



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, October 07, 2024 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

AGENDA

Mayor and City Council

Chuck Shaw, Mayor

Judith Dugo, Deputy Mayor

John Tharp, Councilmember, District I

Peter Noble, Councilmember District II

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Christy Goddeau, City Attorney

Glen J. Torcivia, City Attorney

Tanya Earley, 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

SPECIAL BUSINESS

1. **Proclamation:** Breast Cancer Awareness Month, October 2024 - Liliana Herrera, Morse Life Health Systems.
2. **Proclamation:** Fire Prevention Week, October 6 - 12, 2024. - Chief Brian Fuller, Fire Rescue.
3. **Proclamation:** National Community Planning Month, October 2024 - Denise Malone, Director of DNS and Staff.

CONSENT AGENDA

4. **Official City Council Meeting Minutes:** City Council Budget Hearing Meeting, September 16, 2024. - Quintella Moorer, City Clerk.
5. **Resolution 2024-48:** Approve and adopt the 2024 revised Palm Beach County Local Mitigation Strategy Plan; providing for the pursuit of funding and implementation; providing for support of the Local Mitigation Strategy Process; providing for transmittal to Palm Beach County; and providing for an effective date. - Carlos Cedeno, Director of Public Works.
6. **Resolution 2024-49:** Approving the termination agreement with Tyler Technologies, Inc., for the Energov (EPL) Agreement; authorizing the same be executed and for other purposes; and providing for an effective date. - Christy Goddeau, City Attorney.

- 7. Resolution 2024-57:** Approving the Maintenance Service Agreement between the City of Greenacres and WSA Systems Boca LLC to monitor, inspect and provide maintenance to the City's fire/burglar alarm and fire sprinkler systems; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.

REGULAR AGENDA

- 8. PUBLIC HEARING: Ordinance 2024-22: Second Reading:** Amending the Future Land Use Map of the Future Land Use Element of the City's Comprehensive Plan, to change the future land use designation of two parcels of land totaling approximately 6.56 acres, located at 6240 Dodd Road and adjacent vacant parcel to the south from a Residential Medium Density (RS-RM) and Commercial (CM) Future Land Use designations to a Residential High Density (RS-RH) Future Land Use designation as requested by J Morton Planning/Landscape Architecture, agent for the owners, Morija Evangelical Alliance Church Inc. of Delray and Lake Wellington Professional Center; providing for repeal of conflicting ordinances, severability, transmittal, inclusion in the Comprehensive Plan; and an effective date. - Gianni Gallier, Senior Planner.
- 9. PUBLIC HEARING: Ordinance 2024-23: Second Reading:** Approving an official zoning map amendment for two parcels of land totaling approximately 6.56 acres, located at 6240 Dodd Road and adjacent vacant parcel to the south from Residential Medium-2 (RM-2) (7 units per acre) and Commercial General (CG) zoning districts to a Residential High (RH) zoning district, as requested by the petitioner, JMorton Planning/Landscape Architecture, agent for the owners, Morija Evangelical Alliance Church Inc. of Delray and Lake Wellington Professional Center Inc.; providing for changes to the official zoning map, repeal of conflicting ordinances, severability; and providing for an effective date. - Gianni Gallier, Senior Planner.
- 10. PUBLIC HEARING: Ordinance 2024-26: Second Reading:** Amending Chapter 10, Personnel, Article 4, Retirement, Pensions and other Employee Benefit Programs, Division 3, Retirement Systems Authorized by Section 10-148 entitles "Public Safety Officers and Firefighters Retirement Plan and Trust"; amending the City of Greenacres Public Safety Officers and Firefighters' Retirement Plan and Trust Defined Benefit Plan and Trust Adoption Agreement to implement a change to the process for the crediting and earnings on the shared accounts; providing for repeal of conflicting ordinances; providing for inclusion in the Code; providing for severability; and providing for an effective date. - Andrea McCue, City Manager.
- 11. Ordinance 2024-27: First Reading:** Amending Chapter 10, Personnel, Article 4, Retirement, Pensions and other Employee Benefit Programs, Division 3, Retirement Systems authorized, Section 10-148 entitled "Public Safety Officers and Firefighters Retirement Plan and Trust"; amending the Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement to extend the Deferred Retirement Option Program to eight years for all members; providing for repeal of conflicting ordinances, providing for inclusion in the Code; providing for severability; and providing for an effective date. - Andrea McCue, City Manager.
- 12. Resolution 2024-56:** Approving the agreement between the City of Greenacres and Kaufman Lynn Construction, Inc. for the new ground up, Category 5 hurricane- resistant facility to house the City's Emergency Operations Center (EOC) and full-time Operations Staff located directly adjacent to the east side of the current Public Works site at 5750

Melaleuca Lane, Greenacres, Florida 33463; authorizing the appropriate City Officials to execute the agreement; providing for effective date. - Monica Powery, Director of Purchasing.

DISCUSSION ITEM

13. Read for the record. - Mayor Chuck Shaw.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

MAYOR AND CITY COUNCIL REPORT

ADJOURNMENT

City Council Future Meetings

October 21, 2024.

November 4, 2024.

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.



CITY COUNCIL BUDGET HEARING MEETING

City of Greenacres, Florida

Monday, September 16, 2024, at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

MINUTES

Mayor and City Council

Chuck Shaw, Mayor

Judith Dugo, Deputy Mayor

John Tharp, Councilmember, District I

Peter Noble, Councilmember District II

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Christy Goddeau, City Attorney

Glen J. Torcivia, City Attorney

Tanya Earley, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

Mayor Shaw called the meeting to order at 6PM and all Council were present. City Clerk Moorer called the Roll.

PLEDGE OF ALLEGIANCE

A moment of silence was taken for the loss of Mayor Fred Pintos of Royal Palm Beach.

AGENDA APPROVAL

Motion made by Deputy Mayor Dugo, Seconded by Councilmember Bousquet to approve with the removal of Agenda Item 20.

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

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

Second Budget Hearing - Fiscal Year 2025 Proposed Budget

- PUBLIC HEARING: Ordinance 2024-24: Second 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, 2024; providing for repeal of conflicting ordinances, severability, and an effective date. - Andrea McCue, City Manager and Teri Beiriger, Director of Finance.

Ms. Moorer read Ordinance 2024-24 by title.

Ms. McCue thanked the Council, Ms. Beiriger and Staff for their contribution to the budget process. Ms. McCue read Florida State Statue Chapter 200.065 into the record per requirement. Ms. McCue said the taxable valuation and ad valorem tax levy was over \$200 million. She mentioned the millage rate was 6.3.

She highlighted the comments from the First Reading and stated no changes had occurred since the First Reading.

Staff recommended approval.

Motion made by Councilmember Noble, Seconded by Councilmember Tharp to approve Ordinance 2024-24 on Second Reading.

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

- 2. PUBLIC HEARING: Ordinance 2024-25: Second Reading:** Adopting an operating budget for the fiscal year beginning October 1, 2024, and ending September 1, 2025; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Andrea McCue, City Manager and Teri Beiriger, Director of Finance.

Ms. Moorer read Ordinance 2024-25 by title.

Ms. McCue stated the ordinance would adopt over \$58 million for the 2025 operating budget and no changes had occurred since the First Reading.

Staff recommended approval.

Motion made by Councilmember Diaz, Seconded by Councilmember Bousquet to approve Ordinance 2024-25 on Second Reading.

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

SPECIAL BUSINESS

- 3. Presentation:** City Branding, Sam Preston, Senior Director, Project Leadership, North Star Place Branding + Marketing.

Mr. Preston mentioned the branding needed to incorporate history, reflect on vision, create a professional look and provide residents and businesses with a glimpse of the city. He provided some samples of great branding such as Nike, Disney and Amazon.

Mr. Preston continued to touch base on branding styles, the impact, the approach and certain models to follow. He mentioned they would be hosting various focus groups, to include residents and key stakeholders. Once data was collected, they would provide insight, development and implementation.

Mr. Preston provided some examples of a project from Sun Prairie with various items such as letterhead, momentum, marketing material and fleet vehicles.

- 4. Presentation:** Roper Residential Lock Box Program. - Chief Brian Fuller, Fire Rescue.

Chief Fuller presented the Residential Lock Box Program. He stated the program was designed for secure method for emergency access and was alone provided to the Fire Rescue Department and was not shared with other entities.

Chief Fuller explained how the program worked with cost and access permissions. The program was a private company and Fire Rescue does not receive any funding. The Fire Department would help install the locks.

Councilmember Diaz asked how residents would find out about the program. Chief Fuller mentioned information would be listed on social media and mail via the City's Newsletter.

- 5. Proclamation:** Information Technology Professional's Day, September 17, 2024, and National Cybersecurity Awareness Month, October 2024. - Georges Bayard, Director of Information Technology.

Deputy Mayor Dugo read the proclamation by title.

Mr. Bayard thanked the Council and Ms. McCue. He also stated he was proud of his Team and their dedication to the City.

Photos were taken.

CONSENT AGENDA

- 6. Official Council Meeting Minutes:** City Council Special Meeting/Budget Hearing Minutes, September 3, 2024. - Quintella L. Moorer, City Clerk.
- 7. Resolution 2024-47:** Approving addendum eleven (11) to the Law Enforcement Services Agreement (LESA) with the Palm Beach County Sheriff's Office (PBSO), providing for an effective date. - Andrea McCue, City Manager.
- 8. Resolution 2024-50:** Authorizing budget adjustments within the Fiscal Year 2024 total operating budget. - Teri Beiriger, Director of Finance.
- 9. Resolution 2024-51:** Adopting a Capital Improvements Program for Fiscal Years 2025-2030. - Teri Beiriger, Director of Finance.
- 10. Resolution 2024-52:** Providing for automatic amendment for the Fiscal Year 2025 budget to reflect outstanding encumbered orders of Fiscal Year 2024; providing that the cost of those expenditures were to be paid from funds carried forward from Fiscal Year 2024. - Teri Beiriger, Director of Finance.
- 11. Resolution 2024-53:** Authorizing Staff actions to procure those items approved in the Fiscal Year 2025 Budget. - Teri Beiriger, Director of Finance.
- 12. Resolution 2024-54:** Approving the agreement between the City of Greenacres and Khan Builders, Inc., to renovate one (1) men's restroom, one (1) women's restroom, and one (1) ADA compliant unisex restroom at the WIC Center located at 5985 10th Avenue, Greenacres, FL 33463; authorizing the appropriate City Officials to execute the agreement; and providing for an effective date. - Monica Powery, Director of Purchasing.
- Motion made by Deputy Mayor Dugo, Seconded by Councilmember Diaz to approve the Consent Agenda.
- Voting Yea: Deputy Mayor Dugo, Councilmember Noble, Councilmember Tharp, Councilmember Diaz, and Councilmember Bousquet.

REGULAR AGENDA

- 13. PUBLIC HEARING: Ordinance 2024-20: Second Reading:** Amending the defined contribution retirement plan for the general employees of the City of Greenacres, providing for conflicting ordinances and providing an effective date. - Teri Beiriger, Director of Finance.

Ms. Moorer read Ordinance 2024-20 by title.

Ms. Beiriger stated no changes had taken place since the First Reading on September 3.

Staff recommended approval.

Motion made by Councilmember Tharp, Seconded by Councilmember Bousquet to approve Ordinance 2024-20 on Second Reading.

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

14. PUBLIC HEARING: Ordinance 2024-22: First Reading: Amending the Future Land Use Map of the future land use element of the City's Comprehensive Plan, to change the future land use designation of two parcels of land totaling approximately 6.56 acres, located at 6240 Dodd Road and adjacent vacant parcel from a City of Greenacres designation Residential Medium Density (RS-RM) and Commercial (CM) to a City of Greenacres designation of Residential High Density (RS-RH) as requested by J Morton Planning/Landscape Architecture, agent for the owners, Morija Evangelical Alliance Church Inc. of Delray and Lake Wellington Professional Center; providing for repeal of conflicting ordinances, severability, transmittal, inclusion in the Comprehensive Plan; and an effective date. - Gionni Gallier, Senior Planner.

Ms. Moorer read Ordinance 2024-22 by title.

Mr. Gallier stated the ordinances' proposed request was to amend the future land use and rezoning map of the City's Comprehensive Plan at Dodd Road to a Residential high density use for a townhouse development, Astoria Towns and the rezoning use to change to a Residential high district. He stated the change was necessary for development. Mr. Gallier stated the use was consistent with the City's goals and objectives. There were no traffic concerns, and the project met all requirements.

Staff recommended approval.

