



**City of West Palm Beach  
City Commission**

**DRAFT  
AGENDA**

**March 12, 2018  
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 CORY NEERING**

**COMMISSIONER SYLVIA MOFFETT  
COMMISSIONER KEITH JAMES**

**COMMISSIONER PAULA RYAN  
COMMISSIONER SHANON MATERIO**

**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:**

**RECEIVED / FILED:**

**CONSENT CALENDAR (1 – 12):**

1. **Minutes of the Regular City Commission Meeting of January 29, 2018.**  
[Agenda Cover Memorandum No.: 21822](#)

**Staff Recommended Motion:**

Approve the Minutes of the Regular City Commission Meeting held on January 29, 2018.

2. **Minutes of the Regular City Commission Meeting of February 12, 2018.**  
[Agenda Cover Memorandum No.: 21823](#)

**Staff Recommended Motion:**

Approve the Minutes of the Regular City Commission Meeting held on February 12, 2018.

3. **Resolution No. 57-18(F) amending the Fiscal Year 2017/2018 General Fund budget to recognize parking meter donation of \$3,212.60 for Martin Luther King Day, January 15, 2018 and appropriating the funds for a donation to the Martin Luther King Caregivers.**

**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 2017/2018 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 PARKING METER REVENUES**

**AND PROVIDE APPROPRIATIONS FOR A DONATION TO MARTIN LUTHER KING CAREGIVERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21810](#)**

**Staff Recommended Motion:**

Approve Resolution No. 57-18(F).

**Background:**

Resolution No. 26-07 assigned the Parking Meter Donation Day on the Martin Luther King (MLK) Holiday to the Martin Luther King Caregivers. The Martin Luther King Caregivers are volunteers who provide assistance to the frail elderly and homebound in the inner City of West Palm Beach. This program began in 1996 and continues to provide much needed assistance.

A donation of \$3,212.60 is awarded to the Martin Luther King Caregivers program for the 2018 MLK holiday.

**Fiscal Note:**

Approval will provide appropriations for the parking meter donation to the MLK Caregivers.

4. **Resolution No. 25-18(F) recognizing the State of Florida Library Services Grant for fiscal year 2017/2018 and providing appropriations in the amount of \$115,316.00.**

**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 2017/2018 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 ADDITIONAL FUNDS FROM THE FY18 STATE OF FLORIDA LIBRARY SERVICES GRANT AND PROVIDE APPROPRIATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21824](#)**

**Staff Recommended Motion:**

Approve Resolution No. 25-18(F).

**Background:**

Florida's State Aid to Libraries Program is administered by the Florida Department of State, Division of Library and Information Services. In 2003, the Legislature revised the law to allow independent municipal libraries to participate in the State Aid to Libraries Program. This was done in recognition that the provision of state aid to independent

municipal libraries is a valuable contribution to the extension of the state's public library development plan. The Mandel Public Library of West Palm Beach has received State Aid funding since 2003.

The State provides a match of up to 25 cents on each dollar of local funds expended centrally for the operation and maintenance of the library. The Mandel Public Library meets the following requirements to receive the State Aid to Libraries Grant: 1) provides free library services, 2) maintains an established interlocal agreement to jointly support each participating library, 3) retains a single administrative head employed full-time to manage or coordinate the operations of the library, 4) expends funds centrally, 5) maintains a reciprocal borrowing agreement, 6) provides access to materials, information and services for all residents of the area served, 7) library is open 40 hours or more each week, and 8) has established a long-range plan, annual plan of service and annual budget. Funding from the state will supplement the Mandel Public Library's operating costs for goods and services as defined by the Uniform Accounting System Manual for Local Governments, 2008 edition, prepared by the Florida Department of Financial Services, Bureau of Local Government.

The State has awarded to the City \$115,316.00 for fiscal year 2017-2018 (FY18).

An estimated \$86,979.00 was appropriated in the FY18 adopted budget. Resolution No. 25-18(F) recognizes and appropriates additional funding from the grant in the amount of \$28,337.00.

**Fiscal Note:**

Upon approval, additional grant funds will be appropriated in the amount of \$28,337.

**5. Resolution No. 64-18 authorizing an Agreement for the Use, Operation and Management of the Howard Park Tennis Center with Mark Jones.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND MARK JONES FOR THE USE, OPERATION AND MANAGEMENT OF THE HOWARD PARK TENNIS CENTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21825](#)**

**Staff Recommended Motion:**

Approve Resolution No. 64-18.

**Background:**

The Parks and Recreation Department is recommending the City continue to retain the services of Mark Jones as the tennis professional at the Howard Park Tennis Center. Mark Jones took over the operation of the Howard Park facilities in 2015 upon the retirement of the former tennis professional.

