



**City of West Palm Beach  
City Commission**

**PASS/FAIL AGENDA**

**February 25, 2019  
5:00 P.M.**

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

**MAYOR  
GERALDINE MUOIO**

**CITY COMMISSION**

**PRESIDENT PAULA RYAN**

**COMMISSIONER KELLY SHOAF  
COMMISSIONER KEITH JAMES**

**COMMISSIONER CORY NEERING  
COMMISSIONER CHRISTINA LAMBERT**

**ADMINISTRATION**

**CITY ADMINISTRATOR, JEFFREY L. GREEN  
CITY ATTORNEY, KIMBERLY ROTHENBURG  
CITY CLERK, HAZELINE CARSON**

**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

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

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.

- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

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

**PRESENTATION AND AWARDS OF MERIT (1-4):**

1. Presentation of check in the amount of \$2,718.00 from Martin Luther King Holiday Parking Meter Donation Day to Ms. Edith Bush on behalf of the Martin Luther King Caregivers. **PRESENTED**  
[Agenda Cover Memorandum No.: 22323](#)
2. Proclaiming February 2019 as: United States Veterans Chamber of Commerce Month. Proclamation to be accepted by Michael J. Zacchea Lt Col U.S. Marine Corps (ret.), Executive Director, United States Veterans Chamber of Commerce. **PRESENTED**  
[Agenda Cover Memorandum No.: 22342](#)
3. Proclaiming March 2019 as Florida Bicycle Month and March 11-15 as Bike to Work Week. Proclamation to be accepted by Penni Redford, Climate Change and Resilience Manager, Tara Applebaum, Vision Zero Coordinator, and by Alex Hansen, City Comprehensive Planner. **PRESENTED**  
[Agenda Cover Memorandum No.: 22321](#)
4. Presentation by Tara Applebaum, Vision Zero Coordinator regarding the Vision zero project. **PRESENTED**  
[Agenda Cover Memorandum No.: 22322](#)

**CONSENT CALENDAR (5-15): ALL CONSENT ITEMS (5-15) APPROVED**

5. City Commission approval is requested for the Mayor's reappointment of Ms. Lynn Aronberg to the Library Board for a term of three (3) years to expire January 27, 2022. Ms. Aronberg does not live or work in the City and it is required that the City Commission confirms her appointment.  
[Agenda Cover Memorandum No.: 22337](#)
6. City Commission approval is requested for the Mayor's reappointment of Mr. Michael J. Stellino to the Construction Board of Appeals for a term of three (3) years to expire February 1, 2022. Mr. Stellino has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms his appointment.  
[Agenda Cover Memorandum No.: 22338](#)

7. **City Commission approval is requested for the Mayor's reappointment of Dr. Deandre J. Poole to the Criminal Justice Advisory Committee for a term of three (2) years to expire March 8, 2021. Dr. Poole has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms his appointment.**  
[Agenda Cover Memorandum No.: 22339](#)
  
8. **Resolution No. 50-19(F) to provide appropriations for a contribution in the amount of \$1,120 from the American Library Association for the funding of "The Great Stories Club" for local teens.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR A CONTRIBUTION FROM THE AMERICAN LIBRARY ASSOCIATION FOR "THE GREAT STORIES CLUB" TEEN PROGRAM.**

[Agenda Cover Memorandum No.: 22316](#)

**Staff Recommended Motion:**

Approve Resolution No. 50-19(F).

**Background:**

The Mandel Public Library of West Palm Beach strives to provide unique programming for citizens of all ages in West Palm Beach. The library's Teen Librarian applied for "The Great Stories Club" grant to bring a thematic reading and discussion program to our local teens. The Great Stories Club is specifically designed to engage teens who are facing difficult challenges through literature-based library outreach programs. The goal is to provide programming to our underserved youth, connect our youth with powerful works of diverse Young Adult (YA) literature, facilitate group discussions about issues of racial and ethnic identity, and inspire teens to have meaningful conversations about the world around them. The library will be partnering with the Youth Empowerment Center to hold three book club meetings for the following books:

Anger is a Gift by Mark Oshiro.  
Piecing Me Together by Renee Watson.  
The Poet X by Elizabeth Acevedo.

The Library will also facilitate a discussion between the teens at the Youth Empowerment Center and Barbara Chieves, from Converge & Associates Consulting, who will be acting as a racial healing practitioner.

9. **Resolution No. 45-19(F) providing appropriations for a contribution in the amount of \$2,875 from the State Library of Florida via the Library Services Technology Act (LSTA) Innovation Grant to purchase technology supplies.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO RECOGNIZE AN LSTA INNOVATION GRANT FROM THE STATE LIBRARY OF FLORIDA FOR TECHNOLOGY SUPPLIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22317](#)**

**Staff Recommended Motion:**

Approve Resolution No. 45-19(F).

**Background:**

The Mandel Public Library of West Palm Beach applied for a Library Services Technology Act (LSTA) Innovation Grant to fund high-end technology supplies for patron and staff use. Funding will allow for the purchase of three Oculus Rift Virtual Reality (VR) headsets and a sensor to design and create in virtual reality and a 3D scanner. With the combination of these items, the library will not only allow the public access to the benefits of virtual reality, but also how VR can impact the real world through 3D printing. The Oculus Rift, with Oculus Medium (a 3D modeling application bundled with the Rift), will allow people to create their own 3D models in a virtual space and then print these models on the MakerBot Replicator+. Patrons will also be able to scan their own objects with the 3D Scanner and either edit it in VR or print directly. Thus, we will be teaching the public how to use cutting-edge technology while giving them the opportunity to create and copy anything they can imagine.

**Fiscal Note:**

Approval will provide \$2,875 from the LSTA grant for technology supplies.

10. **Resolution No. 66-19 approving a Conditional Settlement Agreement in the amount of \$80,000.00 in the matter of Petula O'Malley v. City of West Palm Beach.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$80,000.00 IN THE MATTER OF PETULA O'MALLEY v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22318](#)**

**Staff Recommended Motion:**

Approve Resolution No. 66-19.

**Background:**

Petula O'Malley alleged damages against the City of West Palm Beach as a result of a three-car motor vehicle accident which occurred on May 23, 2018. On that date, Ms. O'Malley was rear ended by a City of West Palm Beach vehicle causing her to be pushed into the back of another vehicle. She was transported to the hospital from the scene and underwent surgery as a result.

As part of pre-suit negotiations, an agreement has been reached with Ms. O'Malley to resolve all of her claims against the City, including all attorney's fees and costs, for \$80,000.00 in exchange for a general release and thereby ending all of her claims for damages and avoiding unnecessary litigation.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000.00 shall require approval of the City Commission by formal resolution.

11. **Resolution No. 49-19 approving a Sponsorship Agreement between the City of West Palm Beach and the Historical Society of Palm Beach County to produce "Evening on Antique Row" on March 9, 2019, from 6:00 p.m. to 11:00 p.m.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE HISTORICAL SOCIETY OF PALM BEACH COUNTY FOR "EVENING ON ANTIQUE ROW" TO BE HELD ON MARCH 9, 2019; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22324](#)**

**Staff Recommended Motion:**

Approve Resolution No. 49-19.