Mr. Alex Arnold of J. Morton requested approval of future land use and rezoning to build Astoria Towns, a town home community of 6.56 acres. The proposal included sixty two-story townhomes. Mr. Arnold stated he spoke with some residents adjacent to the area and most residents wanted more detailed information on the proposed project. The biggest issue was with Mr. Chris Copper, which involved utility and landscape updates. Mr. Arnold worked with Mr. Cooper to address the issues.

Staff recommended approval.

Councilmember Tharp thanked Mr. Arnold for his proactive steps to the project.

Councilmember Noble disagreed with high density residential projects.

Councilmember Diaz was thankful for the project which would help with the housing issue in the County.

Councilmember Bousquet asked the price of the units. Mr. Arnold stated about four hundred thousand.

Motion made by Councilmember Diaz, Seconded by Deputy Mayor Dugo to approve Ordinance 2024-22 on First Reading.

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

15. PUBLIC HEARING: Ordinance 2024-23: First Reading: Approving a rezoning and official zoning map amendment for two parcels of land totaling approximately 6.56 acres,

located at 6240 Dodd Road and adjacent vacant parcel from a City of Greenacres designation of Residential Medium-2 (RM-2) (7 units per acre) and Commercial General (CG) to a City of Greenacres designation of Residential High (RH), as requested by the petitioner, J Morton Planning/Landscape Architecture, agent for the owners, Morija Evangelical Alliance Church Inc. of Delray and Lake Wellington Professional Center Inc.; providing for changes to the official zoning map, repeal of conflicting ordinances, severability; and providing for an effective date. Gionni Gallier, Senior Planner

Ms. Moorer read Ordinance 2024-23 by title.

Mr. Gallier stated this ordinance was mentioned in the previous presentation above and meets all requirements. Mr. Gallier noted the Development Review Committee and Planning Commission also reviewed and approved the future land use and rezoning ordinances. Staff recommended approval.

Motion made by Councilmember Tharp, Seconded by Councilmember Bousquet to approve Ordinance 2024-23 on First Reading.

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

16. QUASI-JUDICIAL: PUBLIC HEARING: Resolution 2024-44: Approving the application for Site Plan approval to construct a one-story 2,598 square foot office building and a three unit two-story townhouse within a Mixed Use Development - Office (MXD-O) zoning district, located approximately 650 feet north of Woodlake Boulevard at 3494 South Jog Road, as requested by the applicant, Steven Gaynair, agent for the owner, C&C Petro Investments, LLC; providing for repeal of conflicting resolutions; and providing for an effective date. - Gionni Gallier, Senior Planner.

Staff explained the Quasi-Judicial process.

Ms. Moorer swore in two Staff members.

Ms. Moorer read Resolution 2024-44 by title.

The Council had no ex-parte communications.

The applicant was not present. Staff presented on their behalf.

Mr. Gallier stated the C& C Legacy Plaza was on Jog Road. The applicant was requesting approval of a site plan to develop a one-story 2,598 square foot office building and three two two-story unit townhomes. He said the proposal complies with the surrounding area and character. The proposal had been approved by all committees.

Staff recommended approval.

Motion made by Deputy Mayor Dugo, Seconded by Councilmember Diaz to approve Resolution 2024-44 with Staff conditions.

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

17. Ordinance 2024-26: First Reading: Amending Chapter 10, Personnel, Article 4, Retirement, Pensions and other Employee Benefit Programs, Division 3, Retirement Systems Authorized by Section 10-148 entitles "Public Safety Officers and Firefighters Retirement Plan and Trust"; amending the City of Greenacres Public Safety Officers and Firefighters' Retirement Plan and Trust Defined Benefit Plan and Trust Adoption

Agreement to implement a change to the process for the crediting and earnings on the shared accounts; providing for repeal of conflicting ordinances; providing for inclusion in the Code; providing for severability; and providing for an effective date. - Andrea McCue, City Manager.

Ms. Moorer read Ordinance 2024-26 by title.

Ms. McCue stated the ordinance was changing the crediting, earnings and the losses in the shared accounts to fairly distribute the earnings on a quarterly basis rather than annually. No funding would change.

Staff recommended approval.

Motion made by Councilmember Diaz, Seconded by Councilmember Tharp to approval Ordinance 2024-26 on First Reading.

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

18. Resolution 2024-46: A resolution adopted by the City Council of the City of Greenacres, Florida, repealing Resolution number 2020-40, which adopted a schedule for building permit fees and Resolution number 2022-30, which amended the Development and Neighborhood Services Department fee schedule adding engineering and right-of-way permit fees and other associated fees; establishing a new Development and Neighborhood Services Department fee schedule that incorporates building permit fees pursuant to Section 4-8 of the Greenacres Code and filing fees related to land development applications and other reviews and processes pursuant to Section 12-8 and 16-35(b) of the Greenacres Code; providing for repeal of conflicting resolutions; and providing for an effective date. - Linda Mia Franco, AICP, Zoning Administrator.

Ms. Franco stated the resolution was proposing a new fee schedule for the Development and Neighborhoods Services Department which including building permit fees, adding engineering and right of way fees and other associated fees.

Staff recommended approval.

Motion made by Deputy Mayor Dugo, Seconded by Councilmember Tharp to approve Ordinance 2024-46 on First Reading.

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

19. Fiscal Year 2025 Property Improvement Program Guidelines Review: Andrea McCue, City Manager and Aileen Hernandez, Public Works Specialist.

Ms. McCue and Ms. Hernandez provided some updates to the guidelines which included some changes based on some feedback from Council and residents. Ms. McCue highlighted a few changes such as resident's properties must be owner occupied, commercial properties were eligible for fifty percent of the total project cost with a \$10,000 maximum grant amount, enhancements must be completed within one year of the date of award, property enchantments must be visible from the public right-of-way and finally project readiness points were removed.

Ms. McCue stated the Art in Public Places program would be separate from this project.

Ms. McCue asked the Council to consider increasing the scoring for properties that were owner occupied but not disqualify renter properties.

The Council agreed with Ms. McCue's recommendation. Councilmember Diaz was not against the rentals but suggested possibly only allowing a certain percentage of renters to apply.

20. Reappointment to the Public Safety Officers/Firefighters Retirement Board of Trustees. -Reappointing Brian Brady to serve another four-year term. - Andrea McCue, City Manager.

This item was removed from the agenda.

DISCUSSION ITEM - None.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

CITY MANAGER'S REPORT

21. Community Recreation Services Report.
22. Development and Neighborhood Services.
23. Finance Report.
24. Fire Rescue Report.
25. Information Technology Report
26. Palm Beach Sheriff's Office District 16 Report.
27. Public Works Report
28. Purchasing Report.
29. Youth Programs Report.

Ms. McCue stated the John I Leonard Adult Course 12-week Program currently enrolled 23 participants. She reminded the Council of the Senior Resources and Health Fair, September 28, 2024.

Ms. McCue stated the 6th South Bridge had a setback due to issues with the deck of the bridge. The bridge should have a final update by September 18.

CITY ATTORNEY'S REPORT

None.

MAYOR AND CITY COUNCIL REPORT

Deputy Mayor Dugo thanked the Staff.

Councilmember Diaz wished everyone a Happy Hispanic Heritage Month and she was pleased the Chickasaw project was finalized.

ADJOURNMENT

7:30PM

Chuck Shaw
Mayor

Quintella Moorer, MMC
City Clerk

Date Approved: _____



ITEM SUMMARY

MEETING DATE: October 7, 2024
FROM: Carlos Cedeño, Director, Public Works Department
SUBJECT: Resolution 2024-48
Palm Beach County 2024 LMS Plan Adoption

BACKGROUND

In February 22, 2000, the City Council approved Resolution No. 2000-03, authorizing the execution of an Interlocal Agreement between the Board of County Commissioners of Palm Beach County and the City of Greenacres to establish guidelines for local mitigation and approving the Palm Beach County Local Mitigation Strategy (LMS). The Federal Emergency Management Agency (FEMA) mandates that all LMS programs revise their plans every 5 years to bring them into compliance with federal guidelines established in response to the Disaster Mitigation Act of 2000. The Disaster Mitigation Act of 2000 requires that participating LMS programs have plans in place that identify the hazards that could impact their jurisdictions, identify actions and activities to mitigate the effects of those hazards, and establish a coordinated process to implement plans in order to qualify and receive future Federal mitigation assistance funding as well as reimbursement for Presidentially Declared Disasters.

ANALYSIS

Palm Beach County and its municipalities formally adopted the LMS in 1999 and, in accordance with Federal guidelines, revised the plan in 2004, 2009, 2014 and 2019. On August 12, 2024, Palm Beach County's Division of Emergency Management was notified that LMS Plan update is compliant with federal standards, subject to formal adoption by Palm Beach County and all 39 participating municipalities. The County formally adopted the plan on September 17, 2024. The 2024 LMS Plan can be found on Palm Beach County's Public Safety- Emergency Management website.

FINANCIAL INFORMATION

Since the approval of the LMS, the City has received approximately \$4,000,000 to mitigate hazards within the City of Greenacres. Adoption of the revised LMS will allow the City to continue to participate in this important funding program.

LEGAL

The Resolution has been prepared in accord with the applicable City Code requirements.

STAFF RECOMMENDATION

Approval of Resolution No. 2024-48, adopting the 2024 Palm Beach County Local Mitigation Strategy Plan.

RESOLUTION NO. 2024-48

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE CITY OF GREENACRES TO APPROVE AND ADOPT THE 2024 REVISED PALM BEACH COUNTY LOCAL MITIGATION STRATEGY PLAN; PROVIDING FOR THE PURSUIT OF FUNDING AND IMPLEMENTATION; PROVIDING FOR SUPPORT OF THE LOCAL MITIGATION STRATEGY PROCESS; PROVIDING FOR TRANSMITTAL TO PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County is susceptible to a variety of natural, technological, and human-caused disasters, including but not limited to, severe weather, hazardous materials incidents, nuclear power plant emergencies, communicable diseases, and domestic security incidents as well as climate change impacts and sea level rise that causes increased inundation, shoreline erosion, flooding from severe weather events, accelerated saltwater contamination of ground water and surface water supplies, and expedited loss of critical habitats, and

WHEREAS, the Disaster Mitigation Act of 2000, was enacted to establish a national disaster hazard mitigation program to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from disasters, and to assist state, local, and tribal governments in implementing effective hazard mitigation measures to ensure the continuation of critical services and facilities after a natural disaster, and

WHEREAS, the subsequent year's appropriations should provide authority to complete those transactions. The Disaster Mitigation Act of 2000, as a condition for qualifying for and receiving future Federal mitigation

assistance funding as well as reimbursement for Presidentially Declared Disasters, requires such governments to have Federal Emergency Management Agency approved hazard mitigation plans in place that identify the hazards that could impact their jurisdictions, identify actions and activities to mitigate the effects of those hazards, and establish a coordinated process to implement plans; and

WHEREAS, Palm Beach County's Local Mitigation Strategy (LMS), in coordination with governmental and non-governmental stakeholders having an interest in reducing the impact of disasters, and with input from the private sector and other members of the public, developed and revised the Palm Beach County Local Mitigation Strategy; and

WHEREAS, the 2024 revised Local Mitigation Strategy has been approved by the Florida Division of Emergency Management and the Federal Emergency Management Agency adopted by the Palm Beach County Board of County Commissioners; and

WHEREAS, a multi-jurisdictional program for Public Information has been included in Appendix O of the Local Mitigation Strategy to satisfy the floodplain management requirements of the County and its participating municipalities Community Rating System (CRS Activity 330); and

WHEREAS, the LMS Steering Committee recommends the formal adoption of the 2024 Revised Local Mitigation Strategy, including planned future enhancements described therein, by the County and all participating municipalities.

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

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The City Council hereby approves and adopts the 2024 Revised Local Mitigation Strategy Plan in its entirety, as revised by the LMS Steering Committee as submitted to the Palm Beach County Board of County Commissioners, the Florida Division of Emergency Management and the Federal Emergency Management Agency.

Section 3. The City Council authorizes the appropriate City Officials to pursue available funding opportunities for implementation of proposed mitigation initiatives as described in the 2024 Revised Local Mitigation Strategy Plan and upon receipt of such funding or other necessary resources, seek to implement the actions in accordance with the mitigation strategies as set out by the Local Mitigation Strategy.

Section 4. The City of Greenacres will continue to support and participate in the Local Mitigation Strategy planning and implementation process as required by the Federal Emergency Management Agency, the Florida Division of Emergency Management and the Local Mitigation Steering Committee.

Section 5. The City Council will consider incorporating climate change concerns, sea level rise and natural hazards into the local comprehensive plan and into future reviews of flood prevention regulations and zoning codes.