The Howard Park Tennis Center has clay courts which were built back in the 1950s. These courts require special maintenance at a minimum of twice a day. The City desires to continue to compensate Mark Jones, the tennis professional at Howard Park, \$20,400/year or \$1,700/month for daily court (7 days a week) maintenance, repairs, yearly stripping, materials and supplies. Having the tennis professional and his staff perform the on-going maintenance of the courts and the surrounding facility saves the City considerable money. If the City performed the daily court and facility maintenance, it would cost in staff alone \$38,308/year or \$3,192/month, not including benefits, supplies and equipment.

Mark Jones will pay a monthly fee to the City for use of the tennis center in the amount of \$100.00 per month and remit ten percent (10%) of annual membership fees monthly to the City. Contractually, Mark Jones is required to report all income derived from clinics, lessons, league play, special events and tournaments, and to report all expenses applicable to the operation and upkeep of the tennis centers. The Agreement is for an initial term of one (1) year, with the option to renew for an additional one (1) year term.

**Fiscal Note:**

Fully budgeted.

**6. Resolution No. 78-18 approving the selection of The Gehring Group to provide Insurance Brokerage/Agent of Record Services.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGENT OF RECORD SERVICES AGREEMENT BETWEEN THE GEHRING GROUP, INC. AND THE CITY OF WEST PALM BEACH AUTHORIZING THE GEHRING GROUP TO BECOME THE AGENT OF RECORD FOR THE CITY'S INSURANCE PLANS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21826](#)**

**Staff Recommended Motion:**

Approve Resolution No. 78-18.

**Background:**

The City issued ITN 17-18-500 for Insurance Brokerage Services/Agent of Record on December 22, 2017. The City received three (3) responses; Gehring Group (current broker/agent since 1998), Benalytics and First Florida Insurance Brokers. The evaluation committee met on February 5, 2018, and voted to retain The Gehring Group, Inc. as the Insurance Broker and Agent of Record for the City's health insurance plans. The cost of these services is paid through the agent of record fee paid to Gehring directly from the insurance carriers. The proposed term of the agreement is three (3) years with the right to renew for two (2) additional one (1) year terms.

Resolution No. 78-18 approves the selection of The Gehring Group, Inc. and authorizes the Mayor to execute all documents necessary to enter into an agreement with The Gehring Group, Inc. for these services.

**Fiscal Note:**

No fiscal impact.

7. **Resolution No. 80-18 authorizing contracts for ECR Property Insurance, Public Officials Bond Insurance, Fiduciary Liability Insurance, and for the City Center Property insurance for the policy year of 2018-19.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING APPLICATION FOR AND EXECUTION OF ALL NECESSARY CONTRACTS FOR ECR PROPERTY INSURANCE, PUBLIC OFFICIALS BOND, CITY CENTER PROPERTY INSURANCE, FIDUCIARY LIABILITY AND MISCELLANEOUS INSURANCE, FOR THE PERIODS OF MARCH 1, 2018 - MARCH 1, 2019, MAY 1, 2018 – MAY 1, 2019, MAY 30, 2018 – MAY 30, 2019 AND JULY 31, 2018 – JULY 31, 2019 RESPECTIVELY, AS RECOMMENDED BY THE CITY'S INSURANCE BROKER, ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC. (ARTHUR J. GALLAGHER); AUTHORIZING PAYMENT OF ALL INSURANCE PREMIUMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21835](#)**

**Staff Recommended Motion:**

Approve Resolution No. 80-18.

**Background:**

The City, through the broker of record, Arthur J. Gallagher Risk Management Services, Inc., is in the process of obtaining insurance for the ECR Property insurance, Public Officials Bond Insurance, the Fiduciary Liability Insurance, and the City Center Property Insurance for the policy year of 2018-19.

The Procurement Code requires that contracts for insurance are approved by the City Commission. The ECR Property Insurance will be bound effective March 1, 2018, the Public Officials Bond will be bound on May 1, 2018, the City Center Property Insurance will be bound on May 30, 2018, and the Fiduciary Liability Insurance will be bound on July 31, 2018.

Resolution No. 80-18 grants the Risk Manager the authority to execute the application for the ECR Property Insurance, the Public Officials Bond Insurance, the City Property Insurance; and the Fiduciary Liability Insurance.

**Fiscal Note:**

FY 2018 budget has sufficient funds to cover the required amounts.