**Background:**

The Historical Society of Palm Beach County will host Evening on Antique Row on March 9, 2019 from 6:00 p.m. to 11:00 p.m. on Dixie Highway between Southern Boulevard and Monroe Drive. General admission ticket price is \$40 in advance and \$65 at the door. VIP and after party admission are \$100 in advance and \$125 at the door. There will also be entertainment along the street. This event is to raise awareness of and benefit the Historical Society of Palm Beach County. Additionally, this event will provide exposure to the Antique Row shops on South Dixie Highway.

Resolution No. 49-19 approves a Sponsorship Agreement between the City and the Historical Society of Palm Beach County. The Historical Society of Palm Beach County will provide the City with a sponsorship valued at \$5,000 which includes marketing, public

relations and admission benefits associated with "Evening on Antique Row". The Historical Society of Palm Beach County will provide the City with \$1 million general liability insurance policy and a \$1 million liquor liability insurance policy naming the City as additionally insured. In return, the City will waive the Special Event Permit Fee of \$1,625.00 and dumpster fees of \$245.00.

**Fiscal Note:**

No fiscal impact.

12. **Resolution No. 63-19 ratifying the Mayor's execution of a grant agreement with the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management (IPTM) for a grant not to exceed \$40,896.00 for the reimbursement of overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety; and**

**Resolution No. 65-19(F) providing for the receipt and appropriation of forty thousand eight hundred ninety-six dollars (\$40,896.00) in grant funding.**

**RESOLUTION NO. 63-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT FOR REIMBURSEMENT OF OVERTIME EXPENSES INCURRED FOR THE PUBLIC EDUCATION AND ENFORCEMENT OF PEDESTRIAN AND BICYCLE SAFETY LAWS; RATIFYING THE MAYOR'S EXECUTION OF A LETTER OF AGREEMENT AND CONTRACT BETWEEN THE UNIVERSITY OF NORTH FLORIDA TRAINING AND SERVICES INSTITUTE, INC., D/B/A INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 65-19(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO RECOGNIZE RECEIPT OF FUNDS FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT (IPTM) FOR REIMBURSEMENT OF OVERTIME COSTS FOR TRAFFIC EDUCATION AND ENFORCEMENT AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22325](#)**

**Staff Recommended Motion:**

Approve Resolutions Nos. 63-19 and 65-19 (F).

**Background:**

The University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM") is the recipient of a grant from the Florida Department of Transportation (FDOT) for the education and enforcement of Pedestrian and Bicycle safety laws. The funding is intended to support activities that should reduce pedestrian and bicycle crashes as they are more likely than any other types of crashed to produce serious injuries or fatalities. In response to one of FDOT's safety campaigns, the West Palm Beach Police Department submitted statistics on traffic crash severity from high pedestrian involvement locations throughout the City and proposed a plan of implementation. West Palm Beach was awarded a portion of the funding allocated to the University of North Florida for the administration of the FDOT grant.

The award notification was received January 25, 2019 providing \$40,896.00 to the City through a Sub-Recipient agreement with the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM") for the purpose of providing reimbursement for overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety. In order to comply with the timing of the sub-recipient requirements, the Mayor executed the Sub-Recipient agreement, subject to ratification by the City Commission.

This Pedestrian and Bicycle Safety Enforcement Campaign is approved for overtime hourly costs plus benefits for 48 operations to be completed at 3 hours per operation and 4 sworn Police Officers per operation for a maximum of 576 hours of overtime reimbursement within a 13-week period. The approved intersections/corridors to conduct operations are identified within the scope of this grant as:

1. Broadway Avenue (36th Street to 59th Street)
2. Palm Beach Lakes Boulevard (North Dixie to Village Boulevard)
3. Okeechobee Boulevard (Dixie Highway to Indian Road)

Budget appropriations of \$40,896.00 will provide funds in an overtime account to offset the revenue reimbursement.

**Fiscal Note:**

Approval will provide overtime budget appropriations and revenue account for reimbursement receipts.

**13. Resolution No. 70-19(F) amending the personnel detail of the Stormwater Operating Fund.**

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

**[Agenda Cover Memorandum No.: 22326](#)**



**Staff Recommended Motion:**

Approve Resolution No. 70-19(F).

**Background:**

Resolution No. 70-19(F) amends the full-time equivalent budget (FTE) of the Public Utilities Drainage division by eliminating one (1) Environmental Compliance Specialist II position and adding one (1) Environmental Compliance Specialist III position.

The Stormwater Drainage FY19 operating budget has sufficient funds available in the personnel category to cover the anticipated cost increase of approximately \$6,720.

**Fiscal Note:**

Existing personnel budget in 481-041770 supports the anticipated \$6,720 cost increase.

14. **Resolution No. 77-19 authorizing a license agreement between the City of West Palm Beach and HCA, INC., d/b/a JFK Medical Center North for the installation of camera systems on their properties.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LICENSE AGREEMENT BETWEEN C/HCA, INC., d/b/a JFK MEDICAL CENTER NORTH AND THE CITY OF WEST PALM BEACH REGARDING THE INSTALLATION OF VIDEO SURVEILLANCE AND LICENSE PLATE READER EQUIPMENT ON HOSPITAL PROPERTY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22334](#)**

**Staff Recommended Motion:**

Approve Resolution No. 77-19.

**Background:**

The West Palm Beach Police Department, in its efforts to prevent and solve crimes has established a Real time Crime Center (RTCC). A significant part of the RTCC involves the use of cameras. Electronic surveillance by the Police Department benefits the public safety and serves a public purpose.

JFK Medical Center North is the owner of the property located at 4750 North Congress Avenue, West Palm Beach, FL 33407 ("Property"). The West Palm Beach Police Department has determined that the area surrounding the Property could benefit from an electronic video surveillance camera and license plate reader system. The electronic video surveillance camera and license plate reader system shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy.

Resolution No. 77-19 approves a License Agreement with JFK Medical Center North for the installation, operation and maintenance of its electronic video surveillance camera and license plate reader system on a portion of the hospital property.



COMMISSION DISTRICT: District 1 - Commissioner Kelly Shoaf.

**Fiscal Note:**

No fiscal impact.

15. **Resolution No. 75-19 authorizing a license agreement between the City of West Palm Beach and Saint Mary's Medical Center, Inc. for the installation of camera systems on their properties.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LICENSE AGREEMENT BETWEEN ST. MARY'S MEDICAL CENTER, INC., AND THE CITY OF WEST PALM BEACH REGARDING THE INSTALLATION OF VIDEO SURVEILLANCE AND LICENSE PLATE READER EQUIPMENT ON HOSPITAL PROPERTY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22336](#)**

**Staff Recommended Motion:**

Approve Resolution No. 75-19.

**Background:**

The West Palm Beach Police Department, in its efforts to prevent and solve crimes has established a Real time Crime Center (RTCC). A significant part of the RTCC involves the use of cameras. Electronic surveillance by the Police Department benefits the public safety and serves a public purpose.

St. Mary's Medical Center, Inc., is the owner of the property located at 5500 Greenwood Avenue, West Palm Beach, FL 33407 ("Property"). The West Palm Beach Police Department has determined that the area surrounding the Property could benefit from an electronic video surveillance camera and license plate reader system. The electronic video surveillance camera and license plate reader system shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy.