Section 6. This Resolution shall become effective immediately upon adoption.

RESOLVED AND ADOPTED this 7th of day of October 2024.

Chuck Shaw, Mayor

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

Attest:

Quintella Moorer, City Clerk

Voted:
Peter A. Noble, Council Member, *District II*

Voted:
Judith Dugo, Deputy Mayor

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: October 7, 2024
FROM: Christy Goddeau, City Attorney's Office
SUBJECT: Resolution Approving Termination Agreement with Tyler Technologies, Inc.

BACKGROUND

Tyler Technologies, Inc. ("Tyler"), and the City of Greenacres have a longstanding contractual relationship in which the City utilizes several Tyler software products for various City functions. On November 21, 2021, the City entered a five (5) year agreement with Tyler to implement Tyler's community development software package (Energov n/k/a EPL) for the City's current Development and Neighborhood Services (DNS) department. In February 2022, the City and Tyler executed an addendum to add additional features and user licenses. The implementation of EPL kicked off in May of 2022 with the City paying an annual subscription fee of \$117,221. The City and Tyler experienced some issues during implementation that lead to a freeze on implementation in September 2023. Since then, the City and Tyler have been discussing implementation issues and potential resolutions. At this time, the City and Tyler are proposing to amicably terminate the EPL agreement with the City paying the 2024 annual subscription fee and Tyler agreeing to allow the City to utilize other Tyler software (Energov Desktop and New World ERP) until January 31, 2025. The City would also be released from the last two (2) years of the EPL agreement.

Except for the termination of the EPL Agreement, the City and Tyler will continue their contractual relationship with regards to other Tyler products.

ANALYSIS

The above described settlement is believed to be in the best interests of the City and allows the City to move in a different direction for DNS software needs.

FINANCIAL INFORMATION

Not applicable at this time.

LEGAL

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

STAFF RECOMMENDATION

Staff is recommending approval of Resolution 2024-49.

RESOLUTION NO. 2024-49

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE TERMINATION AGREEMENT WITH TYLER TECHNOLOGIES, INC., FOR THE EPL AGREEMENT; AUTHORIZING THE SAME TO BE EXECUTED AND FOR OTHER PURPOSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Tyler Technologies, Inc. ("Tyler"), and the City of Greenacres have a longstanding contractual relationship in which the City utilizes several Tyler software products for various City functions; and

WHEREAS, on November 21, 2021, the City entered a five (5) year agreement with Tyler to implement Tyler's community development software package (Energov n/k/a EPL) for the City's current Development and Neighborhood Services (DNS) department; and

WHEREAS, in February 2022, the City and Tyler executed an addendum to add additional features and user licenses; and

WHEREAS, the implementation of EPL kicked off in May of 2022 with the City paying an annual subscription fee of \$117,221; and

WHEREAS, the City and Tyler experienced some issues during implementation that lead to a freeze on implementation in September 2023; and

WHEREAS, since then, the City and Tyler have been discussing implementation issues and potential resolutions; and

WHEREAS, at this time, the City and Tyler are proposing to amicably terminate the EPL agreement with the City paying the 2024 annual subscription fee and Tyler agreeing to allow the City to utilize other Tyler legacy software (EnerGov Desktop and New World ERP) until January 31, 2025 without charge; and

WHEREAS, the City finds approving the Termination Agreement with Tyler serves a valid public purpose.

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

SECTION 1. The foregoing recitals are incorporated into this Resolution as true and correct findings of the City Council.

SECTION 2. The City Council hereby approves the Termination Agreement with Tyler, which Termination Agreement is attached hereto and incorporated by reference.

SECTION 3. The City Council hereby authorizes the appropriate City officials to execute the Termination Agreement and take any actions necessary to effectuate its terms.

SECTION 4. This Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED this _____ of day of _____, 2024

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

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

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Deputy Mayor

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: October 7, 2024
FROM: Monica Powery, Director, Purchasing
SUBJECT: Award of Bid No. 24-022 Fire Burglar Alarm & Sprinkler Systems

BACKGROUND

The City of Greenacres desires to hire an experienced and qualified company to monitor, inspect and provide maintenance to the City's fire/burglar alarm and fire sprinkler systems. The bid was advertised by the City's Purchasing Department on August 25, 2024.

ANALYSIS

The proposals were opened on September 25, 2024 with four (4) bidders responding. The attached tabulation sheet summarized the results received. City staff has evaluated the proposals and recommends award to WSA Systems Boca LLC as the lowest responsive, responsible bidder.

FINANCIAL INFORMATION

Funds are budgeted in accounts 001-40-44-46-11 and 105-60-64-46-3 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. 2024-57 authorizing execution of a three-year agreement with the option for two (2) additional one-year renewals for Bid No. 24-022 Fire Burglar Alarm & Sprinkler Systems to WSA Systems Boca LLC.

RESOLUTION NO. 2024-57

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE MAINTENANCE SERVICE AGREEMENT BETWEEN THE CITY OF GREENACRES AND WSA SYSTEMS BOCA LLC TO MONITOR, INSPECT AND PROVIDE MAINTENANCE TO THE CITY'S FIRE/BURGLAR ALARM AND FIRE SPRINKLER SYSTEMS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City is in need of an experienced and qualified company qualified company to monitor, inspect and provide maintenance to the City's fire/burglar alarm and fire sprinkler systems; and

WHEREAS, in accordance with the City's Code of Ordinances, the Purchasing Department issued Invitation to Bid No. 24-022 Fire Burglar Alarm & Sprinkler Systems (the "BID") which was advertised in the legal notices section of the Palm Beach Post on August 25, 2024, and a notice was also sent to two hundred ninety-eight (298) prospective bidders via DemandStar; and

WHEREAS, on September 25, 2024 at 3:00 p.m. EST, the BID closed and the Purchasing Department (the "Department") received four (4) 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 approve award of the BID to WSA Systems Boca LLC 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 between the City of Greenacres and WSA Systems Boca LLC.

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 7th of day of October 2024

Chuck Shaw, Mayor

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

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, *Deputy Mayor*

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: October 07, 2024

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

SUBJECT: **Ordinance 2024-22, CPA-23-04 – Second Reading Adoption**
Future Land Use Map Amendment for Astoria Towns

BACKGROUND

Alex Ahrenholz of J Morton Planning/ Landscape Architecture, agent for the owners, Morija Evangelical Alliance Church, Inc. of Delray and Lake Wellington Professional Center, Inc. has requested a small-scale Future Land Use Amendment to change approximately 6.56 acres from Residential Medium Density (RS-MD) and Commercial (CM) to Residential High Density (RS-HD). The site is located on the south side of Dodd Road, approximately 1,200 feet east of Jog Road. A concurrent application for a rezoning (ZC-23-02) is also requested to change from Residential - Medium Density (RM-2) (7 units per acre) and Commercial General (CG) to Residential - High Density (RH) (10 units per acre).

The Development Review Committee reviewed this proposal and recommended approval, followed by the Planning and Zoning Board of Appeals, recommending approval by a vote of 5-0 at their meeting on August 8, 2024. The City Council unanimously approved this proposal as presented by staff during the first reading on September 16, 2024, with a 5-0 vote.

ANALYSIS

The proposed City of Greenacres Residential High Density (RS-HD) Future Land Use designation permits a maximum residential development density of 10 dwelling units per acre and is both compatible and consistent with the surrounding land uses. After thorough review, staff has determined that the small-scale Future Land Use Map amendment application aligns with the provisions of Chapter 163, Florida Statutes (F.S.), as it is compatible with adjacent properties, meets concurrency requirements, and adheres to the Goals, Objectives, and Policies of the City's Comprehensive Plan.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2024-22 was prepared in accordance with all applicable State Statutes and City Code requirements. The document has been reviewed for legal sufficiency.

STAFF RECOMMENDATION

Approval of CPA-23-04 through the adoption of Ordinance 2024-22.

ORDINANCE NO. 2024-22

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE DESIGNATION OF TWO PARCELS OF LAND TOTALING APPROXIMATELY 6.56 ACRES, LOCATED AT 6240 DODD ROAD AND ADJACENT VACANT PARCEL TO THE SOUTH FROM A CITY OF GREENACRES DESIGNATION RESIDENTIAL MEDIUM DENSITY (RS-RM) AND COMMERCIAL (CM) TO A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL HIGH DENSITY (RS-RH) AS REQUESTED BY JMORTON PLANNING/LANDSCAPE ARCHITECTURE AGENT FOR THE OWNERS, MORIJA EVANGELICAL ALLIANCE CHURCH INC. OF DELRAY AND LAKE WELLINGTON PROFESSIONAL CENTER; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, TRANSMITTAL, INCLUSION IN THE COMPREHENSIVE PLAN; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Greenacres, pursuant to the Community Planning Act, and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan which has been certified by the State of Florida; and

WHEREAS, JMorton Planning/Landscape Architecture, agent for the property owners, Morija Evangelical Alliance Church, Inc. of Delray and Lake Wellington Professional Center Inc, is herein known as the "Petitioner" for the herein described property; and

WHEREAS, the Petitioner is requesting to change the land use designation for the subject property from a City of Greenacres Future Land Use designation of Residential Medium Density (RS-RM) and Commercial (CM) to a City of Greenacres Future Land Use designation of Residential High Density (RS-RH) and include the new designation on the City's Future Land Use Map; and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on August 8, 2024, and has recommended approval of the Petitioner's request (petition CPA-23-04) to amend the City's Comprehensive Plan, Future Land Use Element's Future Land Use Map; and

Ordinance No. 2024-22 | Astoria Towns Future Land Use Amendment

Page No. 2

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing to receive comments on CPA-23-04 concerning the proposed amendment to the Comprehensive Plan and has considered all comments received as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed amendment to the City's Comprehensive Plan is consistent with the City's goals and objectives in the Comprehensive Plan and is in the best interest of the citizens of the City of Greenacres.

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

Section 1. Recitals The foregoing recitals are incorporated into this Ordinance as true and correct finds of the City Council of the City of Greenacres.

Section 2. Future Land Use Map Designation

The Future Land Use Map in the City's Comprehensive Plan is hereby amended to change the designation of the subject property from a City of Greenacres Future Land Use designation of Residential Medium Density (RS-RM) and Commercial (CM) to a City of Greenacres Future Land Use designation of Residential High Density (RS-RH) for the Property, which is legally described as follows:

Legal Description

PCN: 18-42-44-22-00-000-5120

The North 528 feet of the West ½ of the Northwest ¼ of the Southeast ¼ of the Southeast ¼ of Section 22, Township 44 South, Range 42 East, in Palm Beach County, Florida, all in its "As-Is, Where-Is" condition in all respects with no representations or warranties whatsoever except as provided hereinbelow.

Less and Excepting, the North 25 feet thereof for a Right-of-Way.

Ordinance No. 2024-22 | Astoria Towns Future Land Use Amendment

Page No. 3

PCN: 18-42-44-22-00-000-5090

The South 132 feet of the West Half (W ½) of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of the Southeast Quarter (Se ¼) and the North 180 feet of the West half (W ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) in Section 22, Township 44 South, Range 42 East, lying and being in Palm Beach County, Florida; together with a 20 foot easement for ingress and egress over the East 20 feet of the following described property: The South 480 feet of the West Half (W ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 22, Township 44 South, Range 42 East.

CONTAINING A TOTAL OF 6.56 ACRES MORE OR LESS.

MAP

**Section 3. Authorization to Make Changes.**

The Planning, GIS, and Engineering Division is authorized to make the necessary Future Land Use map change to the Comprehensive Plan to reflect the change authorized by this Ordinance.

Section 4. Repeal of Conflicting Ordinances.

Ordinance No. 2024-22 | Astoria Towns Future Land Use Amendment

Page No. 4

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. Transmittal to the DEO.

The Planning, GIS and Engineering Division shall send copies of this Ordinance, all supporting documentation and the future land use map amendment to the Treasure Coast Regional Planning Council (TCRPC) and the State Land Planning Agency (Department of Economic Opportunity) (DEO).

Section 7. Inclusion in the Comprehensive Plan.

It is the intention of the City Council, entered as hereby ordained, that the Comprehensive Plan of the City of Greenacres, Florida, shall be amended to include the amendment to the Future Land Use Map as stated herein.

Section 8. Effective Date

Ordinance No. 2024-22 | Astoria Towns Future Land Use Amendment

Page No. 5

The effective date of this Comprehensive Plan amendment shall be thirty-one (31) days following the adoption of this Ordinance in accordance with the provisions of Chapter 163.3187(5)(c), Florida Statutes.

Passed on the first reading this 16th day of September, 2024.