8. **Resolution No. 70-18(F) provides additional appropriations in the amount of \$86,917 to accomplish the 16th Street Utility and Roadway Reconstruction project.**

**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 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE LOCAL GAS TAX FUND AND THE CAPITAL ACQUISITION FUND BUDGETS TO PROVIDE ADDITIONAL APPROPRIATIONS FOR THE 16TH STREET UTILITY AND ROADWAY RECONSTRUCTION (SPRUCE TO DIXIE) PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21829](#)**

**Staff Recommended Motion:**

Approve Resolution No. 70-18(F).

**Background:**

The original scope of the 16th Street Utility and Roadway Reconstruction Project was to replace the existing storm water pipe and water main from Spruce Avenue to Dixie Highway, which would have required restoration of the roadway of the affected areas from the utility installations. During construction, it was determined that the reconstruction of the entire width of the roadway was necessary due to the existing condition of the roadway base and subgrade. Additional funding in the amount of \$86,917 is needed for the scope of the additional roadway work in order to close out the construction contract.

The additional funding in the amount of \$86,917 will be provided from reserves in the Gas Tax Fund.

This project is in Commission District 1: Commissioner Moffett.

**Fiscal Note:**

Upon approval, there will be approximately \$ 2,492,230 in the Reserve for Future Projects account in Local Gas Tax fund 101.

9. **Resolution No. 45-18 approving a Local Agency Program Agreement with the Florida Department of Transportation for construction for the North Shore Neighborhood Improvements Project and Resolution No. 56-18(F) providing the funding.**

**RESOLUTION NO. 45-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WEST PALM**

**BEACH PROVIDING \$467,572.00 IN FUNDING FOR THE CONSTRUCTION OF THE PROPOSED ABOVE GROUND IMPROVEMENTS TO THE NORTH SHORE NEIGHBORHOOD IMPROVEMENTS PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 56-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF FUNDS IN FISCAL YEAR 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE CAPITAL ACQUISITION FUND AND GRANT CAPITAL PROJECT FUND BUDGETS TO PROVIDE FOR THE RECEIPT OF A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM (LAP) GRANT, MATCHING FUNDS, AND APPROPRIATIONS FOR THE NORTH SHORE NEIGHBORHOOD IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21830](#)**

**Staff Recommended Motion:**

Approve Resolution No. 45-18 and Resolution No. 56-18(F).

**Background:**

The project area encompasses residential neighborhoods bounded by 45th Street, Congress Avenue, Australian Avenue, and Lake Mangonia. North Shore Drive is the primary access into the area via its intersection with 45th Street. There are two schools on North Shore Drive which generate a significant volume of passenger vehicles and school busses. The BAK Middle School of the Arts is a public school (School District of Palm Beach County), located at the intersection of Echo Lake Drive and North Shore Drive, and creates an entire school zone along North Shore Drive, Echo Lake Drive and Haden Avenue. The Ephesus School is also located on North Shore Drive just north of the intersection of North Shore Drive and 39th Street. All traffic generated by the two schools, the Church, and the park must utilize North Shore Drive for access and egress. Also in the neighborhood is a City park, the Echo Lake Neighborhood Park. This park is located at the intersection of Haden Avenue and Pinehurst Drive. The St. John Fisher Church is located the intersection of North Shore Drive and Pinehurst Drive. North Shore Drive connects directly to the Mangonia Park Tri-Rail station which is north of the intersection of North Shore Drive and 45th Street. Some BAK Middle School of the Arts students use Tri-Rail to get to and from school.

The project proposes the construction of ADA compliant ramps and sidewalks. The project area is characterized with crosswalks, either without ramps or with non-compliant ramps. In addition, the existing sidewalks are not connected to the crosswalks and are separated from these crosswalks by swale areas. These improvements will provide accessibility and maneuverability, not only for those with disabilities but also for all residents and visitors. This project will include the construction or the enhancement of pedestrian crossings (colored and textured asphalt) with appropriate striping along many



of the intersections along North Shore Drive, at the crossings adjacent to the BAK Middle School for the Arts and the Ephesus School, and at the Echo Lake Neighborhood Park. Presently pedestrians are crossing roadways in the neighborhood at many undesignated locations, resulting in many unsafe situations. These enhanced pedestrian crossings will help funnel pedestrians towards these demarcated crossings and will also make the pedestrians crossing these intersections more visible to the cars traversing the corridor and will therefore increase pedestrian safety. It is proposed to enhance the static school speed limit signs with yellow solar flashing beacons and radar speed signs (see attachment 4). In addition solar red flashing beacons will be attached to stop signs at two intersections on North Shore Drive. All beacons will be programmable for school times and other times as needed.

Pedestrian safety concerns in this area are further compounded by the level of compliance of motorists with regard to regulatory signage particularly stop signs and speed limit signs. The enhanced signage will increase the driver's awareness of these traffic control devices and further increase the safety of all road users. This signage will provide a traffic calming element for the residents of North Shore Drive, particularly during school pick-up and drop-off times.