Resolution No. 75-19 approves a License Agreement with St. Mary's Medical Center for the installation, operation and maintenance of its electronic video surveillance camera and license plate reader system on a portion of the hospital property.

COMMISSION DISTRICT: District 1 - Commissioner Kelly Shoaf.

**Fiscal Note:**

No fiscal impact.

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

**RESOLUTIONS (16-18):**

16. **Resolution No. 72-19 **APPROVED** granting "Face of the City" approval of the design features for the proposed improvements to Clematis Street Streetscape 100 -200 Blocks.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE PROPOSED ABOVE GROUND IMPROVEMENTS TO THE 100 & 200 BLOCKS OF CLEMATIS STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22332](#)**

**Staff Recommended Motion:**

Approve Resolution No. 72-19.

**Background:**

The Clematis Streetscape Phase 2 goal is to improve the public realm on Clematis Street by addressing issues like shade, seating, and increased walkways. The project builds on and parallels other important planning efforts in the city, including the 2016 Downtown Study and the Parking and Mobility Studies that have been adopted. The improvements will enhance the pedestrian comfort and safety for these blocks and will significantly improve the aesthetics of this downtown street.

**Fiscal Note:**

To be funded by CRA.

17. **Resolution No. 76-19 **APPROVED** authorizing the installation of the Pioneers Memorial Monument on City property at 1450 So. Olive Avenue, approving an Amendment to the Agreement among the Lake Worth Pioneers Association, the Norton Museum of Art, and the City; and granting "Face of the City" approval for the Monument.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE AGREEMENT AMONG THE LAKE WORTH PIONEERS' ASSOCIATION, INC., THE NORTON MUSEUM OF ART, INC., AND THE CITY OF WEST PALM BEACH ADDRESSING THE INSTALLATION OF CERTAIN MONUMENTS AND MARKERS; AUTHORIZING THE INSTALLATION OF THE PIONEER MEMORIAL MONUMENT ON CITY PROPERTY; APPROVING THE MONUMENT DESIGN; COMMITTING PARTIAL FUNDING FOR THE MONUMENT; AND ACCEPTING MAINTENANCE RESPONSIBILITIES FOR THE MONUMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22335](#)**

**Staff Recommended Motion:**

Approve Resolution No. 76-19.

**Background:**

During the 1890's some of the earliest pioneer settlers along Lake Worth acquired real property (now know as 1451 So. Olive Avenue) (the "Property") which became the first cemetery in northern Dade County (now part of Palm Beach County). The Property was used as a cemetery until 1921 when the City of West Palm Beach ("City") asked the Lake Worth Pioneers Association, Inc., ("Pioneers") to donate the Property as a public park. The Pioneers donated the Property to the City by deed subject to a number of restrictions, including the requirement to honor the pioneers buried on the Property and restricting the Property to use as a public park to be known as "Pioneer Memorial Park".

Sometime in early 1940, the Norton Museum of Art, Inc., ("Norton") asked to lease the Property from the City for the purpose of constructing an art school and gallery. The City asked the Pioneers to release the deed restriction to allow the Norton's use of the Property. The pioneers released the deed restriction to allow the Norton to use the property; but imposed some additional restrictions, including the requirement for the installation and maintenance of a stone marker on the southwest corner of the property. The City leased the property to the Norton under a 99-year lease.

In order to accommodate the Norton, the Pioneers exhumed and relocated approximately 160 pioneers to Woodlawn Cemetery, at the City's expense. The families of 40 pioneers, however, did not grant such permission and those persons remain buried on the Property to date.

The Pioneers, the Norton and the City entered into that Agreement dated July 1, 2001, and recorded in Official Record Book 12840, Page 1121, Public Records of Palm Beach County, Florida (the "Agreement") which addressed several matters, including but not limited to the details and locations regarding markers and memorials honoring the pioneers to be located on the Property.

By City Deed dated May 1, 2017, the City deeded the Property to the Norton and terminated its lease.

The Norton has completed a major renovation of the museum, which requires amendment of some of the terms of the Agreement. The Parties wish to amend certain provisions of the Agreement, including but not limited to the details and locations regarding markers and memorials honoring the pioneers to be located on the Property.

Additionally, the Parties wish to specifically address the installation of a monument honoring the Pioneers (the "Pioneer Memorial Monument"). The City desires to authorize the Pioneer to install a Pioneer Memorial Monument on City-owned property across from the Norton Property. The City desires to provide Sixty-Five Thousand Dollars (\$65,000) in funding toward the Pioneer Memorial Monument. The Norton desires to provide Fifty Thousand Dollars (\$50,000) in funding toward the Pioneer Memorial Monument. The Pioneer shall be responsible for all remaining funds necessary to complete the design and

installation of the Pioneer Memorial Monument. Upon completion, the Pioneers shall

donate the Pioneer Memorial Monument to the City and the City shall be responsible for the cost of maintenance, repair, and restoration of the Pioneer Memorial Monument.

Resolution No. 76-19 approves the Amendment to the Agreement, grants "Face of the City" approval for the Monument; authorizes the installation of the Pioneer Memorial Monument on City property, commits the City funding toward the Monument and assumes the maintenance of the Monument.

COMMISSION DISTRICT: The Pioneer Memorial Monument will be located in Commission District 3 - Commissioner Paula Ryan.

**Fiscal Note:**

City will contribute \$65,000 toward the Monument. Funds are appropriated for Monuments in the Mayor's Department line item budget.

18. **Resolution No. 79-19 APPROVED authorizing the issuance of the Series 2019 Bonds by the West Palm Beach CRA of not to exceed \$110,000,000.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE ISSUANCE BY THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY OF NOT TO EXCEED \$110,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY TAX INCREMENT REVENUE BONDS, SERIES 2019 (CITY CENTER COMMUNITY REDEVELOPMENT AREA), IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 163, PART III, FLORIDA STATUTES, AS AMENDED; AUTHORIZING THE FINANCING OF THE SERIES 2019 CRA REDEVELOPMENT PROJECTS AND THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING SERIES 2006A BONDS; AUTHORIZING THE MAYOR AND CITY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

**[Agenda Cover Memorandum No.: 22341](#)**

**Staff Recommended Motion:**

Approve Resolution No. 79-19.

**Background:**

The West Palm Beach Community Redevelopment Agency (CRA) intends to issue its Not To Exceed \$110,000,000 in aggregate principal amount of West Palm Beach Community Redevelopment Agency Tax Increment Revenue Bonds, Series 2019 (City Center Community Redevelopment Area), pursuant to Resolution No. 06-93, adopted by the CRA Board (the "Bond Resolution"), and Resolution No. 19-1 adopted by the CRA Board on this date (the "Series 2019 Series Resolution").

The principal purposes for the bond issuance are the refunding all or a portion of the outstanding CRA Series 2006A Bonds, and the financing the Series 2019 CCCRA Redevelopment Projects, which include:

-Streetscape improvements within the City Center CRA area including, without limitation, roadways, sidewalks, utilities, public art, lighting, landscaping and irrigation, trash receptacles, signage and signals, furnishings, street parking and ADA accessibility.

-New park construction within the City Center CRA area including, without limitation, play elements, furnishings, stage, lighting, landscaping and irrigation.