PASSED AND ADOPTED on the second reading this 7th day of October 2024.

Chuck Shaw, Mayor

Voted:
Judith Dugo, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

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

Voted:
Peter Noble, Council Member, *District II*

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

CPA-23-04
 (Ordinance 2024-22)
 Date: July 25, 2024

Revised: 08/08/2024
 09/16/2024



DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION

I. Project Description:

Project: Astoria Towns (Future Land Use Map Amendment Request)

Petitioner: Alex Ahrenholz
 JMorton Planning/Landscape Architecture
 3910 RCA Boulevard, Suite 1015
 Palm Beach Gardens, FL 33410
 Agent for the owners:
 Morija Evangelical Alliance Church, Inc
 of Delray and Lake Wellington
 Professional Center Inc.

Request: A request for a small-scale Future Land Use Map Amendment to change from Residential Medium Density (RS-RM) and Commercial (CM) to Residential High (RS-HD) Density.

Location: South side of Dodd Road, approximately 1,200 feet east of Jog Road.

Project Manager: Gionni Gallier, Senior Planner



II. Site Data:

Existing Use:	House of Worship and Vacant Parcel
Proposed Use:	Townhouses
Parcel Control Numbers:	18-42-44-22-00-000-5120; and, 18-42-44-22-00-000-5090
Parcel Size:	286,013 square feet (6.56 acres)
Existing Future Land Use Designation:	Residential – Medium Density (RS-MD) and Commercial (CM)
Proposed Future Land Use Designation:	Residential – High Density (RS-HD) Companion Future Land Use Map Amendment:

(CPA-23-04)

Existing Zoning District: Residential Medium – 2 (RM-2) and Commercial General (CG)
Proposed Zoning District: Residential High Density (RH)
 Companion Rezoning: (ZC-23-02)

Table 1: Surrounding Existing Land Use, Future Land Use Designation, Zoning District:			
Direction	Existing Land Use	Future Land Use Designation	Zoning District
<i>North</i>	Villages of Woodlake PUD (Residential)	Residential – Medium Density (RS-MD)	Residential Medium Density – 2 (RM-2)
<i>South</i>	Medical Office	Commercial (CM)	Commercial General (CG)
<i>East</i>	Single-Family Residence and Woodlake Boulevard Plaza	Residential – Medium Density (RS-MD) and Commercial (CM)	Residential Medium – 2 (RM-2) and Commercial Intensive (CI)
<i>West</i>	Catalina Estates (Residential) and Liberty Plaza	Residential – Medium Density (RS-MD) and Commercial (CM)	Residential Medium – 2 (RM-2) and Commercial General (CG)

III. Annexation/Zoning History

The subject two (2) parcels are located on the south side of Dodd Road, approximately 1,200 feet east of Jog Road (“Property”). The Property is identified by Parcel Control Numbers (PCNs) 18-42-44-22-00-000-5120 and 18-42-44-22-00-000-5090. The northern section of the Property is developed with a 4,797 square foot House of Worship, which was approved by a Special Exception (SE-84-02) on September 29, 1986, and the southern parcel is currently vacant.

The applicant is concurrently requesting a Rezoning (ZC-23-02) from Residential -Medium Density (RM-2) (7 units per acre) and Commercial General (CG) to Residential - High Density (RH) (10 units per acre) and requesting Site and Development Plan approval (SP-23-06) and Master Sign Plan (MSP-24-03) approval to construct a Townhouse Development consisting of sixty (60) two-story townhouse residential units. A Variance (BA-23-07) has been requested for a reduction of the required 20-foot minimum side yard setback requirement for the townhouse buildings.

IV. Data and Analysis

The current future land use (FLU) designations would allow a maximum of 28 dwelling units on the portion that is Residential – Medium Density (RS-MD) and 39,182 square feet of commercial for the portion that is Commercial (CM). The applicant is seeking to replace the Commercial (CM) designation with residential and also increase the potential density of the site in order to develop additional residential units, such as townhouses. Like the Residential Medium (RS-MD) FLU designation, the City’s Residential High (RS-HD) FLU designation allows for townhouse residential development, but at a higher density potential. The City’s Comprehensive Plan recognizes the broad national trend in housing development of apartments, townhouse, and zero lot line units to continue in the City of Greenacres, due in large part to rising construction costs and smaller lot sizes available.

The proposed City of Greenacres RS-HD Future Land Use designation allows a maximum residential development density of 10 dwelling units per acre. The proposed (RS-HD) Future Land Use designation for the site is consistent with the existing development pattern in the area.

On February 15, 2024, the Development Review Committee (DRC) reviewed this application and recommended approval with the comments as noted herein.

Land Use Analysis:

After a review of the proposed land use amendment, staff has determined that the application is consistent with the provisions of Chapter 163, Florida Statutes (F.S.), because it is compatible with adjacent properties, meets concurrency requirements, and is consistent with the provisions of the City's Comprehensive Plan. Specifically, these are as follows:

A. *Compatibility:*

A review of the adjacent existing and anticipated land uses (see attached Aerial Photo) shows that the proposed land use is compatible with the adjacent properties.

North: To the north of the subject site is the Villages of Woodlakes PUD, an existing Planned Unit residential development with a Future Land Use designation of City Residential-Medium density (RS-MD) and a zoning designation of City Residential Medium 2 (RM-2). The proposed RS-HD designation will be a compatible density with the existing development to the north.

South: To the south of the subject site are commercial properties with a Commercial (CM) Future Land Use designation and Commercial Intensive (CI) zoning designation. The properties to the south will not be adversely impacted with the proposed future land use change.

East: To the east is a Single-Family residential dwelling with a designation of City Residential-Medium density (RS-MD) and a zoning designation of City Residential Medium 2 (RM-2). There is also a commercial property with a Commercial (CM) Future Land Use designation and Commercial Intensive (CI) zoning designation. The proposed amendment will enhance compatibility through the use of adequate buffering and landscaping. Therefore, there will be no adverse impacts from the proposed future land use amendment.

West: To the west of the subject site is the Catalina Estates community which is an existing residential development with a Future Land Use designation of City Residential-Medium density (RS-MD) and a zoning designation of City Residential Medium 2 (RM-2). There is also a commercial property with a Commercial (CM) Future Land Use designation and Commercial Intensive (CI) zoning designation. The amendment will enhance compatibility through the use of adequate buffering and landscaping and the proposed RS-HD designation will be compatible with the existing development to the west.

Conclusions: After review of the adjacent existing residential developments, the analysis shows that the proposed City RS-HD FLU designation is compatible and consistent with the adjacent land uses.

B. *Concurrency:*

As previously stated, this future land use amendment will provide this site with a City Future Land Use designation based on up to ten (10) dwelling units per acre. The following level of service (LOS) table (Table 2) provides a detailed analysis of the projected impacts of the proposed development on various public facilities. The analysis covers Recreation, Potable Water, Sanitary Sewer, Solid Waste, Drainage, and Traffic demand.

The proposed development demonstrates an increase in overall demand for Parks and Recreation, Potable Water, Sanitary Sewer, and Solid Waste. However, there is no change in the Drainage requirements and a significant reduction in Traffic demand. The site will be evaluated for compliance with LOS standards by all relevant agencies as part of the Site and Development Plans approval to ensure that public facilities necessary to meet the level of service standards established in the Comprehensive Plan are available concurrent with the impacts of development. As part of the Site and Development Plan process, the applicant has provided proof that the project meets the LOS standards for Palm Beach County Traffic Engineering and Palm Beach County School Concurrency requirements. All concurrency approvals will be required prior to the final approval of the Site and Development Plans.

Table 2: LEVEL OF SERVICE (LOS) ANALYSIS SUMMARY | CPA-23-04 | Astoria Towns

Public Facility	Demand- Existing FLU Max Development Potential (Residential Medium Density/Commercial FLU)	Demand Proposed FLU Max Development Potential (Residential High Density FLU)	Change
Surface Water/ Drainage	Requirements are the same regardless of land use or development type		None. Both FLU designations meet the 3 yr. – 1 hr. drainage LOS requirements
Traffic	ITE LU 220: Multifamily Low-Rise Housing up to 3 story (Apartment/Condo/TH) [6.74 Daily Trips/DU]. (4.01 acres of RS-MD) ITE LU 822: Strip Retail Plaza (<40ksf) [54.45 Daily Trips/1,000 SF] (2.57 acres of CM-max 0.35 FAR) Maximum 909 ADT	ITE LU 220: Multifamily Low-Rise Housing up to 3 story (Apartment/Condo/TH) [6.74 Daily Trips/DU]. Maximum 438 ADT	Decrease of 471 Daily Trips
Parks and Recreation *	Level of Service (L.O.S.) of 3 ac. per 1,000 population. [(Population/1,000)*3] (28*2.2)/1000*3= 0.18 ac.	Level of Service (L.O.S.) of 3 ac. per 1,000 population. [(Population/1,000)*3] (65*2.2)/1000*3= 0.43 ac.	0.25 Acres of additional Recreation & Open Space required to maintain current LOS based on average Multifamily household size
Potable Water*	28 units x 2.2 persons/du= 61 persons x 126 gal/person/day = 7,686 gal/day	65 units x 2.2 persons/du= 143 persons x 126 gal/person/day = 18,018 gal/day	Increase 10,332 gallons per day
Sanitary Sewer*	28 units x 2.2 persons/du= 61 persons x 85 gal/person/day = 5,185 gal/day	65 units x 2.2 persons/du= 143 persons x 85 gal/person/day = 12,155 gal/day	Increase 6,970 gallons per day

Solid Waste*	28 units x 2.2 persons/du= 61 persons x 7.13 pounds/person/day = 434.93 lbs./day	65 units x 2.2 persons/du= 143 persons x 7.13 pounds/person/day = 1019.59 lbs./day	Increase 584.66 pounds (lbs.) per day
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*The level of service standards does not divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons, pounds, acres, or transit trips per person served per day that include both residential and non-residential uses.

C. Consistency with City’s Comprehensive Plan:

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, specifically:

1. Future Land Use Element

Objective 1.8, Policy 1.8.3(e)

Land Development Regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential densities and commercial intensities as indicated below:

* * * (a through d and f through p omitted for brevity) * * *

(e) High Density Residential - 10.0 residential units per gross acre;

Objective 1.11, Policies 1.11.1, 1.11.2, & 1.11.3)

The City shall discourage the proliferation of urban sprawl by following established land use patterns, promoting appropriate infill and designating Future land use densities based upon levels of services and the availability of services and facilities.

Policy 1.11.1

Urban Sprawl will be discouraged by permitting only development that is consistent and compatible with the established land use pattern. Consistent and compatible with the established land use pattern shall mean:

- (a) Only uses permitted within the Plan's land use designation and the implementing zoning district shall be approved.
- (b) Only development within the designated density range and intensity regulations of the implementing zoning district will be approved.
- (c) Adequate facilities and services shall be available and concurrent to accommodate the proposed development.

1.11.2

Infill development shall be promoted within existing areas to discourage the harmful effects of leapfrog development.

1.11.3

Future timing of appropriate land use densities and intensities will be determined by the established levels of services and the availability of services and facilities to meet the established levels.

The proposed request is consistent with the City's Comprehensive Plan. The development has access to a major corridor within the City where public facilities are available and land use compatibility can be achieved.

V. Consistency with the Treasure Coast Regional Planning Council SRPP

The proposed future land use amendment represents a means of increasing residential opportunities in the City through the process of infill development, rather than approving land uses which will encourage urban sprawl. This is consistent with the intent of Regional Goal 2.1, which discourages urban sprawl development patterns and Regional Goal 5.1, which states that redevelopment, revitalization and infill of existing neighborhoods and districts should be encouraged. The proposed Residential-High Density (RS-HD) Future Land Use designation is consistent with the intent of Regional Goal 8.1, which states that development should take place concurrent with or after the provision of necessary infrastructure and services. As a result, the proposed future land use amendment is consistent with the Treasure Coast

Regional Planning Council's Strategic Regional Policy Plan (SRPP) concerning appropriate development patterns.

VI. Consistency with Chapter 163, Florida Statutes (F.S.)

The amendment is consistent with the provisions of Chapter 163.3184 and 163.3187, F.S. concerning the processing of a small-scale Future Land Use Map amendment to the Comprehensive Plan, as well as providing all applicable data and analysis to support the amendment.

In summary, this small-scale Future Land Use Map amendment to the City's Comprehensive Plan is compatible with adjacent land uses, adequately addresses concurrency issues, and is consistent with the City's Comprehensive Plan, the Regional Planning Council's SRPP and Chapter 163, (F.S.)