The City of West Palm Beach believes that the proposed project is unique in that it addresses neighborhood needs as they relate to the criteria of The Transportation Alternatives Program. The project will provide connectivity, sidewalks, ramps, and crosswalks and achieve total compliance with Americans with Disabilities Act. The enhanced crosswalks will improve safety through making crosswalks more visible to pedestrians and drivers alike. Safe routes and crossings will be provided for non-drivers, including children, older adults, and individuals with disabilities to access schools, recreation, and church. This includes children walking to the BAK Middle School of the Arts and Ephesus School. In addition, the enhanced signage will have a traffic calming influence in the project area.

Resolution No. 45-18 approves grant funding in the amount of \$467,572. Resolution No. 56-18(F) appropriates that amount and an additional \$280,223 for the City match, for a total appropriation of \$747,795 for the project.

COMMISSION DISTRICT: This Project will be located in Commission District 1: Sylvia Moffett.

**Fiscal Note:**

Approval will recognize \$467,572 from the FDOT/ LAP grant, provide \$280,223 in matching City funds, and appropriate \$747,795 for the North Shore Neighborhood Improvements project.

10. **Resolution No. 55-18 accepting a grant of \$12,500 from the Florida Department of Agriculture and Consumer Services' 2017 Urban and Community Forestry Grant Program to assist in the development of a Citywide Urban Tree Management Plan and approving an agreement with an external vendor to be funded by the grant; and Resolution No. 69-18(F) appropriating the grant funds.**

**RESOLUTION NO. 55-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES' 2017 URBAN AND COMMUNITY FORESTRY GRANT PROGRAM IN THE AMOUNT OF \$12,500 TO ASSIST IN THE DEVELOPMENT OF A CITY WIDE URBAN TREE MANAGEMENT PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 69-18(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 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER & SEWAGE SYSTEMS REVENUE FUND BUDGET TO RECOGNIZE AN URBAN AND COMMUNITY FORESTRY GRANT FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO PROVIDE APPROPRIATIONS FOR A CITYWIDE URBAN TREE MANAGEMENT PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21831](#)**

**Staff Recommended Motion:**

Approve Resolution No. 55-18 and Resolution No. 69-18(F).

**Background:**

By Resolution No. 282-17, the City Commission approved submittal of an application to the Florida Department of Agriculture and Consumer Services' 2017 Urban and Community Forestry Grant Program for funding of a portion of the development of a Citywide Urban Tree Management Plan.

The City of West Palm Beach applied for grant funds for the development of an Urban Tree Management Plan (UTMP) in support of maintaining its Tree City USA status and improving the care of existing urban trees. With the development of the UTMP, the existing trees within the City will be cared for utilizing a methodology to maximize tree health. The UTMP will benefit the community from environmental and educational perspectives and will address trees within properties that the City has jurisdiction over such as City parks and streets. The UTMP will focus on the urban areas of the City, and will exclude natural areas such as Grassy Waters Preserve. These natural areas are managed by the City under different programs.

The UTMP will be organized into three major components including the development of an assessment plan, operations and maintenance plan, and a community outreach plan.

Assessment Plan (AP) – The AP will be a collaborative effort between the City and a consultant to document the condition of existing trees within the urban areas of the City. The AP will identify the procedures the City will implement to inventory the City's trees and will identify evaluation factors to determine if a tree is in acceptable condition and performance goals for canopy coverage and tree condition. The AP will identify the goals, timelines and workflow for the City to conduct these items. The City will then conduct an assessment pilot program that will consist of the City assessing trees within several example properties that are dispersed geographically throughout the City.

Operations and Maintenance Plan (O&M Plan) - The City and Consultant will work collaboratively to develop an O&M Plan that includes development of a (1) Suitable plant palette that tolerates soil and climatic conditions with minimal/sustainable maintenance, (2) Landscape and arboriculture standards, (3) Invasive species management, and (4) Mitigation procedures in compliance with City's code requirements, and monitoring and maintenance requirements for replacement trees to ensure establishment success.

Public Relations and Outreach Plan - The City will develop a Public Relations and Outreach Plan that will include documentation of the City's existing outreach programs (such as Tree giveaway's, brochures to citizens on native trees and care of trees, and Arbor Day programs with school-aged children) and areas in which the City would like to increase the community's understanding of the City's tree maintenance protocol (as identified in the O&M Plan), such as (1) Education, notification and outreach to citizens on tree care/replacement to minimize citizen concerns, and (2) Community notices through public meetings, social media, email, flyers and community center placards will be provided as needed and determined to be most appropriate for various neighborhoods.