-Acquisition, design and development of a building within the City Center CRA area to be used as a training center for construction, hospitality and other trades.

Resolution No. 79-19 grants the City's authorization of the issuance of the Series 2019 Bonds by the CRA.

#### **PUBLIC HEARING (19-21):**

- 19. Public Hearing and Second Reading of Ordinance No 4831-19 APPROVED amending the Chronic Nuisance Property Code definition of pattern of nuisance activity for alcoholic beverage establishments to apply to those establishment with three or more nuisance activities within 30 days or seven or more within six months.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH AT CHAPTER 54, OFFENSES, ARTICLE XIII, CHRONIC NUISANCE PROPERTY CODE, AMENDING THE DEFINITION OR PATTERN OF NUISANCE ACTIVITY RELATING TO ALCOHOLIC BEVERAGE ESTABLISHMENTS; PROVIDING A CODIFICATION CLAUSE; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22329](#)**

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

Approve Ordinance No. 4831-19.

#### **Background:**

On January 23, 2012 the City Commission adopted Ordinance 4394-11. The Ordinance amended and restated Chapter 6 of the Alcoholic Beverage Code to establish an extended hour permit program for the downtown master plan area in response to concerns regarding proliferation of night clubs around Clematis Street and the possible negative impacts such proliferation may have on the downtown. The Alcohol Beverage Code provides penalties relating to the extended hours permit applicable when the police department have documented three or more verified police incidents within a thirty-day period and also

provides that if a chronic nuisance service order is entered against the property, no extended hours permit may be issued, and any issued permits may be revoked. In order to enter a service order, a property must first be declared a chronic nuisance. To be declared a chronic nuisance the City must establish that there exists a pattern of nuisance activity upon the property. Under the current regulations, one can establish a pattern of nuisance activity relative to an alcoholic beverage establishment if the police department has responded to five or more nuisance activities at the property within thirty days or twenty or more nuisance activities at the property within six months. Ordinance No. 4831-19 reduces the number of nuisance activities from five or more to three or more within a thirty-day period and from twenty or more to seven or more within a six-month period.

20. **Public Hearing and First Reading of Ordinance No. 4832-19 **APPROVED** amending various sections of the City Code Chapter 86, Article III, Division 4, Sections 86-189 through 86-195 of the Code of West Palm Beach, Florida.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 86 (TRAFFIC), ARTICLE III (OPERATION OF VEHICLES), TO AMEND DIVISION 4 (RESTRICTION ON USE OF STREETS) TO DELETE SECTION 86-188 (TRUCK ROUTE ESTABLISHED; OFFICIAL TRUCK ROUTE MAP) AND SECTION 86-189 (TRUCK TRAFFIC PROHIBITED ON CERTAIN STREETS), TO RENUMBER SECTIONS 86-189 THROUGH 86-193, TO AMEND SECTION 86-194 (COMMERCIAL VEHICLES TO DISPLAY NAME ON SIDE), AND TO AMEND SECTION 86-195 (GRANTING OF EXCEPTIONS TO SIZE RESTRICTIONS); PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22327](#)**

**Staff Recommended Motion:**

Approve No. Ordinance No. 4832-19 on First Reading and schedule a Public Hearing and Second Reading for March 11, 2019.

**Background:**

Chapter 86, Article III of the City's Code of Ordinances provides regulations for the operation of vehicles and restrictions on use of City streets. In an effort to curb semi-truck traffic within the City limits, designated truck routes are needed to provide a safe and efficient transportation. Trucks on local streets can deteriorate pavement conditions at a faster rate; therefore, it is necessary to limit truck traffic within local network and focus truck routes on FDOT and Palm Beach County roads.

Ordinance No. 4832-19 will update sections 86-188 through 86-195 of the Code of West Palm Beach, Florida regarding truck routers within the City limits and goes into effect on April 1st, 2019.

**Fiscal Note:**

No Fiscal Impact.

21. **Public Hearing and First Reading of Ordinance No. 4836-19 **APPROVED** Amending the Code of Ordinances to prohibit the distribution, sale or use of Plastic Straws and Plastic Stirrers.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 34- ENVIRONMENT, ARTICLE I – IN GENERAL, TO CREATE SECTION 34-1, REGARDING THE PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS AND PLASTIC STIRRERS; AMENDING CHAPTER 26- CODE ENFORCEMENT, ARTICLE III- CITATION PROCEDURE, SECTION 26-66- CODE PROVISIONS SUBJECT TO PENALTIES IN SECTION 26-65 OF THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**[Agenda Cover Memorandum No.: 22328](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4836-19.

**Background:**

The City of West Palm Beach is committed to environmental stewardship and leadership and finds that it is in the public interest, safety, and welfare of its citizens and visitors to reduce litter and pollutants on the lands and in the waters of the City. Discarded plastic straws and plastic stirrers, as well as other single use plastic items, threaten wildlife and marine life, negatively impact the City's stormwater management system and waterways, and litter the waterfront and waters within the City.

It is estimated that Americans use 500 million plastic straws every day. Many of these straws make their way into the ocean and waterways, where it takes approximately 200 years to begin degrading. Non-biodegradable, single-use straws often end up in waterways where they break down into smaller, micro-size pieces that are oftentimes mistaken as food by marine life. This, in turn, can have detrimental effects not only on marine life, but may also eventually cause harm to humans by way of consumption and collateral environmental effects. According to a United Nations (UN) article, over eight million metric tons of plastic are found in our oceans every year, impacting our marine wildlife, fisheries, and tourism, and costing at least \$8 billion in damage to marine ecosystems. Plastic straws are among the top 10 marine debris items. Even after degrading, plastics never leave the environment. It is critical to reduce our dependency on single-use plastics.

Recently, several municipalities in Florida and across the United States have enacted legislation regulating or prohibiting plastic beverage straws, including Miami Beach,



Surfside, Fort Myers Beach, Delray Beach, Hallandale Beach, St. Petersburg, Fort Lauderdale, and Coral Gables. There are reasonable, environmentally friendly alternatives to plastic straws and stirrers, such as straws and stirrers made of paper, plant, vegetable and other natural products. This Ordinance seeks to increase public awareness of daily decisions that consumers may make to reduce solid waste and the risk of plastics and non-biodegradable waste entering the waste stream or into storm drains and local waterways by prohibiting the use, sale, and distribution of plastic straws and plastic stirrers within the City.

The Ordinance includes several exceptions, including for persons with an impairment, prepackaged drinks sold at commercial establishments, use by medical or dental facilities, use by the school district or county, state, or federal governmental entities, and use during a locally declared emergency. The Ordinance would not apply to any City contract, lease, or concession agreement entered into prior to July 1, 2019, or any special event permit issued prior to July 1, 2019, unless the City contractor or special event permittee voluntarily agrees to ban such use.

Following adoption of the Ordinance, from April 1, 2019 to September 30, 2019, the City will engage in public education efforts to inform commercial establishments of the provisions of this Ordinance and to provide assistance with identifying alternatives to plastic straws and plastic stirrers. Enforcement by the City's Code Enforcement Division shall commence on October 1, 2019.

This Ordinance is necessary for the preservation and improvement of the environment and the public health and welfare of the City's residents and visitors.

**Fiscal Note:**

No fiscal impact.

