accommodating a minimum of 5 bikes is required on site. Current site plan has it located on the south side of the building. (PLANNING)
13. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate protection of existing trees to remain. Additions to the landscaping plan may be necessary to meet Code requirements if existing material to remain is unsuitable for buffer purposes. (PLANNING)
14. Other than the approved menu board speaker at the Drive-In/Fast Food Restaurant drive-thru, no outdoor speakers shall be permitted. (PLANNING)
15. Outdoor storage of materials and equipment (i.e., merchandise, pallets, etc....) is prohibited. (PLANNING)
16. All existing trees shown to remain on the approved landscape plans shall be maintained in perpetuity. In the event they should die, they shall be replaced with like species of a size and quantity in accord with the tree credits in table 16-1271 of the City of Greenacres Code. (PLANNING)
17. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the build-out date of December 31, 2024 unless a revised traffic study with a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (PLANNING)

18. All roof top mechanical equipment shall be screened on all four sides consistent with the architecture of the building; no equipment shall be taller than the proposed screening. All ground mounted equipment (air conditioning, backflow preventor, etc....) shall be screened on all four sides; no equipment shall be taller than the proposed screening. (PLANNING)
19. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the “City of Greenacres”. (PLANNING)
20. The site plan shall be revised to reflect all conditions of approval and re-submitted prior to the issuance of building permits. (PLANNING)
21. A Certificate of Occupancy shall be issued only after compliance with all conditions of approval. (BUILDING)
22. Non-compliance with any of the conditions of approvals will result in withholding of the issuance of building permits or the certificate of occupancy. (PLANNING)
23. The applicant shall be required to maintain a traffic management plan to address peak service hour queuing within the plaza site. Negative impacts to the plaza will need to be addressed by the property management staff. Queuing shall not be permitted to block any access points of ingress or egress for the plaza. The management plan shall include planning for emergency events when the by-pass lane is being used for queuing. (PLANNING)

**PLANNING AND ZONING BOARD OF APPEALS RECOMMENDATION –
July 13, 2023**

The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Litowsky, voting five (5) to zero (0), *recommended approval* of Site Plan **SP-85-12RR**, as presented by staff.

GREENACRES CITY COUNCIL ACTION – August 21, 2023



ITEM SUMMARY

MEETING DATE: August 21, 2023

FROM: Andrea McCue, City Manager, Administration

SUBJECT: PBC WUD Wastewater Special Assessment – Walker Avenue

BACKGROUND

The City received a letter from PBC WUD advising that the residents within the area of 10th Ave N and west of Haverhill Road, along Walker Avenue have submitted a petition requesting PBC WUD for wastewater services.

ANALYSIS

For the County to proceed with a special assessment within the boundaries of the City, the City must first adopt an ordinance granting authorization to the County to undertake the improvement project. 50% +1 of the residents must approve the special assessment for the project to move forward.

The City is planning for a phased septic to sewer project in the Original Section that would include Walker Avenue in one of the phases. Walker Avenue is not included in Phase I of the project.

The Ordinance was approved on first reading on August 21, 2023.

FINANCIAL INFORMATION

Costs associated would be funded by special assessments as determined by Palm Beach County and payable by the property owners within the improvement area.

LEGAL

City Attorney has reviewed the item and all supporting documents for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2023-09.

ORDINANCE NO. 2023-09

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 15 UTILITIES TO INCLUDE AN ADDITIONAL ARTICLE FOR EXPANSION OF PALM BEACH COUNTY'S WASTEWATER SYSTEM WITHIN THE CITY OF GREENACRES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres (the "City") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Palm Beach County has proposed expanding its wastewater utility system to real property within the City's municipal boundaries generally located south of 10th Avenue North and west of Haverhill Road, along Walker Avenue; and

WHEREAS, the Wastewater Expansion shall be paid for by the benefitted real property owners through a special assessment to be assessed by Palm Beach County; and

WHEREAS, in accordance with Section 27-155 of the Palm Beach County Code of Ordinances, the City must pass an ordinance to request the Wastewater Expansion within the City's municipal boundaries, authorize Palm Beach County to be the service provider for said Expansion, and authorize Palm Beach County to fund said Expansion by special assessment; and

WHEREAS, due to the benefits obtained from utilizing wastewater systems, the City Council desires Palm Beach County to undertake the Wastewater Expansion, be the service provider for said Expansion, and to fund said Expansion by special assessment; and

WHEREAS, the City Council hereby finds that this Ordinance serves a public purpose and is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. Findings. The foregoing recitals are hereby ratified and conformed as being true and correct and are hereby incorporated as findings of the City Council of the legislative intent of this ordinance.

Section 2. Chapter 15 Utilities of the City of Greenacres Code of Ordinances is hereby amended to add thereto a new Article IV Wastewater to read as follows (added language is underlined):

ARTICLE IV. - WASTEWATER

DIVISION 1. – GENERALLY

Secs. 15-81 - 15- 90- Reserved.

DIVISION 2. IMPROVEMENTS

Sec. 15-91. Authorization.

Palm Beach County is authorized to undertake wastewater improvement projects and to be the service provider for wastewater utilities within the boundaries of the City, as more specifically set forth in this Division.

Sec. 15-92. Assessments.

Projects undertaken pursuant to this Division may be funded by special assessments as determined by Palm Beach County and payable by the property owners within the improvement area, consistent with the Palm Beach County Code of Ordinances.

Sec. 15-94. Assistance.

In furtherance of the Projects identified in this Division, the City may provide financial or technical assistance. Any assistance to be provided by the City will be included in the Project details in Section 15-95.

Sec. 15-95. Projects.

Palm Beach County may undertake projects pursuant to this Division as identified in this Section.

(a) In the area south of 10th Avenue North, west of Haverhill Road, along Walker Avenue, Palm Beach County is authorized to expand its wastewater system to include:

- 1) Installation of gravity sewer mains, manholes, service laterals, and related facilities.
- 2) If requested by Palm Beach County and approved by the City Manager or designee, technical assistance may be provided by the City to Palm Beach County. Other assistance may be authorized if requested by Palm Beach County and approved by Resolution of the City Council.

Section 3. Repeal of Conflicting Ordinances. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group or persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Inclusion in Code. It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Greenacres; that the section(s) of this Ordinance may be

renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “section”, “article” or another word.

Section 6. Effective Date. This Ordinance shall take effect upon adoption.

Passed on the first reading this 21st day of August 2023.

PASSED AND ADOPTED on the second reading this 5th day of September 2023.

Voted

Joel Flores
Mayor

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John Tharp
Council Member, District I

Attest:

Quintella Moorer, CMC
City Clerk

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Peter A. Noble
Deputy Mayor

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Judith Dugo
Council Member, District III

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Susy Diaz
Council Member, District IV

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Paula Bousquet
Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia
City Attorney