The Florida Department of Agriculture and Consumer Services' 2017 Urban and Community Forestry Grant Program awarded the \$12,500 grant to the City for the project. A 1:1 matching requirement is specified by the grant. Matching will take the form of in-kind or other method and may come from the Parks and Recreation Department and Mayor's Office of Sustainability 2018 budgets.

Resolution No. 55-18 accepts the award of the grant funds and authorizes execution of the grant agreement.

**Fiscal Note:**

City of West Palm Beach required match of \$12,500 will be met with in-kind contributions of City staff time allocated to the Urban Tree Management Plan.

**11. Resolution No. 4-18 approving the re-plat of Atalla Promenade, entitled "Atalla Promenade Plat".**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION AND RE-PLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "ATALLA PROMENADE PLAT" CONSISTING OF TWO LOTS, CONTAINING A TOTAL OF APPROXIMATELY .49 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21802](#)**

**Staff Recommended Motion:**

Approve Resolution No. 4-18.

**Background:**

The subject property is currently vacant and consists of two (2) lots approximately 0.49 acres, located on the south side of Flagler Promenade South, east of Dixie Highway and I-95, between Southern Boulevard and Edmor Road. These two (2) lots are currently oriented from west to east and the property owner would like to re-plat these lots to change the configuration of the lots to north to south. The property owner plans to develop two (2) single family homes. It is in Staff's professional opinion that this subdivision complies with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City's Planning Board.

PUBLIC NOTICE: Resolution No. 4-18 was advertised in the Palm Beach Post on February 13, 2018.

COMMISSION DISTRICT: The subject property is located within Commission District No. 3 --Commissioner Paula Ryan.

**12. Resolution No. 77-18 supporting the creation of a Community Redevelopment Agency within the Village of Palm Springs, Florida.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, IN SUPPORT OF THE CREATION OF A COMMUNITY REDEVELOPMENT AGENCY WITHIN THE VILLAGE OF PALM SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21832](#)**

**Staff Recommended Motion:**

Approve Resolution No. 77-18.

**Background:**

The Village of Palm Springs is requesting Palm Beach County to create a Community Redevelopment Agency (CRA) that would provide infrastructure improvements, public safety and economic/financial investment that would contribute to an improved quality of life for many residents and businesses within the Village and the County.

Florida Statutes allow local governments to establish CRAS under Chapter 163, Part III, Florida Statutes. CRAs are a unique public implementation tool for local governments to leverage tax increment financing to remedy conditions of “slum and blight” where they exist. CRAs offer a public/public opportunity for counties and municipalities to collaboratively facilitate private investment to advance economic development, create jobs, address affordable housing, expand infrastructure, improve safety, and enhance quality of life for all County residents, especially residents within County Commission Districts 2 and 3.

The proposed CRA districts would be located within Palm Beach County Commission District 2 – Commissioner Paulette Burdick and District 3 – Commissioner Dave Kerner.

The Village of Palm Springs has adopted a Finding of Necessity, prepared in compliance with Chapter 163, Part III, F.S. that documents the presence of “slum and blighted” conditions within two areas of the Village, including the Lake Worth Road CRA Sub-District and the Congress Avenue CRA Sub-District. The Village has determined the establishment of a CRA is the appropriate mechanism to remedy the conditions of “slum and blight” that are present within the CRA Sub-Districts as defined in the Finding of Necessity. The Village has worked collaboratively with Palm Beach County to review the “slum and blighted” conditions in the two CRA Sub-Districts.

The County has reviewed the Finding of Necessity data prepared by the Village and determined there is sufficient data to allow the Village to establish a CRA consistent with Florida Statutes. The Village has proposed a joint Village/County redevelopment approach with common goal-setting, project prioritization, resource allocation, and implementation. The joint Village/County redevelopment approach is consistent with Florida Statutes and the Palm Beach County Charter and will help implement the comprehensive plans of Palm Beach County and the Village of Palm Springs.

Resolution No. 77-18 indicates the support of the City of West Palm Beach for the creation of a CRA within the Village of Palm Springs.

**Fiscal Note:**

No fiscal impact.