**PUBLIC HEARING – QUASI JUDICIAL (22-27):**

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

22. **Public Hearing and Second Reading of Ordinance No. 4824-19: CONTINUED** A rezoning from a Professional Office Residential (POR) zoning designation to a Multifamily High Density (MF32) Residential zoning designation.

**Public Hearing and Second Reading of Ordinance No. 4825-19: CONTINUED** A rezoning from a Multifamily High Density (MF32) Residential zoning designation to a Residential Planned Development (RPD) zoning designation, including an RPD acreage waiver, to create the 1309 South Flagler Drive RPD.

**Public Hearing of Resolution No. 13-19: CONTINUED** The establishment of the development regulations, including waivers, for the 1309 South Flagler Drive RPD, a 24-story, 42-unit residential tower.

The requests were submitted by Joe Verdone of Carlton Fields, on behalf of Flagler Residential, LLC for property generally located at 1309 South Flagler Drive.

**ITEM CONTINUED TO MARCH 11, 2019.**

23. **Public Hearing and Second Reading of Ordinance No. 4828-19: **APPROVED**** Regarding a text amendment to the City's Zoning and Land Development Regulations, specifically Section 94-207, to expand the geographical area within which parking waivers may be granted; and

**Public Hearing of Resolution No. 22-19: **APPROVED**** Regarding a Major Amendment to the Centrepark Commercial Planned Development and Development of Regional Impact to provide for the construction of a 246-unit multifamily development and grant waivers to the City's Zoning and Land Development Regulations.

The above-referenced requests are being made by Jon Schmidt, ASLA, LEED AP, of Schmidt Nichols, on behalf of Atlantic Realty Partners Inc.

**Ordinance No. 4828-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE VII, SPECIAL DISTRICTS, SECTION 94-207, PLANNED DEVELOPMENT DISTRICT, TO EXPAND THE GEOGRAPHICAL AREA WITHIN WHICH PARKING WAIVERS MAY BE GRANTED; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**Resolution No. 22-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE CENTREPARK COMMERCIAL PLANNED DEVELOPMENT AND DEVELOPMENT OF REGIONAL IMPACT, GENERALLY LOCATED ON THE EAST SIDE OF AUSTRALIAN AVENUE, SOUTHWEST OF INTERSTATE 95, TO PROVIDE FOR THE CONSTRUCTION OF A 246-UNIT MULTIFAMILY DEVELOPMENT AND GRANT WAIVERS TO THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22333](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4828-19, regarding a text amendment to the City's Zoning and Land Development Regulations, specifically Section 94-207, to expand the geographical area within which parking waivers may be granted. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with Section 94-32 of the City's Zoning and Land Development Regulations.

APPROVE Resolution No. 22-19, regarding a Major Amendment to the Centrepark Commercial Planned Development and Development of Regional Impact to provide for the construction of a 246-unit multifamily development and granting waivers to the City's Zoning and Land Development Regulations. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 and 94-35 of the City's Zoning and Land Development Regulations.

**Background:**

(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT 1).

Located on the east side of Australian Avenue, south of Centrepark Boulevard, the subject property is one of two vacant parcels remaining within the Centrepark Commercial Planned Development (CPD). The Centrepark CPD was originally established in 1985 with the adoption of Ordinance No. 1884-85 and Resolution No. 121-85; the development was also a Development of Regional Impact (DRI). Amended from time to time, the current master plan and development conditions for the CPD/DRI are reflected in Resolution No. 97-17.

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

In order to develop one of the two (2) remaining parcels within the CPD/DRI, the applicant has submitted an application to construct a 246-unit multifamily project on 2.48 acres at the corner of Australian Avenue and Centrepark Boulevard. The development is proposed to consist of a seven (7) story building which completely wraps around a seven (7) level parking garage; a pool and amenity deck are located on the south west side of the building, adjacent to the existing lake that will be expanded. Normally, projects complying with the provisions of the Centrepark CPD/DRI Development Order and Master Plan would be processed in accordance with Sec. 94-35(d)(6) of the City's Zoning and Land Development Regulations (ZLDRs) as a staff-level review. However, the applicant is requesting four (4) waivers from various provisions of the ZLDRs and as such, a Major Amendment is necessary. The waiver requests are:

- Waiver #1: Sec. 94-443(d)(2)(a) – Shade Tree Requirements for Multifamily Uses
- Waiver #2: Sec. 94-443(a)(2) – Landscape Buffer (South Property Line)

Waiver #3: Sec. 94-442(d) – Palm Substitution

Waiver #4: Sec. 94-486: Table XV-6 – Required Parking

Currently, Sec. 94-207(b) (13) only allows parking waivers to be granted within Planned Development (PDs) that are east of I-95. As the subject property is located west of I-95 a parking waiver currently is not permitted; however, the applicant is proposing to revise the City's ZLDRs to expand the area where parking waivers may be granted, to include all of the land east of Australian Avenue, north of Belvedere Road. The expanded land area for the parking waivers corresponds with the same land area that was the subject of a Comprehensive Plan amendment in 2016 (Ordinance No. 4657-16) which expanded the boundary for the Commercial East future land use designation which allows for a mixture of residential and commercial uses.

**CONCLUSION:** Overall, the proposed development will introduce residential dwelling units into an area of the City that is within close proximity to the downtown but has been reserved for non-residential uses for so many years. Subject to the granting of the waivers, and the conditions contained herein, the project complies with all of the requirements of Centrepark CPD/DRI (including the workforce housing policy) and the City's ZLDRs. Therefore, Staff is recommending approval of the requests, subject to the conditions set forth in Resolution No. 22-19.

**PLANNING BOARD:** After a Public Hearing on December 18, 2018, the Planning Board recommended approval (7-0) of both requests.

**PUBLIC NOTICE:** Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 4898-19 and Resolution No. 22-19 will be advertised in the Palm Beach Post on February 15, 2019, prior to Second Reading.

**COMMISSION DISTRICT:** The site is located within Commission District No. 5 – Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

24. **Public Hearing for Resolution No. 42-19: APPROVED A request by Greg S. Kino, Esq., of Ciklin Lubitz, on behalf of John Gilbane, for a Class A Special Use Permit with one (1) waiver to reconstruct a dock accessory to a single-family residence at 2830 North Flagler Drive.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO RECONSTRUCT A DOCK ON THE PROPERTY LOCATED AT 2830 NORTH FLAGLER DRIVE; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**Agenda Cover Memorandum No.: 22320**

**Staff Recommended Motion:**

Approve Resolution No. 42-19, approving a Class A Special Use Permit, with conditions, and granting waivers, for the reconstruction of a dock at 2830 North Flagler Drive. This motion is based upon the staff report, the testimony given, the recommendation of the Planning Board, along with the findings that the request complies with the Comprehensive Plan and the applicable standards in Sections 94-36(e)(3) through (5), 94-313(a)(3) and 94-273(a)(2) of the City's Zoning and Land Development Regulations.

**Background:**

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

The subject property is located on North Flagler Drive, just south of the eastern terminus of 28th Street. The property consists of a single-family residential dwelling unit, with an accessory dock located at the rear of the property. The applicant is seeking a Class A Special Use Permit to reconstruct the dock, with one (1) waiver request to the length of the dock structure, which will be similar in length to that of the existing dock. The survey of the property is provided in ATTACHMENT II and the proposed dock plan is provided in ATTACHMENT III.