VII. Staff Recommendation

Approval of CPA-23-04.

PLANNING & ZONING BOARD OF APPEALS RECOMMENDATION – August 8, 2024

The Local Planning Agency on a motion made by Board Member Edmundson and seconded by Board Member Litowsky, voting five (5) to zero (0), ***recommended approval*** of Future Land Use Map Amendment ***CPA-23-04***, as presented by staff.

CITY COUNCIL ACTION – September 16, 2024

The City Council on a motion made by Council Member Diaz and seconded by Council Member Dugo, voting five (5) to zero (0), ***approved*** Comprehensive Plan Amendment ***CPA-23-04 (Astoria Towns)***, through ***Ordinance 2024-22***, as presented by staff.

CITY COUNCIL ACTION – October 7, 2024

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk



ITEM SUMMARY

MEETING DATE: October 07, 2024

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

SUBJECT: **Ordinance 2024-23, ZC-23-02 – Second Reading Adoption**
Rezoning for Astoria Towns

BACKGROUND

Alex Ahrenholz of J Morton Planning/ Landscape Architecture, agent for the owners, Morija Evangelical Alliance Church, Inc. and Lake Wellington Professional Center, Inc. has requested a rezoning for a 6.56-acres to change from Residential - Medium Density (RM-2) (7 units per acre) and Commercial General (CG) to Residential - High Density (RH) (10 units per acre). The site is located on the south side of Dodd Road, approximately 1,200 feet east of Jog Road. A concurrent application for a Future Land Use Map Amendment (CPA-23-04) is also requested to allow a Future Land Use designation change from Residential Medium (RS-MD) to Residential High (RS-HD).

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 August 8, 2024. The City Council unanimously approved this proposal as presented by staff during the first reading on September 16, 2024, with a 5-0 vote.

ANALYSIS

Staff has determined that the proposed Residential High (RH) zoning district is consistent with the existing land use pattern in the area and will be consistent with the property's proposed Residential High (RS-RH) Future Land Use designation. The subject property is bound by residential uses to the north, east, and west. To the north are multi-family complexes which are similar to the proposed project. Although to the east and west are Single-Family residences, the subject property will be developed to ensure there is minimal impact upon these properties.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2024-23 was prepared in accordance with all applicable State Statutes and City Code requirements. The document has been reviewed for legal sufficiency.

STAFF RECOMMENDATION

Approval of ZC-23-02 through the adoption of Ordinance 2024-23.

ORDINANCE NO. 2024-23

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A REZONING AND OFFICIAL ZONING MAP AMENDMENT FOR TWO PARCELS OF LAND TOTALING APPROXIMATELY 6.56 ACRES, LOCATED AT 6240 DODD ROAD AND ADJACENT VACANT PARCEL TO THE SOUTH FROM A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL MEDIUM-2 (RM-2) (7 UNITS PER ACRE) AND COMMERCIAL GENERAL (CG) TO A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL HIGH (RH), AS REQUESTED BY THE PETITIONER, JMORTON PLANNING/LANDSCAPE ARCHITECTURE, AGENT FOR THE OWNERS, MORIJA EVANGELICAL ALLIANCE CHURCH INC. OF DELRAY AND LAKE WELLINGTON PROFESSIONAL CENTER INC.; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Petitioner, JMorton Planning/Landscape Architecture, agent for the property owners, Morija Evangelical Alliance Church, Inc. of Delray and Lake Wellington Professional Center Inc, is requesting a Rezoning of two (2) parcels of land totaling approximately 6.56 acres more or less, from a City of Greenacres zoning designation of Residential Medium -2 (RM-2) (7 units per acre) and Commercial General (CG) to a City of Greenacres zoning designation of Residential High (RH); and

WHEREAS, the Planning and Zoning Board of Appeals held a duly advertised public hearing on August 8, 2024, and reviewed the application for a Zoning Change as detailed in the Development Review Committee Staff Report and Recommendation, Exhibit "A", dated July 25, 2024, incorporated herein by reference (as revised) and recommends [*approval by a unanimous vote of 5-0*]; and

WHEREAS, the City Council of the City of Greenacres conducted first reading on September 16, 2024 and a duly advertised public hearing for the second reading on October 7, 2024 and considered all testimony and evidence presented and other comments made

Ordinance No. 2024-23 | Astoria Towns Rezoning

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concerning the proposed Rezoning and amendment to the Official Zoning Map as required by state law and local ordinance; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with Exhibit "A", "Development Review Committee Report and Recommendation", dated July 25, 2024 (as revised), the proposed Rezoning and Zoning Map amendment to change the zoning designation of two (2) parcels of land totaling approximately 6.56 acres more or less, from a City of Greenacres zoning designation of Residential Medium -2 (RM-2) (7 units per acre) and Commercial General (CG) to a City of Greenacres zoning designation of Residential High (RH); is in the best interests of the City and serves a valid public purpose.

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

Section 1. Recitals. The foregoing recitals are incorporated into this Ordinance as true and correct findings of the City Council of the City of Greenacres.

Section 2. Rezoning and Zoning Map Amendment.

The request by the Petitioner to change the zoning designation for two (2) parcels of land totaling approximately 6.56 acres more or less, from a City of Greenacres zoning designation of Residential Medium -2 (RM-2) (7 units per acre) and Commercial General (CG) to a City of Greenacres zoning designation of Residential High (RH); to a City of Greenacres zoning designation of Residential High (RH), is hereby granted for the property located at 6240 Dodd Road and adjacent vacant parcel, legally described as follows:

Legal Description

6240 Dodd Road – (PCN: 18-42-44-22-00-000-5120)

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The North 528 feet of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 22, Township 44 South, Range 42 East, in Palm Beach County, Florida, all in its "As-Is, Where-Is" condition in all respects with no representations or warranties whatsoever except as provided hereinbelow.

Less and Excepting, the North 25 feet thereof for a Right-of-Way.

Adjacent Vacant Parcel (PCN: 18-42-44-22-00-000-5090)

The South 132 feet of the West Half (W $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (Se $\frac{1}{4}$) and the North 180 feet of the West half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section 22, Township 44 South, Range 42 East, lying and being in Palm Beach County, Florida; together with a 20 foot easement for ingress and egress over the East 20 feet of the following described property: The South 480 feet of the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 22, Township 44 South, Range 42 East.

CONTAINING A TOTAL OF 6.56 ACRES MORE OR LESS.

MAP



Section 3. Authorization to Make Changes.

That the Planning, GIS, and Engineering Division is further directed to make the necessary changes to the City of Greenacres Official Zoning Map to reflect the changes authorized by this Ordinance.

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 consistent with the effective date of Ordinance No. 2024-23, which is the companion small scale comprehensive plan amendment ordinance (changing the Future Land Use designation for the property).

Passed on the first reading this 16th day of September, 2024.

PASSED AND ADOPTED on the second reading this 7th day of October 2024.

Chuck Shaw, Mayor

Voted:
Judith Dugo, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

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

Voted:
Peter Noble, Council Member, *District II*

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

ZC-23-02
 Ordinance 2024-23
 Date: July 25, 2024

Revised: 08/08/2024
 09/16/2024

	DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION
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I. Project Description:

Project: Astoria Towns (Rezoning Request)

Petitioner: Alex Ahrenholz
 JMorton Planning/Landscape Architecture
 3910 RCA Boulevard, Suite 1015
 Palm Beach Gardens, FL 33410
 Agent for the owners:
 Morija Evangelical Alliance Church, Inc
 of Delray and Lake Wellington
 Professional Center Inc.

Request: A request for a Rezoning from Residential – Medium Density (RM-2) (7 units per acre) and Commercial General (CG) to Residential – High Density (RH) (10 units per acre).

Location: South side of Dodd Road, approximately 1,200 feet east of Jog Road.



Project Manager: Gionni Gallier, Senior Planner

II. Site Data:

Existing Use:	House of Worship and Vacant Parcel
Proposed Use:	Townhouses
Parcel Control Numbers:	18-42-44-22-00-000-5120; and, 18-42-44-22-00-000-5090
Parcel Size:	286,013 square feet (6.56 acres)
Existing Future Land Use Designation:	Residential – Medium Density (RS-MD) and Commercial (CM)
Proposed Future Land Use Designation:	Residential – High Density (RS-HD) Companion Future Land Use Map Amendment: (CPA-23-04)

Existing Zoning District: Residential Medium – 2 (RM-2) and Commercial General (CG)

Proposed Zoning District: Residential High Density (RH)
Companion Rezoning: (ZC-23-02)

Table 1: Surrounding Existing Land Use, Future Land Use Designation, Zoning District:			
Direction	Existing Land Use	Future Land Use Designation	Zoning District
<i>North</i>	Villages of Woodlake PUD (Residential)	Residential – Medium Density (RS-MD)	Residential Medium Density – 2 (RM-2)
<i>South</i>	Medical Office	Commercial (CM)	Commercial General (CG)
<i>East</i>	Single-Family Residence and Woodlake Boulevard Plaza	Residential – Medium Density (RS-MD) and Commercial (CM)	Residential Medium – 2 (RM-2) and Commercial Intensive (CI)
<i>West</i>	Catalina Estates (Residential) and Liberty Plaza	Residential – Medium Density (RS-MD) and Commercial (CM)	Residential Medium – 2 (RM-2) and Commercial General (CG)

III. Annexation/Zoning History:

The subject two (2) parcels are located on the south side of Dodd Road, approximately 1,200 feet east of Jog Road (“Property”). The Property is identified by Parcel Control Numbers (PCNs) 18-42-44-22-00-000-5120 and 18-42-44-22-00-000-5090. The northern section of the Property is developed with a 4,797 square foot House of Worship, which was approved by a Special Exception (SE-84-02) on September 29, 1986, and the southern parcel is currently vacant.

The applicant is concurrently requesting a small-scale Future Land Use Map Amendment to change from Residential Medium Density (RS-RM) and Commercial (CM) to Residential High Density (RS-HD). Rezoning (ZC-23-02) from Residential -Medium Density (RM-2) (7 units per acre) and Commercial General to Residential - High Density (RH) (10 units per acre) and requesting Site and Development Plans approval (SP-23-06) and Master Sign Plan (MSP-24-03) approval to construct a Townhouse Development consisting of sixty (60) two-story townhouse residential units. A variance (BA-23-07) has been requested for a reduction of the required 20-foot minimum side yard setback requirement for the townhouse buildings.

IV. Applicable Comprehensive Plan Provisions:

The Comprehensive Plan includes the following planning objectives and policies related to this proposed rezoning request:

1. Future Land Use Element

Objective 8, Policy c)

Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential densities and commercial intensities as indicated below:

(1-4 and 6-16 omitted for brevity)

(5) High Density Residential – 10.0 residential units per acre

Objective 11, Policies b) and c)

The City shall discourage the proliferation of urban sprawl by following established land use patterns, promoting appropriate infill, and designating future land use densities based upon levels of services and the availability of services and facilities.

Policy b)

Infill development shall be promoted within existing areas to discourage the harmful effects of leapfrog development.

Policy c)

Future timing of appropriate land use densities and intensities will be determined by the established levels of services and the availability of services and facilities to meet the established levels.

1. Housing Element

Objective 1, Policy a)

The City of Greenacres will enhance and develop cost effective development techniques including planned unit developments, cluster housing, zero lot line and townhouses to assure a diversity of housing types.

V. Applicable City Code Provisions:

Section 16-153(a)(1) of the Code relating to rezoning of property states that the proposed zoning change should not be contrary to the Future Land Use Map, and it should not have an adverse effect on the Comprehensive Plan.

Division 6. Residential High Density (*Sections 16-361 through 16-372*)

The residential high density (RH) district is intended to fulfill the need for a high concentration of population through a variety of housing types, residential high density (RH) districts are situated so that they are well served by public and commercial services in close proximity and have convenient access to arterial streets. Governmental,

educational, religious, noncommercial, and recreational uses that may serve this district as well as other districts are permitted or permissible by special exception.

VI. Staff Analysis:

LEVEL OF SERVICE ANALYSIS (LOS)

Water and Wastewater

The site is located within the Palm Beach County Water Utilities Department (PBCWUD) service area and currently receives potable water service through PBCWUD. PBCWUD will continue to provide potable water service and sewer services. Development of the site will require PBCWUD concurrency approval with approved capacity.

Solid Waste

The property is serviced by the City’s current waste services contract, Waste Management. The development of the site will require concurrency approval, prior to development approval.