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

**RESOLUTION (13):**

13. **Resolution No. 36-18 approving the design features of the artwork called "Genii Loci" a road mural or "road tattoo" on Rosemary Avenue from Okeechobee Blvd. to 8th Street.**

**Resolution No. 40-18 approving an agreement with Steed Taylor, the artist, for creation and installation of the Genii Loci road tattoo work of art.**

**Resolution No. 42-18 approving Funding Agreement among the CRA, The Related Companies, L.P., and the City for the Genii Loci road tattoo project.**

**RESOLUTION NO. 36-18: 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 "GENII LOCI" ROAD TATTOO ART PROJECT ON ROSEMARY AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 40-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT AS TO RIGHTS AND RESPONSIBILITIES RELATING TO THE CREATION AND INSTALLATION OF "GENII LOCI", A LARGE SCALE STREET MURAL ROAD TATTOO ON ROSEMARY AVENUE WITH ARTIST STEED TAYLOR; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 42-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FUNDING AGREEMENT AMONG THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY, THE RELATED COMPANIES, L.P., AND THE CITY OF WEST PALM BEACH FOR THE ROSEMARY AVENUE ROAD TATTOO PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21827](#)**

**Staff Recommended Motion:**

Approve Resolution No. 36-18, Resolution No. 40-18 and Resolution No. 42-18.

**Background:**

**PROPOSED PROJECT:**

Artist Steed Taylor is proposing a large scale site-specific temporary street mural entitled "Road Tattoo" that will be painted on the pavement of Rosemary Avenue from Okeechobee Boulevard to 8th Street in the Historic NW CRA Target Area. The mural will be installed with local artists. The concept repurposes a common public space and creates a new aesthetic. Two designs would be created and mixed throughout the length of the space. Florescent, consists of two color patterns of highly stylized Florida native

flowers in what the artist states is an "act of blooming or a period of success" reflective of the City of West Palm Beach's own blossoming. The Celtic symbol is fluid and weaves, unravels, and reweaves throughout the design. The art design will transition at the intersection of Clematis Street to 8th St and will be representative of a musical type theme. The core of this project is the local artist participation in creating a unique artwork for the Historic Northwest.

The materials are high gloss latex with traffic paint, which will eventually dissolve with weather, time and traffic. The project would occur in two phases.

#### BACKGROUND:

Rosemary Avenue was once the commercial heart of the Historic Northwest district. The Gehl Public Realm Action Plan commissioned by the City recommended a better connection between the Downtown and the Historic Northwest. Rehabilitation of the historic Sunset Lounge in the Historic Northwest is a target project in the CRA's Strategic Finance Plan for the Downtown/City Center District, Amendment No. 12.

The Genii Loci road tattoo project is an initial step in restitching the Historic Northwest and Downtown together, titled "Dance into the Sunset". "Dance into the Sunset" will leverage investment in the Sunset Lounge and set the stage for a renewed 'Main Street' to serve the Historic Northwest residents and visitors. Key Challenges include the Historic Northwest being right next to Clematis Street which feels a world away; Banyan Boulevard acts as a barrier, and sidewalks suffer from obstructions, dark areas, vacancies, lack of shade, and few things (activities) to do; investments in the Sunset Lounge will create a great destination and public space but getting there on foot from downtown will be challenging.

Genii Loci achieves three goals suggested by Gehl:

- Creating a safe and interesting crossing at Rosemary and Banyan Boulevard;
- Utilizing art as tool to create an eye catching path along Rosemary;
- Implementation of traffic calming measures on Rosemary through alternative methods.

ART CRITERIA: The project meets the following criteria as required in Section 78-135 of the AiPP Ordinance.

The mural will not serve as a sign or advertisement in violation of the city sign ordinances;

The mural will enhance the aesthetic beauty of the area of its proposed location;

The size of the mural is appropriate for its location;

The artist is capable of completing the work in accordance with the plans and specification;

The proposed materials are durable and graffiti and weather resistant;\* temporary latex water based

Any structural support or attachments have been approved by a professional structural engineer; (Not Applicable)

It is not expected that excessive or costly maintenance will be required. \*No maintenance as it is a temporary installation.

Resolution No. 36-18 approves the design features of the artwork "Genii Loci" road tattoo

Resolution No. 40-18 approves the agreement with the Artist, Steed Taylor.

Resolution No. 42-18 approves the funding agreement among the CRA, Related Companies and the City, and authorizes amendments for cost increases not to exceed 5%.

The CRA portion is scheduled for approval per Resolution No. 18-7 on March 12, 2018.

COMMISSION DISTRICT: Road Tattoo is located in Commission District 3 represented by Paula Ryan.

**Fiscal Note:**

Funds are budgeted in the Other Contractual Services account in Fund 316.