According to the proposed dock plan, the proposed length of the dock will be 126 feet. Pursuant to Section 94-313(a)(3)(i) of the Zoning and Land Development Regulations (ZLDRs), the City requires that all residential docks not exceed 100 feet in length. The additional 26 feet in length to the proposed dock is necessary to accommodate a new 20,000-pound capacity vertical boat lift at the terminus of the proposed structure and to provide adequate water depth for vessels at mean low tide, so as not to create dredging of the bottom or to damage marine life.

It is in Staff's professional opinion that the additional dock length is necessary to reasonably accommodate the new boat slip and avoid damage to the environment. Since the proposed length of the dock is negligible, it is also not expected to adversely impact the surrounding properties. With exception of the proposed waiver request, the dock has been found to conform to all the provisions of the City's ZLDRs. As such, Staff is recommending approval of the request, subject to the conditions outlined in the staff report.

**STANDARDS:** The request conforms to the provisions of Sections 94-36(e)(3) through (5), 94-313(a)(3) and 94-273(a)(2) of the City's Zoning and Land Development Regulations.

**PUBLIC NOTICE:** Individual notices were mailed to all property owners within 500 feet of the property and a sign was posted on the property. The item was also advertised in the Palm Beach Post on February 15, 2019.

**PLANNING BOARD:** The Planning Board recommended APPROVAL (6-0) of the

request, with Staff's conditions, to the City Commission after a Public Hearing on January 15, 2019.

COMMISSION DISTRICT: The subject property is located within Commission District No. 1 – Commissioner Kelly Shoaf.

25. **Public Hearing and First Reading of Ordinance No. 4830-19: **APPROVED** Regarding the transfer of the site plan approvals and development conditions relating to the Ibis Golf and Country Club Residential Planned Development (RPD), located at 8100 Ibis Boulevard, to a separate resolution; and**

**Public Hearing of Resolution No. 35-19: **DISCUSSED** Approving a Major Amendment to the Ibis Golf and Country Club RPD to add a 16,000 square foot expansion to the existing clubhouse, add 10,000 square feet to the existing fitness center, construct a 1,500 square foot golf training facility, make other site improvements, and allow for golf cart spaces to account for 25 percent of the required parking for the Ibis Golf and Country Club RPD.**

**All of the above-referenced items are being requested by Jennifer Morton of JMorton Planning & Landscape Architecture on behalf of Ibis Golf & Country Club Inc.**

**ORDINANCE NO. 4830-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 2403-90, AS AMENDED BY ORDINANCE NO. 4502-14, AS AMENDED, RELATING TO THE IBIS GOLF AND COUNTRY CLUB RESIDENTIAL PLANNED DEVELOPMENT (RPD), GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTHLAKE BOULEVARD AND NORTH STATE ROAD 7, TO TRANSFER THE SITE PLAN APPROVALS AND RELATED CONDITIONS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 35-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE IBIS GOLF AND COUNTRY CLUB RESIDENTIAL PLANNED DEVELOPMENT (RPD) GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTHLAKE BOULEVARD AND NORTH STATE ROAD 7, TO ADD 16,000 SQUARE FEET TO THE EXISTING CLUBHOUSE, 10,000 SQUARE FEET TO THE EXISTING FITNESS CENTER, CONSTRUCT A 1,500 SQUARE FOOT GOLF TRAINING FACILITY, AND AMEND THE SITE PLANS ACCORDINGLY; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22319](#)**

**Staff Recommended Motion:**

**APPROVE Ordinance No. 4830-19, transferring the site plan approvals and related conditions for the Ibis Golf and Country Club RPD to a separate resolution.**

**DISCUSS Resolution No. 35-19 which will approve a Major Amendment to the Ibis Golf and Country Club RPD to add a 16,000 square foot expansion to the existing clubhouse, add 10,000 square feet to the existing fitness center, construct a 1,500 square foot golf training facility and make other improvements to the site, and allow golf cart spaces to account for 25 percent of the required parking for the Ibis Golf and Country Club RPD. Consideration will be based upon the factual testimony presented, the application submitted, the staff report and recommendation of the Planning Board, along with the finding that the standards of Section 94-32 of the Zoning and Land Development Regulations have been met.**

**Background:**

The subject property consists of ±14.5 acres and is located in the north central portion of the 1,900.5-acre Ibis Golf and Country Club RPD. Ibis is located south of Northlake Boulevard and east of State Road 7 near the northwestern boundary of the City of West Palm Beach.

Ibis contains 1,840 residences in 33 neighborhoods, three golf courses, various amenities, and a cluster commercial development primarily located around Northlake Boulevard. The 14.5-acre subject property contains the development's country club (73,902 sf), fitness center (16,607 sf), pool/spa, tennis courts, and pickleball courts. The country club was constructed shortly after the Ibis RPD was approved in 1991, with various additions made in 2012 and 2014. The country club serves the residents of Ibis and a relatively small number of members who reside outside of its boundaries. It contains a restaurant and pub, golf facilities, and office space.

Ibis wishes to expand both the existing country club and fitness center, expand the existing porte-cocheres on each building, and construct a new 1,500 square foot golf training facility. The proposed country club expansion will total 16,000 square feet and will be constructed in two stories on the southeast portion of the existing country club. The expansion will allow for a larger restaurant and pub area and additional office space on the bottom floor. The fitness center expansion will be two stories with a total of 10,000 square feet on the eastern portion of the existing fitness center. The applicant is also proposing to construct a 1,500 square foot golf training facility that will be located to the south of the existing golf cart parking lot and south of the pool area.

The amendment also includes applying an alternative means of calculating parking specific to the Ibis RPD. Because the vast majority of the users of the country club, fitness center, and pool facilities are Ibis residents, and many whom travel within the development via golf cart or bicycle, golf cart spaces will account for 25% of the overall parking requirement for the country club and fitness center. Discussions with the applicant indicate that the existing parking onsite is adequate, and the proposal includes no increase in membership.

Pursuant to Section 94-36(3) of the City's Zoning and Land Development Regulations (ZLDRs), any increase of a building within a Residential Planned Development which



exceeds 5% of its existing square footage necessitates a Major Planned Development

Amendment. Additionally, the proposed revisions concerning parking calculations similarly require a Major Planned Development Amendment.

**CONCLUSION:** In Planning Staff's professional opinion, the proposed amendment to the Ibis Golf and Country Club RPD complies with the standards required by the City's Comprehensive Plan and the Zoning and Land Development Regulations. Therefore, Staff is recommending approval.

**PLANNING BOARD:** After a Public Hearing on December 18, 2018, the Planning Board unanimously recommended approval (5-0) of the request.

Individual notices were mailed to all property owners within 500 feet of the property and signs were posted on the subject property. Ordinance No. 4830-19 and Resolution No. 35-19 will be advertised in the Palm Beach Post in advance of Second Reading.