Recreation

The City has established a level of service for parks and recreation facilities of three (3) acres per 1,000 residents. Based on the population estimate of 2.2 residents per multi-family structure for the proposed annexation area, the City’s existing park and recreation facilities are sufficient to accommodate this additional population and still maintain the level-of-service standards. The development of the site will require land or in lieu dedication for park and recreation facilities, prior to development approval.

Drainage

The subject properties are located within the boundaries of the Lake Worth Drainage District (LWDD), South Florida Water Management District (SFWMD) and Palm Beach County. The drainage will be provided for onsite, require legal positive outfall and require permitting from any applicable entities.

Public Safety

No issues were raised through the City’s Development Review Committee process. PBSO District #16 and Fire Department have indicated capacity is available to serve the proposed rezoning area to maintain the police and fire Levels of Service.

Traffic

Residential Medium (RS-MD) FLU category within the Residential Medium (RM-2) Zoning District allows up to 7 dwelling units per acre. The maximum development potential allowed under the existing FLU category is summarized by the table below:

Potential Traffic Impact of Existing Future Land Use

Parcel	Max. Density /Intensity	Total Trips
Residential Medium	28 dwelling units	189 AADT* trips
Commercial	39,182 square feet	720 AADT* trips

*Average Annual Daily Traffic based on ITE LU 220 and ITE LU 822

The maximum development potential that is allowed under the proposed FLU category of Residential High is outlined in the table below:

Potential Traffic Impact of Proposed Future Land Use

Parcel	Max. Density /Intensity	Total Trips
Residential High	65 dwelling units	438 AADT* trips

*Average Annual Daily Traffic based on ITE LU 220

Net Impact of Future Land Use Change

Parcel	Existing	Proposed	Net Change
Residential High	909 AADT* trips	438 AADT* trips	-471 AADT* trips

The surrounding road network will not be negatively impacted by traffic based on the rezoning. The trip generation analysis shows that there will be a net DECREASE of 471 AADT external trips. Development of the site requires a Palm Beach County Traffic Performance Standards approval.

Conclusion of Level of Service Analysis

The Applicant's analysis demonstrates that there will be no direct adverse impacts on the adopted Level of Service (LOS) standards for water, wastewater, solid waste, recreation, police and fire services, and traffic. Therefore, the proposed rezoning will not pose a negative impact on the public facilities in the area.

On February 15, 2024, the Development Review Committee (DRC) reviewed this application and recommended approval with the comments as noted herein.

Rezoning Criteria and Findings of Fact:

Section 16-153. Planning and Zoning Board of Appeals Report: The Planning and Zoning Board of Appeals shall submit a report to the City Council which shows that the Board has studied and considered the proposed amendment for rezoning of property and change to the official Zoning Map in relation to the following, where applicable:

Specific Criteria Findings:

- (1) Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the Comprehensive Plan.**

Finding: The proposed Residential High (RH) zoning district will be consistent with the property's proposed Residential High (RS-RH) Future Land Use designation which is currently being processed with this petition as CPA-23-04. The proposed change is a difference in the existing land uses on site, but in line with the residential character of the immediate area with townhouses built across Dodd and Woodlake from the subject Property.

(2) The existing land use pattern.

Finding: The proposed Residential High (RH) zoning district is consistent with the existing land use pattern in the area. The subject property is bound by residential uses to the north, east, and west. To the north includes multi-family complexes which are similar to the proposed project. Although to the east and west are Single-Family residences, the subject property will be developed to ensure there is minimal impact upon these properties.

(3) The possible creation of an isolated district unrelated to adjacent and nearby districts.

Finding: The proposed zoning change would not create an isolated district unrelated to adjacent and nearby districts. The zoning designations to the north, south, east, and west are already designated as Residential zoning districts. The Residential High zoning designation is the logical district adjacent to Commercial, as it serves to provide a transition to less dense Single-Family areas that are currently zoned Residential - Medium Density.

(4) The population density pattern and possible increase or overtaxing of the land on public facilities such as schools, utilities, etc.

Finding: The population density proposed for the site is set to have no major impact on public facilities, utilities, or streets. Palm Beach County Traffic and School Board has already determined the proposed development does not have a significant impact.

(5) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Finding: The southern portion of the property is currently a Commercial zoning district and has never been developed. According to the applicant, the Commercial property is a difficult location for marketing as there is no visibility along Lake Worth Road. Additionally, there is no formal access to the Property with Scott Road only being an easement that would need improvements. Though surrounded by other commercial lots that front Lake Worth Road, it is logical to incorporate this parcel with the residential neighborhood.

(6) Whether changed or changing conditions make the passage of the proposed amendment necessary.

Finding: The proposed amendment stems from the Applicant's desire to create a new Townhouse product within the City of Greenacres. According to the applicant, the project to be able to sell at a reasonable price, the density needs to be increased to permit additional units. At the current density, 28 units could be developed, but the units would be at a higher price point that is less affordable and not attainable for most people in the area.

- (7) **Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.**

Finding: According to the traffic study provided by the applicant, the proposed rezoning will have a beneficial impact on the surrounding roadways. The new Average Annual Daily Traffic (AADT) is a reduction of 471 trips at full build-out. Palm Beach County Traffic Division has been provided the trip information and has made the finding the development meets the Traffic Performance Standards of Palm Beach County.

- (8) **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Finding: The proposed zoning change will not adversely affect living conditions in the area. The existing homes to the west of the Property will be separated from the proposed Townhouse Development by a landscape buffer, 106 feet of dry detention and 30-foot backyards. On the east side, there is one Single-Family home that will have a landscape buffer and 30-foot backyards for separation. The dry detention was chosen to be on the west side of the site to mitigate the impact to the most adjacent residents. Rear setbacks for all of the townhouses are proposed to be exceeded by 10 feet.

- (9) **Whether there are substantial reasons why the property cannot be used in accord with existing zoning.**

Finding: The existing zoning is incompatible and requires a Future Land Use Map Amendment as well as a Rezoning for the commercial parcel to become residential. The request for the Residential High zoning district is consistent with the intensity that could go within a Commercial district as well as providing a transitional zoning designation to the adjacent Residential Medium. Increased development potential adjacent to the intersection of Jog Road and Lake Worth Road is a logical nexus for increased density to create a proper neighborhood center and node of future development.

- (10) **Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.**

Finding: The proposed change would not constitute a special privilege for the property owner. Any property owner is permitted to request a zoning change. The applicant will be required to provide verification that all development concurrency is available for the project prior to development.

VIII. Staff Recommendation:

Approval of ZC-23-02.

PLANNING & ZONING BOARD OF APPEALS RECOMMENDATION – August 8, 2024

The Planning and Zoning Board of Appeals on a motion made by Board Member Fitzgerald and seconded by Board Member Edmundson, voting five (5) to zero (0), **recommended approval** of Rezoning **ZC-23-02**, as presented by staff.

CITY COUNCIL ACTION – September 16, 2024

The City Council on a motion made by Council Member Tharp and seconded by Council Member Bousquet, voting five (5) to zero (0), **approved** zoning change **ZC-23-02 (Astoria Towns)**, on first reading, through **Ordinance 2023-23**, as presented by staff.

CITY COUNCIL ACTION – October 7, 2024



ITEM SUMMARY

MEETING DATE: October 7, 2024
FROM: Andrea McCue, City Manager, Administration
SUBJECT: Ordinance 2024-26 Firefighter and Police Share Plan Amendment to Crediting Earnings/Losses to Plan Accounts.

BACKGROUND

The City established a retirement plan and trust for the public safety officers and firefighters of the City on January 1, 1996, and earnings/losses to the share accounts are distributed on an annual basis.

ANALYSIS

The Pension Board of Trustees is recommending that the Pension Plan be revised to change the method for crediting of earnings and losses on the share accounts to more fairly distribute the earnings and losses on a quarterly basis rather than an annual basis.

No changes have been made to the Ordinance since first reading.

FINANCIAL INFORMATION

Distribution amounts are set by the terms included in the retirement plan and trust for firefighters and public safety officers.

LEGAL

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

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2024-26 on second reading.

ORDINANCE NO. 2024-26

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 10, PERSONNEL, ARTICLE IV, RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS, DIVISION 3, RETIREMENT SYSTEMS AUTHORIZED BY SECTION 10-148 ENTITLED "PUBLIC SAFETY OFFICERS AND FIREFIGHTERS RETIREMENT PLAN AND TRUST"; AMENDING THE CITY OF GREENACRES PUBLIC SAFETY OFFICERS AND FIREFIGHTERS' RETIREMENT PLAN AND TRUST DEFINED BENEFIT PLAN AND TRUST ADOPTION AGREEMENT TO IMPLEMENT A CHANGE TO THE PROCESS FOR CREDITING THE EARNINGS ON THE SHARE ACCOUNTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as set forth in Section 10- 148 of the City' s Code of Ordinances, the City established a retirement plan and trust for the public safety officers and firefighters of the City on January 1, 1996 (" Retirement Plan" or " Plan"), which included as Exhibit " B-3" the Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement with attachments (the " Adoption Agreement"); and

WHEREAS, the Pension Board of Trustees recommends that the Pension Plan be revised to change the method for crediting of earnings and losses on the share accounts to more fairly distribute the earnings and losses on a quarterly basis rather than an annual basis; and

WHEREAS, the Adoption Agreement authorizes the City Council to amend the Plan and Trust Agreement by a written amendment to the same; and

WHEREAS, the City Council finds that amending the City of Greenacres Public Safety Officers and Firefighters Retirement Plan Trust as set forth herein is in the best interests of the City and serves a valid public purpose.

Ordinance No. 2024-26 | Share Plan Amendment to Credited Earnings for Firefighters and Police

Page No. 2

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

SECTION 1. That Chapter 10, Article IV, Division 3, Section 10-148, of the Greenacres City Code entitled " Public Safety Officers and Firefighters Retirement Plan and Trust" is hereby amended as follows:

ARTICLE IV. RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS

Sec. 10- 148. Public Safety Officers and Firefighters Retirement Plan and Trust.

- a) A retirement plan and trust for the firefighters and public safety officers of the City of Greenacres is hereby established, effective the 1st day of January 1996. The instruments which represent the terms of said plan and trust include the Florida Municipal Pension Trust Fund Trust Joinder Agreement (exhibit "A"), Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement (exhibit " B-3" including the Amendment No. ~~3~~ **4** to the Share Plan - attachment 1, and Amendment No. 1 to the Retirement Plan Changes for Sworn Law Enforcement Officers Effective February 1, 2016— attachment 2), the Florida Municipal Pension Trust Fund Defined Benefit Plan Document, (exhibit "C"), the Florida Municipal Pension Trust Fund, Master Trust Agreement (exhibit D-1") and the Investment Policy (exhibit "E"), and will be and remain exhibits to this section, remanded to the custody of the City Clerk who will maintain such for public inspection.

SECTION 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, that the sections of the Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Ordinance No. 2024-26 | Share Plan Amendment to Credited Earnings for Firefighters and Police

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SECTION 3. If any clause, section, or other part or application of this Ordinance shall be held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

SECTION 4. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This Ordinance shall become effective immediately upon adoption, unless otherwise provided.

[The remainder of this page intentionally left blank.]

Ordinance No. 2024-26 | Share Plan Amendment to Credited Earnings for Firefighters and Police

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Passed on the first reading this 16th day of September, 2024.

PASSED AND ADOPTED on the second reading this 7th day of October, 2024.

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Council Member, District I

Voted:
Peter Noble, Council Member, District II

Voted:
Judith Dugo, Deputy Mayor

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: October 7, 2024
FROM: Andrea McCue, City Manager, Administration
SUBJECT: Ordinance 2024-27 – DROP Extension to Eight Years for Police and Fire

BACKGROUND

The City established a Retirement Plan and Trust on January 1, 1996. The Adoption Agreement authorizes the City Council to amend the Plan and Trust Agreement. Currently the Retirement Plan permits members to elect to participate in a Deferred Retirement Option Program (DROP) for a maximum period of five (5) years.

ANALYSIS

The City is looking to extend the DROP participation from the prior maximum of five (5) years to the maximum of eight (8) years.

FINANCIAL INFORMATION

The City's actuary has advised that extending the DROP period will have no cost impact on the Pension Plan. The police officers are no longer employed by the City so there would be no impact on City payroll. Higher payroll costs may be expected for firefighters as the firefighters have the option to stay longer. The cost would be negligible.

LEGAL

The City's Pension Attorney has prepared the Ordinance and supporting documents which are legally sufficient and in compliance with applicable laws.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2024-27 on first reading.