AiPP contributing \$10,000

CRA -contributing \$80,000

Related contributing \$90,000

**PUBLIC HEARING (14 – 15):**

- 14. Public Hearing and Second Reading of Ordinance No. 4765-18 adopting the City of West Palm Beach Amendments to the Florida Building Code 6th Edition (2017), Chapter 1, Administration.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF WEST PALM BEACH, FLORIDA AT CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE II (BUILDING CODE), SECTION 18-32, CITY AMENDMENTS ADOPTED; ADOPTING BY REFERENCE THE AMENDMENTS TO THE FLORIDA BUILDING CODE 6TH EDITION (2017); PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, A CODIFICATION CLAUSE, AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21833](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4765-18.

**Background:**

The Florida Building Commission has adopted the 6th Edition (2017) of the Florida Building Code. The Florida Building Code is the Statewide building code that is administered by every jurisdiction in the State of Florida. Each jurisdiction may either



enforce the base version of Chapter 1, Administration, in the Florida Building Code as adopted by Florida Building Commission, or adopt local amendments to Chapter 1. For earlier editions of the Florida Building Code, the City of West Palm Beach, like most jurisdictions, has adopted local amendments to Chapter 1, Administration.

Chapter 1 is the administrative chapter of Florida Building Codes and it is the only chapter that the Florida Building Commission has authorized local jurisdictions to amend. Among other administrative requirements and exemptions, Chapter 1 lays out the minimum requirements for permit application support documents, minimum plan review criteria, the minimum required inspections, and the procedures for the Construction Board of Adjustment and Appeals. Chapter 1 is also the vehicle used to adopt wind speed maps, in this case the Palm Beach County wind speed maps.

For the 6th Edition (2017) of the Florida Building Code, as with previous editions, the Building Code Advisory Board (BCAB) of Palm Beach County has reviewed Chapter 1, Administration, and published suggested amendments that local jurisdictions can use to formulate their own amendments. The BCAB suggested amendments were used in the drafting of the proposed City of West Palm Beach Amendments to the Florida Building Code 6th Edition (2017), Chapter 1, Administration.

The local amendments adopt the wind speed maps and address variances in flood zone areas.

Ordinance No. 4765-18 adopts the City of West Palm Beach Amendments to the Florida Building Code 6th Edition (2017), Chapter 1, Administration.

**Fiscal Note:**

No fiscal impact.

15. **Public Hearing and First Reading of Ordinance No. 4767-18 a request by Brian Seymour, Esq. of Gunster, Yoakley & Stewart, P.A on behalf on 7-Eleven, Inc; and Alfred J. Malefatto of Lewis, Longman & Walker, P.A, on behalf of Boos Development Group, Inc., to amend Chapter 6- Alcoholic Beverages, of the City Code to allow the sale of beer, wine and ale for consumption off the premises within the Clematis Waterfront District.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, AT CHAPTER 6 ALCOHOLIC BEVERAGES, SECTION 6-1 DEFINITIONS; SECTION 6-2(a) DOWNTOWN MASTER PLAN TO ALLOW THE SALE OF BEER, WINE AND ALE FOR CONSUMPTION OFF THE PREMISES WITHIN THE CLEMATIS WATERFRONT DISTRICT AND ESTABLISH ADDITIONAL REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21834](#)**

**Staff Recommended Motion:**

DENY Ordinance No. 4767-18 amending Chapter 6- Alcoholic Beverages, of the City Code to allow the sale of, beer, wine and ale for consumption off the premises within the Clematis Waterfront District.

**Background:**

On July 10, 2017, Brian Seymour, Esq. of Gunster, Yoakley & Stewart, P.A on behalf on 7-Eleven, Inc., submitted a request to modify Chapter 6 of the City code to allow the sale of beer, wine and ale for consumption off the premise within the Clematis Waterfront district. The request was associated with the opening of a proposed 7-Eleven store at the southwest corner of Clematis Street and Olive Avenue. At the same time, on July 11, 2017 Alfred J. Malefatto of Lewis, Longman & Walker, P.A, on behalf of Boos Development Group, Inc., submitted an application with a similar request than the one submitted on behalf of 7-Eleven, Inc., but associated with the opening of a proposed CVS pharmacy at the southwest corner of Clematis Street and South Dixie Highway. After discussions with staff, the two applicants combined their applications and submitted revised language on November 15, 2017.

The language included in Ordinance No. 4767-18 is the language proposed by the applicants.