**COMMISSION DISTRICT:** The Ibis Golf and Country Club RPD is in Commission District No. 4 - Commissioner Keith James.

- 26. Public Hearing for Resolution No. 12-19: **APPROVED AS AMENDED** A request by Collene Walter of Urban Design Kilday Studios, on behalf of the Peggy Adams Animal Rescue League of the Palm Beaches Inc, for the approval of a Major Planned Development Amendment to the Peggy Adams Animal Rescue League Community Service Planned Development (CSPD) to permit the construction of a new approximately 35,000 square foot adoption center and related site improvements, with waivers.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE DEVELOPMENT PLANS, FOR THE PEGGY ADAMS ANIMAL RESCUE LEAGUE COMMUNITY SERVICE PLANNED DEVELOPMENT LOCATED AT 3200 NORTH MILITARY TRAILS; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22330](#)**

**Staff Recommended Motion:**

APPROVE Resolution No. 12-19, a Major Planned Development Amendment to the Peggy Adams Animal Rescue League Community Service Planned Development (CSPD) to permit the construction of a new approximately 35,000 square foot adoption center and related site improvements, with waivers. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and

complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background:**

The Peggy Adams Animal Rescue League is a not-for-profit animal shelter, which provides shelter to lost, homeless and unwanted animals, as well as adoption and spay/neutering services. The entire campus was zoned as a Community Service Planned Development in 2008 as part of the construction of the Grace Pavilion animal care facility on the southern portion of the site. Peggy Adams now wishes to construct a new adoption center on the northwest portion of the site to further their mission of providing adoption services.

There will be three buildings located on the Peggy Adams Animal Rescue League campus. One is the existing approximately 48,000 square foot "Domes" and the second building is the aforementioned approximately 36,000 square foot Grace Pavilion. The third building is the proposed adoption center consisting of approximately 35,000 square foot. The new building requires the installation of additional parking for the campus. As part of ensuring that the amount of parking complies with the minimum code requirements, the applicant is correcting parking areas that are currently non-conforming. The Florida Department of Transportation (FDOT) is requiring modifications to the existing northern driveway so that it only permits right turn in access. Even though there are currently two driveways along Military Trail, the ZLDRs only permit one access point to Military Trail. The applicant is requesting a waiver to officially approve two access points.

Waiver #1 - Section 94-312(1) a. Number of Access Points – One permitted, Two requested. The current Peggy Adams campus has two access points to Military Trail, so the request does not change the existing conditions. The recent addition of a deceleration lane leading to the southern (main) entrance to the campus is expected to provide a safe access to the site as vehicles will not need to make the turn into the site from a travel lane. The modified northern entrance driveway will be used only by staff and facility for back of house purposes, so it will not have a heavy traffic volume. This lesser volume, when taken with the design of the driveway, will not negatively impact the traffic flow on Military Trail. Additionally, the FDOT has granted approvals of both driveways. Staff does not object to this request.

The proposed adoption center will include segregated areas for dogs and cats. The dog areas will include outdoor spaces for exercising the dogs as well as for potential adopters to interact with the dogs. Three of the outdoor areas are included in the site calculations as they may be enclosed for additional dog adoption areas in the future. Once the new adoption center comes on line, Peggy Adams plans to renovate both the Domes and the Grace Pavilion. In anticipation for the construction of the adoption center and the further renovations, the applicant has accounted for the location of temporary office trailers on the plans. These will be removed upon completion of the renovations.

The existing conditions north of the Domes create the need for a waiver to the required five-foot-wide landscape buffer. The original development of the site included a driveway and mechanical equipment with no landscape buffer along a portion of the northern

property line. The applicant has added as much buffer as possible by redesigning this area, but due to insufficient space, is unable to install the entire required landscape buffer. The applicant has requested a waiver from this requirement for approximately 330 linear feet. Waiver #2 – Section 94-443(a)(2) Landscape buffer – Five (5) foot wide required, no buffer requested (approximately 330 feet). The existing site conditions do not permit the installation of the required landscape buffer. There is a solid wall in this location to provide a visual buffer to the residential property to the north. If the Domes are ever demolished and a replacement building constructed, the required landscape buffer will need to be installed. Staff does not object to this request.

The Grace Pavilion portion of the campus was constructed in compliance with the general landscape standards that currently exist in the ZLDRs, so no upgrades are required on this portion of the site. The eastern portion of the site (around the new retention lake) was upgraded to current requirements as part of that project. The balance of the site (the Domes and new adoption center and associated parking) is being brought into compliance with the current ZLDR requirements (excepting the above waiver) as part of the adoption center project.

The ZLDRs require a solid wall along the north and a portion of the east property lines adjacent to the existing Ponte Verde Condominiums. The site currently does not have a solid wall along the entire boundary with Ponte Verde. The applicant is requesting a waiver to allow the areas that currently have a chain link fence and the code required landscape buffer to remain having a chain link fence.

Waiver #3 – Section 94-443(a)(1) Protective screen wall – Solid wall required, Chain link requested. The existing buffer between the Peggy Adams campus and the Ponte Verde Condominiums is chain link fence and a landscape buffer or a chain link fence with poorly maintained slats and no landscape buffer. Peggy Adams is requesting that chain link with landscape be permitted to continue without a solid wall. The section that is currently chain link with slats and no landscape buffer will be replaced by a solid wall. Staff does not object to this request. The applicant has stated they have reached out to Ponte Verde regarding the request. Staff has not received any correspondence from Ponte Verde.

For corner lots, the ZLDR designate a property's narrowest frontage along a right-of-way as the front property line. For the Peggy Adams campus, 12th Avenue is the narrowest property frontage; however, this is not the front of the site. The application includes the designation of Military Trail as the front property line and thus requires that this frontage be evaluated for zoning compliance. The Military Trail frontage meets all the front property requirements except for the height of the existing and proposed replacement fence. The ZLDRs allow only a four-foot-tall fence within the front 25-foot setback. In order to not have to set back the fence which provides site security along Military Trail, the applicant is requesting that they have the ability to replace the existing six-foot-tall fence with a combination wall and fence that is six feet tall.

Waiver #4 – Section 94-302(c)(1) Nonresidential wall/fence – Four (4) foot maximum height permitted, six (6) foot maximum height requested. Peggy Adams would like to

install a six (6) foot high combination wall and fence along the Military Trail frontage. The proposed wall/fence will be decorative with a three (3) foot tall aluminum picket fence sitting on a three (3) foot tall wall. This configuration is currently proposed only for the area to the west of the new adoption center. The fence to the west of the Grace Pavilion is proposed to remain as a six (6) foot tall vinyl coated chain link fence. Staff does not object to this request.

The applicant is requesting a Sign Program for the CSPD. The Sign Program requires one waiver from the ZLDR. The sign requirements only permit three total signs on a building. The applicant wishes to install six total signs on the proposed adoption center.

Waiver #5 – Section 94-408(f)(1)(d) Number of signs on a building – Maximum three permitted, Six requested. As a non-profit entity, Peggy Adams relies on donations to offset the costs of operations. One donation method is to sell the naming rights on the building. In order to maximize the naming opportunities within the architectural design of the building, Peggy Adams would like to have six, instead of three, sign locations. The applicant has included a sign table showing the maximum size of each of the six signs. The table also shows that both the individual and aggregate proposed signage area is less than the signage that would normally be permitted by the ZLDR. Since Peggy Adams is self-limiting the amount of square footage in order to get the extra signs, staff does not object to this waiver request.