ORDINANCE NO. 2024-27

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 10, PERSONNEL, ARTICLE IV, RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS, DIVISION 3, RETIREMENT SYSTEMS AUTHORIZED, SECTION 10-148 ENTITLED “PUBLIC SAFETY OFFICERS AND FIREFIGHTERS RETIREMENT PLAN AND TRUST”; AMENDING THE FLORIDA MUNICIPAL PENSION TRUST FUND DEFINED BENEFIT PLAN AND TRUST ADOPTION AGREEMENT AT SECTION M(1)(a)(iii) TO EXTEND THE DEFERRED RETIREMENT OPTION PROGRAM FROM FIVE TO EIGHT YEARS FOR ALL MEMBERS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as set forth in Section 10-148 of the City’s Code of Ordinances, the City established a retirement plan and trust for the public safety officers/sworn law enforcement officers and firefighters of the City on January 1, 1996 (“Retirement Plan”), which included as Exhibit “B-3”, the Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement with attachments and as previously amended (“Adoption Agreement”); and

WHEREAS, the City Council is authorized to amend the Retirement Plan, in whole or in part, either retroactively or prospectively, by delivering to the Board of Trustees of the Retirement Plan a written amendment to the same; and

WHEREAS, the Adoption Agreement permits members to elect to participate in a Deferred Retirement Option Program (“DROP”) for a maximum period of five (5) years; and

WHEREAS, the City desires to amend the Retirement Plan by amending the Adoption Agreement to extend the maximum DROP period to eight (8) years; and

WHEREAS, in order to implement this amendment to the Retirement Plan, the City must adopt this Ordinance amending the documents referred to in Section 10-148 of the City Code; and,

Ordinance No. 2024-27 | Amendment to Extend Deferred Retirement Option Program (DROP) to Eight Years for Firefighters and Police

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WHEREAS, the City Council for the City of Greenacres, Florida, hereby determines that the adoption of this Ordinance serves a valid public purpose.

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

Section 1. The foregoing recitals are incorporated into this Ordinance as true and correct statements.

Section 2. That Chapter 10, Article IV, Division 3, Section 10-148, of the Greenacres City Code entitled, “Public Safety Officers and Firefighters Retirement Plan and Trust” is hereby amended as follows (words ~~stricken~~ are deletions; words underlined are additions):

ARTICLE IV. RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS

Sec. 10-148. Public Safety Officers and Firefighters Retirement Plan and Trust.

- (a) A retirement plan and trust for the firefighters and public safety officers of the City of Greenacres is hereby established, effective the 1st day of January 1996. The instruments which represent the terms of said plan and trust include the Florida Municipal Pension Trust Fund Trust Joinder Agreement (exhibit “A”), Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement (exhibit “B-3” including the Amendment No. 3 to the Share Plan - attachment 1, ~~and~~ Amendment No. 1 to the Retirement Plan Changes for Sworn Law Enforcement Officers Effective February 1, 2016 – attachment 2, and Amendment to

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DROP – attachment 3), the Florida Municipal Pension Trust Fund Defined Benefit Plan Document, (exhibit “C”), the Florida Municipal Pension Trust Fund, Master Trust Agreement (exhibit “D-1”) and the Investment Policy (exhibit “E”), and will be and remain exhibits to this section, remanded to the custody of the city clerk who will maintain such for public inspection.

Section 2. The “Amendment to DROP – attachment 3” added by Section 1 above is attached hereto and incorporated herein and specifically amends section (M)(1)(a)(iii) of the Adoption Agreement to extend the maximum DROP participation period from five (5) years to eight (8) years.

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. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; 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 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

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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 upon adoption.

Passed on the first reading this 7th day of October, 2024.

PASSED AND ADOPTED on the second reading this ___ day of _____, 2024.

Chuck Shaw, Mayor

Voted:

John Tharp, Council Member, *District I*

Attest:

Quintella Moorer, City Clerk

Voted:

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Deputy Mayor

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

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Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

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Attachment - 3

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**FLORIDA MUNICIPAL PENSION TRUST FUND
DEFINED BENEFIT PLAN AND TRUST
ADOPTION AGREEMENT**

The undersigned Employer adopts the Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust for those Employees who shall qualify as Participants hereunder, to be known as the Retirement Plan and Trust for the

Firefighters and Public Safety Officers of the City of Greenacres

It shall be effective as of the date specified below. The Employer hereby selects the following Plan specifications:

EMPLOYER INFORMATION

Employer:	<u>City of Greenacres</u>
Contact Name and Title:	<u>Andrea McCue, City Manager</u>
Address:	<u>5800 Melaleuca Lane</u> <u>Greenacres, FL 33463</u>
Telephone:	<u>(561) 642-2017</u>
Fax:	<u>(561) 642-2037</u>
E-Mail:	<u>amccue@greenacres.fl.gov</u>

NAME AND ADDRESS OF TRUSTEE:

Florida Municipal Pension Trust Fund
301 S. Bronough St., Suite 300
P.O. Box 1757
Tallahassee, FL 32302-1757
Tel: (850)222-9684 Fax: (850)222-3806

LOCATION OF EMPLOYER'S PRINCIPAL OFFICE:

The Employer is located in the State of Florida and this Trust shall be enforced and construed under the laws of the State of Florida.

EMPLOYER FISCAL YEAR:

Twelve months commencing on October 1st and ending on September 30th.

A. PLAN INFORMATION

This Adoption Agreement shall establish a Plan and Trust with the following provisions:

A1) Effective Date:

Effective Date: January 1, 1996

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A2) Plan Year (12 consecutive month period):
Beginning October 1 and Ending September 30

A3) Plan Anniversary Date (Annual Valuation Date):
October 1

A4) Name of Plan Administrator:
Florida League of Cities, Inc.
301 S. Bronough St.
Post Office Box 1757
Tallahassee, Florida 32302-1757
Tel: (850) 222-9684 Fax: (850) 222-3806

A5) Florida Municipal Pension Trust Fund I.D. Number:
59-2961075

A6) Florida Municipal Pension Trust Funds' Agent for Legal Process:
Florida League of Cities, Inc.
301 South Bronough St., P.O. Box 1757
Tallahassee, FL 32302-1757
Tel: (850) 222-9684 Fax: (850) 222-3806

B. PLAN
This plan represents the Public Safety Officers and Firefighters of the City of Greenacres.

C. Eligibility
All Public Safety Officers and Firefighters hired on or after the effective date of the plan are eligible to participate in the plan immediately when hired.

One time election:
Firefighters and Public Safety Officers in the City of Greenacres "General Employees" Defined Contribution Plan as of the effective date of Ordinance No. 2008-13 will have a one (1) time option to become members of the Plan. Employees wishing to become members must make an irrevocable written election to join the Plan. Members must submit an enrollment form to the Board of Trustees within ninety (90) days of the effective date of this Amendment. Members electing to join the Plan will have the ability to purchase, utilize and transfer their existing 401 Contribution assets in the City General Employee Defined Contribution Plan to the Plan, all of their previous credited employment service time with the City of Greenacres, provided such employment service was in a position covered by the Plan. Purchase of this past employment service will be at the full actuarial cost of such services and shall not increase the contribution rate of the Plan.

D. SALARY

A. Firefighter
Means the fixed monthly remuneration paid a Firefighter; where, as in the case of a Volunteer Firefighter, remuneration is based on actual services rendered, salary shall be the total cash remuneration received yearly for such services, prorated on a monthly basis. The remuneration paid a Firefighter by the employer for a plan excludes overtime payments greater than 300 hours per calendar year, Bonuses, Lump Sum Payments for Accrued Annual Leave and Sick Leave, Annual Shoe Allowance, and Longevity Payments.

B. Public Safety Officer
Means the total cash remuneration paid to a Public Safety Officer for services rendered, excluding overtime payments greater than 300 hours per calendar year, Lump Sum Payments for Accrued Annual

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Leave and Sick Leave, and any payments for extra duty or special detail work performed on behalf of a second party employer.

E. **CREDITED SERVICE**

Shall mean the total number of years and fractional parts of years of service as a Participant during which the Participant made required contributions to the Plan, omitting intervening years or fractional parts of years when such Participant is not employed by the Employer.

F. **AVERAGE FINAL COMPENSATION**

Shall mean one-twelfth (1/12) of the average annual compensation of the five (5) best years of the last ten (10) years of Credited Service prior to retirement, termination or death, or the career average, whichever is greater. *(See Plan Definition)*

G. **BENEFIT AMOUNTS AND ELIGIBILITY**

G1) **Normal Retirement Date:**

A Participant's Normal Retirement Date shall be the first day of the month coincident with or next following the attainment of age 55 and 6 years of service or the attainment of 25 years of service, regardless of age.

(Only actual completed years of credited service will be used to determine normal retirement date)

G2) **Normal Retirement Benefit:**

The retirement benefit shall be equal to the number of years of credited service multiplied by 3% and multiplied by average final compensation.

G3) **Early Retirement Date:**

A Participant may retire on his Early Retirement Date which shall be the first day of any month coincident with or next following attainment of age 50 and 6 years of credited service.

G4) **Early Retirement Benefit:**

The accrued benefit will be reduced by three percent (3%) for all years prior to normal retirement age.

H. **DISABILITY BENEFITS**

H1) **Disability Benefits In-the-Line-of-Duty:**

A member determined to be totally and permanently disabled from a service connected injury or disease will receive the greater of a monthly pension equal to 42% of average monthly compensation or an amount equal to the accrued retirement benefit.

H2) **Disability Benefits Off-Duty:**

A member determined to be totally and permanently disabled from a non-service connected injury or disease and who has completed ten (10) years of service will receive the greater of a monthly pension equal to 25% of average monthly compensation or an amount equal to the accrued retirement benefit.

I. **DEATH BENEFITS**

I1) **Death Prior to Vesting - In-Line-Of-Duty:**

If a member dies prior to retirement in-the-line-of-duty, and he is not vested, his beneficiary shall receive a refund of one hundred percent (100%) of the member's accumulated contributions.

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12) Death After Vesting - In-Line-Of-Duty:

If a member dies prior to retirement in-the-line-of-duty, and he is vested, having completed the required years of credited service, his beneficiary shall receive the benefits otherwise payable to the member at the member's early or normal retirement date.

13) Death Prior to Vesting - Off -Duty:

If a member dies prior to retirement other than in-the-line-of-duty, but he is not vested, his beneficiary shall receive a refund of one hundred percent (100%) of the member's accumulated contributions.

14) Death After Vesting - Off-Duty:

If a member dies prior to retirement other than in-the-line-of-duty, but he is vested, having completed the required years of credited service, his beneficiary shall receive the benefits otherwise payable to the member at the member's early or normal retirement date.

J. TERMINATION OF EMPLOYMENT AND VESTING

If a member's employment is terminated either voluntarily or involuntarily the following benefits are payable:

- 1) If the member has less than six (6) years of credited service upon termination of employment, the member shall be entitled to a refund of his accumulated contributions or the member may leave the accumulated contributions deposited with the Fund.
- 2) If the member has six (6) or more years of credited service upon termination of employment, the member shall be entitled to their accrued monthly retirement benefit, starting at the member's otherwise normal or early retirement date, provided he does not elect to withdraw his contributions and provided he survives to his normal or early retirement date. Early and normal retirement dates are based on actual years of credited service.

K. EMPLOYEE CONTRIBUTIONS

Members of the Plan shall be required to make regular contributions to the Fund in the amount four percent (4%) of their salary on a pre-tax basis.

L. COST OF LIVING ADJUSTMENT

Retirees are entitled to an annual C.O.L.A. of three percent (3%) on a compounded basis COLA. For firefighters, the COLA commences one year after retirement and separation from City employment. For public safety officers, the 3% annual cost of living adjustment commences one year after termination of the member's participation in the DROP or one year after the member begins to receive retirement benefits from the Plan, whichever is later.

M. DEFERRED RETIREMENT OPTION PROGRAM-"DROP"

1) FIREFIGHTER DROP: A deferred retirement option plan ("DROP") is hereby established for firefighters effective December 7, 2020.

- (a). DROP eligibility and participation.

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- i. A member who attains normal retirement eligibility (age 55 with at least six years of credited service or 25 years of credited service regardless of age) shall be eligible to participate in the DROP. A member may defer participation in the DROP until age 59 or 33 years of service, whichever occurs first; provided, a member who has attained normal retirement eligibility but exceeds age 59 on December 7, 2020, be eligible to participate in the DROP by making a written election to enter the DROP no later than three (3) months from the effective date of the DROP.
- ii. A member must make a written election to participate in the DROP on a form provided by the City. A member's election to participate in the DROP shall be irrevocable.
- iii. An eligible member may participate in the DROP for a maximum of 5 years. Effective October 21, 2024, an eligible member may participate in the DROP for a maximum of 8 years.
- iv. A member who elects to participate in the DROP shall be required to terminate City employment no later than the end of the maximum DROP period. A member who elects to participate in the DROP may terminate DROP participation and City employment sooner than the end of the maximum DROP period, with at least 30 days' advance written notice to the City.

(b) DROP plan features.

- i. An eligible member who elects to participate in the DROP will be considered to have retired for purposes of the pension plan. The member's monthly retirement benefit, determined in accordance with the plan based on years of credited service and average final compensation at the time the member enters the DROP, will be paid into the member's DROP account every month during the DROP period. Member DROP accounts are notional accounts, used only for the purpose of calculating DROP benefits, and are not separate accounts within the pension plan. The monies allocated to member DROP accounts shall be invested by the pension board in the same manner as other plan assets, and members shall have no control over the investment of DROP accounts.
- ii. No member contributions shall be required after a member enters the DROP, and the member will not accrue any additional credited service or any additional benefits under the pension plan after entering the DROP.
- iii. A member who elects to participate in the DROP shall not be eligible for disability or preretirement death benefits under the pension plan after DROP participation begins.
- iv. During a member's participation in the DROP, the member's monthly retirement benefit will be paid into the DROP account. The member's DROP account will earn interest at the rate of 3% per annum, compounded monthly. The DROP account shall not earn interest after the member's DROP participation ends.
- v. Within thirty (30) days following a DROP participant's termination of city employment or death, the member, or in the event of the member's death the member's designated beneficiary, may submit a written election on a form approved by the pension board, to receive the member's entire DROP account balance, which shall be distributed to the member (or in the event of the member's death to the member's designated beneficiary or estate in accordance with paragraph vi below) in a cash lump sum, unless the member elects to have all or any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the member in a direct rollover. Any such direct rollover would be accomplished in accordance with IRS regulations and the pension plan. In the event a

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member or designated beneficiary does not submit a written election to receive a distribution of the member's DROP account balance within thirty (30) days following the member's termination of city employment or death, the DROP account shall be maintained but shall not earn interest.

vi. If a DROP participant dies before his or her DROP account is distributed, the participant's designated beneficiary shall have the same rights as the participant with respect to the distribution of the DROP account. The member may change the designated beneficiary no more than two times during the member's participation in the DROP. Such change must be on a form prescribed by the City, signed by the member, and filed with the board. If the member has not designated a beneficiary, the DROP account balance shall be paid to the member's estate.

vii. Participation in the DROP is not a guarantee of continued employment. DROP participants are subject to the same employment policies and standards as employees who are not in the DROP.

viii. A member who participates in the DROP shall be eligible to receive payment for unused sick leave as follows:

a. Upon separation from employment – up to 960 hours at 100% of the employees' hourly rate; and

b. During DROP – an employee may receive payment for accrued sick leave in excess of 960 hours at 50% of the employees' hourly rate.

ix. The DROP account distribution, along with other benefits paid by the pension plan, is subject to limitation under Section 415(b) of the internal Revenue Code.

x. The pension board may adopt any rules for administering the DROP that are necessary to maintain compliance with the Internal Revenue Code.

2) PUBLIC SAFETY OFFICER DROP: A deferred retirement option plan ("DROP") is hereby established for sworn law enforcement officers of the City who became employees of the Palm Beach Sheriff's Office (PBSO) on February 1, 2016 and who continued to participate in the Retirement Plan, effective September 28, 2022:

(a). DROP eligibility and participation.

i. A member who attains normal retirement eligibility (age 55 with at least six years of credited service or 25 years of credited service regardless of age) shall be eligible to participate in the DROP.

ii. A member must make a written election to participate in the DROP on a form provided by the City. A member's election to participate in the DROP shall be irrevocable.

iii. An eligible member may participate in the DROP for a maximum of 5 years. A member's participation in the DROP shall automatically terminate at the conclusion of the maximum 5-year DROP participation period. Effective October 21, 2024, an eligible member may participate in the DROP for a maximum of 8 years. A member's participation in the DROP shall automatically terminate at the conclusion of the maximum 8-year DROP participation period.

iv. A member who elects to participate in the DROP may terminate DROP participation sooner than the end of the maximum DROP period, with at least 30 days' advance written notice to the City.

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(b) DROP plan features.

i. An eligible member who elects to participate in the DROP will be considered to have retired for purposes of the Pension Plan. The member's monthly retirement benefit, determined in accordance with the plan based on years of credited service and average final compensation at the time the member enters the DROP, will be paid into the member's DROP account every month during the DROP period. Member DROP accounts are notional accounts, used only for the purpose of calculating DROP benefits, and are not separate accounts within the Pension Plan. The monies allocated to member DROP accounts shall be invested by the pension board in the same manner as other plan assets, and members shall have no control over the investment of DROP accounts.

ii. No member contributions shall be required after a member enters the DROP, and the member will not accrue any additional credited service or any additional benefits under the pension plan after entering the DROP.

iii. A member who elects to participate in the DROP shall not be eligible for disability or preretirement death benefits under the pension plan after DROP participation begins.

iv. During a member's participation in the DROP, the member's monthly retirement benefit will be paid into the DROP account. The member's DROP account will earn interest at the rate of 3% per annum, compounded monthly. The DROP account shall not earn interest after the member's DROP participation ends.

v. Within thirty (30) days following the end of the member's DROP participation or death, the member, or in the event of the member's death the member's designated beneficiary, shall submit a written election on a form approved by the pension board, to receive the member's entire DROP account balance, which shall be distributed to the member (or in the event of the member's death to the member's designated beneficiary or estate in accordance with paragraph vi below) in a cash lump sum, unless the member elects to have all or any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the member in a direct rollover. Any such direct rollover would be accomplished in accordance with IRS regulations and the pension plan. In the event a member or designated beneficiary does not submit a written election to receive a distribution of the member's DROP account balance within thirty (30) days following the member's termination of city employment or death, the DROP account shall be maintained but shall not earn interest.

vi. If a DROP participant dies before his or her DROP account is distributed, the participant's designated beneficiary shall have the same rights as the participant with respect to the distribution of the DROP account. The member may change the designated beneficiary no more than two times during the member's participation in the DROP. Such change must be on a form prescribed by the pension board, signed by the member, and filed with the board. If the member has not designated a beneficiary, the DROP account balance shall be paid to the member's estate.

vii. The DROP account distribution, along with other benefits paid by the Pension Plan, is subject to limitation under Section 415(b) of the internal Revenue Code.

viii. The pension board may adopt any rules for administering the DROP that are necessary to maintain compliance with the Internal Revenue Code.

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N. SUPPLEMENTAL “SHARE” PLAN

A supplemental Share Plan, originally established by Ordinance No. 2012-05, and amended by Ordinance No. 2019-04 (Amendment No. 1), Ordinance 2020-16 (Amendment No. 2), and Ordinance 2022-26 (Amendment No. 3) is attached hereto as Attachment “1”.

O. RETIREMENT PLAN CHANGES FOR SWORN POLICE OFFICERS EFFECTIVE FEBRUARY 1, 2016

Pursuant to a Memorandum of Understanding between the City of Greenacres and Palm Beach County Police Benevolent Association (PBA) ratified in January 2016, the City and PBA have mutually agreed to a number of changes to the Retirement Plan for sworn law enforcement officers, in conjunction with the Law Enforcement Services Agreement between the City and the Palm Beach County Sheriff’s Office. The Retirement Plan changes, attached hereto as Attachment “2”, shall take effect February 1, 2016.

This Adoption Agreement may be used only in conjunction with the Basic Defined Benefit Plan Document.

This Adoption Agreement and the Basic Defined Benefit Plan Document shall together be known as the Retirement Plan and Trust for the Public Safety Officers and Firefighters of the City of Greenacres.

The Adoption Agreement and the Basic Defined Benefit Plan Document are furnished for the consideration of the Employer and its legal and financial advisors. The Florida Municipal Pension Trust Fund advises the sponsoring Employer to consult with its own attorney and financial advisors on the legal and tax implications of the Defined Benefit Plan and the Adoption Agreement. Nothing herein should be construed as constituting legal or tax advice.

We understand that the Employer may amend any election in this Adoption Agreement by giving the Trustee written notification of such Amendment as adopted.

The Employer hereby agrees to operate under the provisions of the Master Trust Agreement creating the Florida Municipal Pension Trust Fund, which is incorporated in full into this Agreement and attached hereto as Exhibit A to the Basic Defined Benefit Plan Document and the Adoption Agreement.

IN WITNESS WHEREOF, the Employer and Trustee hereby cause this Agreement to

be executed on this 21st day of October 2024.

EMPLOYER:

By: _____ **Date:** _____

Title: _____



ITEM SUMMARY

MEETING DATE: October 7, 2024
FROM: Monica Powery, Director of Purchasing
SUBJECT: Award of RFQ No. 24-021 Progressive Design-Build for Emergency Operations Center

BACKGROUND

The City of Greenacres desires to hire an experienced and qualified contractor to provide Progressive Design-Build Services which shall consist of the development, design, and construction of a new ground up to two-story, Category 5 hurricane-resistant facility to house the City's Emergency Operations Center and full-time operations staff. The RFP was advertised by the City's Purchasing Department on May 29, 2024.

ANALYSIS

The proposals were opened July 1, 2024, with eight (8) proposers responding. The attached tabulation sheet summarizes the responses received. The Selection Committee was comprised of the following City personnel: City Manager, Director of Public Works, Assistant Fire Chief, Construction Manager, Director of Information Technology, and the Director of Purchasing and the Senior Buyer as the Chairs.

The Selection Committee first meeting was held on July 25, 2024, to discuss evaluations and determine if further discussions/presentations are desired to rank and award proposers. The committee determined that presentations were necessary.

The Selection Committee second meeting was held on August 8, 2024, KAST Construction Company LLC, Kaufman Lynn Construction, Inc., and Pirtle Construction Company presented to the committee. Immediately after, the Selection Committee held a meeting to discuss, evaluate and rank both firms. After discussion the committee voted, Kaufman Lynn Construction, Inc. as the highest ranked firm. The attached tabulation sheet summarizes the committee's final ranking.

FINANCIAL INFORMATION

Funds are budgeted in Capital Improvement Program 301-50-55-62-26 (CIP 301-238).

LEGAL

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

STAFF RECOMMENDATION

Approval of Resolution No. 2024-56 authorizing execution of agreement and award of RFQ No. 24-021 Progressive Design-Build for Emergency Operations Center to Kaufman Lynn Construction, Inc.

RESOLUTION NO. 2024-56

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE CITY OF GREENACRES AND KAUFMAN LYNN CONSTRUCTION, INC., FOR THE NEW GROUND UP, CATEGORY 5 HURRICANE-RESISTANT FACILITY TO HOUSE THE CITY'S EMERGENCY OPERATIONS CENTER (EOC) AND FULL-TIME OPERATIONS STAFF LOCATED DIRECTLY ADJACENT TO THE EAST SIDE OF THE CURRENT PUBLIC WORKS SITE AT 5750 MELALEUCA LANE, GREENACRES, FLORIDA 33463; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City is planning to design and construct a new ground up, Category 5 hurricane resistant facility to house the City's Emergency Operations Center and full-time operations staff; and

WHEREAS, staff has determined that the City would realize significant benefits by utilizing an alternative competitive bidding process in selecting a firm to manage the project and to design and construct the new building; and

WHEREAS, in accordance with the City's Code of Ordinances, the Purchasing Department issued Invitation to RFQ No. 24-021 Progressive Design-Build for Emergency Operations Center (the "RFQ") which was advertised in the legal notices section of the Palm Beach Post on May 29, 2024, and a notice was also sent to two thousand one hundred seventy-one (2,171) prospective bidders via DemandStar; and

WHEREAS, on July 1, 2024 at 3:00 p.m. EST, the RFQ closed and the Purchasing Department (the "Department") received eight (8) responses which were reviewed by the Department to ensure the responses met the RFQ requirements and the bidders were both responsive and responsible; and

WHEREAS, the Selection Committee met on July 25, 2024, to discuss and evaluate the contractors and determined that further discussion, questions, and presentations were necessary; and

WHEREAS, the Selection Committee met again on August 8, 2024, for presentations, immediately followed by a meeting to discuss and evaluate the contractors to determine which would be the best interest of the City; and

WHEREAS, Committee recommends that the City Council approve award of the RFP to Kaufman Lynn Construction, Inc. and authorize the execution of the agreement.

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 between the City of Greenacres and Kaufman Lynn Construction, 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 7th day of October 2024

Chuck Shaw, Mayor

Voted:
John Tharp, Council Member, District I

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, District II

Voted:
Judith Dugo, Deputy Mayor

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