The proposed Sign Program includes a three-dimensional representation of a dog and cat on the monument sign located at the main entrance on Military Trail. The ZLDRs only permit three dimensional signs as part of a site-specific sign program within a planned development, so this is a permissible request. The Sign Program also includes provisions relating to internal directional signs. The existing signs may be replaced at their current size while any new signs are limited to a maximum of six feet in height.

**STANDARDS:** The Planning Division has determined that the Major Planned Development Amendment to the Peggy Adams Animal Rescue League CSPD, including the waivers, meet all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above referenced standards is detailed in Attachment 1 - Planning Board Staff Report.

**PLANNING BOARD:** The Planning Board recommended approval (7-0) of the development regulations, including the site development plans and the waivers, to the City Commission after a Public Hearing on December 18, 2018.

**NOTICE:** Individual notices were mailed to all property owners within 500 feet of the Peggy Adams Rescue League CSPD. Signs for the Major Amendment were posted on the property on November 27, 2018.

**COMMISSION DISTRICT:** The subject property is located within Commission District

No. 2 – Commissioner Cory Neering.

**Fiscal Note:**

No fiscal impact.

27. **Public Hearing and Second Reading of Ordinance No. 4821-19: **APPROVED** A Major Planned Development amendment to terminate the Children’s Place at Homesafe Community Service Planned Development (CSPD).**

**Public Hearing and Second Reading of Ordinance No. 4822-19: **APPROVED** A Major Planned Development Amendment to expand the boundary of the MorseLife CSPD by incorporating the area that was previously the Children’s Place at Homesafe CSPD.**

**Public Hearing of Resolution No. 1-19: **APPROVED** A Major Planned Development Amendment to update the MorseLife CSPD site development plans and development regulations to reflect the expanded CSPD and to convert the temporary sales trailer into a permanent office building.**

**The above requests were submitted by Alexander Ahrenholz of Cotleur & Hearing, on behalf of Joseph L. Morse Health Center, Inc.**

**ORDINANCE NO. 4821-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TERMINATING THE CHILDREN’S PLACE AT HOMESAFE COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED GENERALLY AT 4888 HAVERHILL ROAD; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**ORDINANCE NO. 4822-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE PRIOR ORDINANCES RELATING TO THE MORSELIFE COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED GENERALLY AT 4847 DAVID S MACK DRIVE; TO EXPAND THE MORSELIFE COMMUNITY SERVICE PLANNED DEVELOPMENT BY APPROXIMATELY 9.9 ACRES; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 1-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE MORSELIFE COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED AT 4847 DAVID S MACK DRIVE, TO UPDATE THE SITE DEVELOPMENT PLANS AND DEVELOPMENT REGULATIONS TO REFLECT THE EXPANDED BOUNDARY OF THE MORSELIFE COMMUNITY**

**SERVICE PLANNED DEVELOPMENT AND THE CONVERSION OF A TEMPORARY SALES TRAILER INTO A PERMANENT OFFICE BUILDING; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22282](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4821-19, a Major Planned Development Amendment to terminate the Children's Place at Homesafe CSPD. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

APPROVE Ordinance No. 4822-19, a Major Planned Development Amendment to expand the boundary of the MorseLife CSPD by incorporating the area that was previously the Children's Place at Homesafe CSPD. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

APPROVE Resolution No. 1-19, a Major Planned Development Amendment to update the MorseLife CSPD site development plans and development regulations to reflect the expanded CSPD and to convert the temporary sales trailer into a permanent office building. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background:**

STANDARDS: The Planning Division has determined that the Major Planned Development Amendment to terminate the Children's Place at Homesafe CSPD meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

The Planning Division has determined that the Major Planned Development Amendment to expand the boundary of the MorseLife CSPD by incorporating the area that was previously the Children's Place at Homesafe CSPD meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

The Planning Division has determined that the Major Planned Development Amendment to update the MorseLife CSPD site development plans and development regulations to reflect the expanded CSPD and to convert the temporary sales trailer into a permanent

office building meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations. Compliance with all of the above-referenced standards for both requests is detailed in Attachment 1 - Planning Board Staff Report.

**PLANNING BOARD:** The Planning Board recommended approval (5-0) with conditions of the Major Planned Development Amendment requests to the City Commission after a Public Hearing on November 28, 2018.

**ANALYSIS:** On February 19, 2002, the City Commission approved Ordinance No. 3513-02, which established the Children's Place at Homesafe CSPD. The Children's Place mission is to serve abused children and, as such, the campus consists of buildings for housing, education, activities as well as an administration building. In 2005, the Planning Division approved a minor planned development amendment which included minor revisions to the site and landscape plan, which serve as the current plans of record for the site.

In October of 2017, the campus was sold to MorseLife. The Children's Place has until October 2020 to vacate the property. The Children's Place not only has other locations in Palm Beach County, but also plans to use the proceeds from the sale to purchase additional property so that they can continue their mission.

The Morse Geriatric Center, consisting of a 280-bed geriatric care facility with support and ancillary uses, was originally approved by Palm Beach County. In 1996, the adjacent property to the north, within the boundary of West Palm Beach, was rezoned to Community Service (CS) to allow for the expansion and integration of the existing Morse Geriatric Center. In 1999, the parcel within the City limits was rezoned to Community Service Planned Development (CSPD) district, to allow the construction of a 454 dwelling unit senior citizen housing development. On July 9, 2001, the Morse Geriatric campus was annexed into the City of West Palm Beach and incorporated into the existing Community Service Planned Development (CSPD) to create an overall 36 acre Planned Development. The current MorseLife campus includes The Tradition of the Palm Beaches, the Edwards Building, the Resnick Building and a special care facility. The Tradition includes Phase I, consisting of 184 beds for senior living, and Phase II, consisting of 182 independent living units, with both phases served by accessory support uses such as dining and recreational uses. The Edwards, Resnick and the special care facility provide 364 beds for various levels of dependent care. MorseLife also provides on-site adult day care as well as off-site home health care.

As previously stated, MorseLife has purchased the Children's Place property, which is located immediately north of the MorseLife campus, and desires to expand the boundaries of the MorseLife CSPD to include their entire holdings. The expansion of the MorseLife CSPD requires the City Commission to approve a Major Planned Development amendment. As part of the Major Planned Development amendment, MorseLife is also requesting that the existing temporary sales trailer that was used for the sales of units for Tradition Phase II be permitted to remain as additional office space for the overall campus.



MorseLife has no current plans for new construction on the former Children's Place site; however, they have stated to the Planning staff that in the short term they plan to renovate some of the existing buildings on the Children's Place site for additional administrative office space. One of the requirements as part of the expansion of the MorseLife CSPD is that an internal vehicular connection is required to be installed between the existing MorseLife campus and the former Children's Place campus. The Children's Place plans of record are being adopted as part of this amendment until such time as MorseLife amends the plans as part of their future expansion.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the entire future MorseLife campus. Signs for the Major Amendment were posted on the property on November 13, 2018.

COMMISSION DISTRICT: The subject property is located within Commission District No. 4 – Commissioner Keith James.

**Fiscal Note:**

No fiscal impact.

**COMMENTS BY THE CITY COMMISSIONERS:**

**COMMENTS BY THE MAYOR:**

**ADJOURNMENT:**

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

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