Staff is recommending denial of the requested amendment due to the following:

1. Special character of Clematis Street: Clematis Street is the historic main street, and as such special attention shall be given to the impact of the uses along the street. The proposed change will allow the sale of beer, wine and ale within the Clematis Waterfront District, specifically for convenience stores and pharmacies. It is staff's professional opinion the incentive to convenience type uses along Clematis Street do not support the vision established by the Downtown Master Plan which states that the Clematis Waterfront District "signifies one of the major community spaces for the city and provides a sense of identity for West Palm Beach". The proposed language promotes the location of uses that do not attract new visitors to the street, but rather are intended to serve residents or workers already in downtown.
2. Clematis Street identification as a late night club district: Over the years, the City has faced numerous challenges to change the general public image of Clematis Street as a night club district. Despite current regulation that limit the total number of alcoholic beverage establishments to a maximum of two per block face, the street is still recognized as a late night party scene. It is staff's professional opinion that allowing package sales along the street will support that image, and will require strong police enforcement to ensure businesses abide by the proposed restriction for package sales from 10:00 pm to 7:00am, and consumption does not occur on public areas.
3. Clematis Street changes: the City is currently working on different initiatives to promote the full activation of Clematis Street. Several actions are taking place simultaneously and the combination of all of them will potentially transform the street

activity. The actions include the modification of the zoning code to allow office uses along Clematis Street, the construction of substantial streetscape improvements, and the public-private partnership to activate the 314 Clematis Street space previously occupied by a night club, and transform it into a new retail/ restaurant space.

For all the reasons stated above, staff recommends the proposed changes to the City code to allow the sale of beer, wine and ale for consumption off the premise within the Clematis Waterfront District not to be implemented at this time. Staff recommends the City Commission wait for the implementation of the proposed changes to the retail requirements along Clematis Street (scheduled for 1st Reading of the City Commission on March 26, 2018) , the proposed Streetscape (expected to start construction in summer 2018), and the 314 Clematis project (under building permit review), before new changes are introduced on the street.

At a work session on February 5, 2018, the City Commission expressed support for staff recommendation to postpone a decision on the changes to the alcohol sale ordinance for a period of six months to one year, but the applicant desired to move ahead with the request.

COMMISSION DISTRICT: Affected properties are located within Commission District No. 3- Commissioner Paula Ryan.

**PUBLIC HEARING – QUASI-JUDICIAL (16 – 17):**

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

16. **A request by Harvey E. Oyer, III, of Shutts & Bowen LLP, on behalf of CityPlace Retail, LLC, for the approval of the following:**

**Public Hearing and First Reading of Ordinance No. 4759-18: A Major Planned Development Amendment to the CityPlace CPD to establish development regulations for the area currently leased by CityPlace Retail, LLC, from the West Palm Beach CRA and into a separate Resolution.**

**Discussion of Resolution No. 1-18: The development regulations for the area currently leased by CityPlace Retail, LLC, from the West Palm Beach CRA, which will be known as the CityPlace Core.**

**ORDINANCE NO. 4759-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 2267-89, AS AMENDED BY ORDINANCE NO. 3126-98, RELATING TO THE CITYPLACE COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED ON EITHER SIDE OF ROSEMARY AVENUE BETWEEN OKEECHOBEE BOULEVARD AND FERN STREET, TO TRANSFER DEVELOPMENT REGULATIONS FOR THE CITYPLACE RETAIL, LLC, LEASE AREA PORTION OF THE CITYPLACE COMMERCIAL PLANNED**

**DEVELOPMENT TO RESOLUTION NO. 1-18; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 1-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, SETTING FORTH THE DEVELOPMENT REGULATIONS FOR THE CITYPLACE RETAIL, LLC, LEASE AREA PORTION OF THE CITYPLACE COMMERCIAL PLANNED DEVELOPMENT, WHICH WILL BE KNOWN AS THE CITYPLACE CORE; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21807](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4759-18, a Major Planned Development Amendment to the CityPlace CPD to provide revised development regulations for the area currently leased by CityPlace Retail, LLC, from the West Palm Beach CRA by separate Resolution. 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.

DISCUSS Resolution No. 1-18

**Background:**

STANDARDS: The Planning Division has determined that the Major Planned Development Amendment to the CityPlace CPD to establish development regulations for the area currently leased by CityPlace Retail, LLC, from the West Palm Beach CRA into a separate Resolution 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 has been detailed in Attachment 1 - Planning Board Staff Report.

PLANNING BOARD: The Planning Board recommended approval (6-0) of this request to the City Commission after a Public Hearing on January 17, 2018.

ANALYSIS: The original 77 acre CityPlace Commercial Planned Development (CPD) was created by the adoption of Ordinance No. 2267-89 on March 20, 1989 to mirror the boundaries of the Downtown/Uptown Development of Regional Impact (DRI). Ordinance No. 2267-89 included a list of permitted uses. The development approved as part of the Downtown/Uptown DRI was not constructed and the majority of the parcels within the DRI were acquired by the West Palm Beach Community Redevelopment Agency (CRA). On January 12, 1998, the City Commission approved Ordinance No. 3098-97, which replaced the Downtown/Uptown DRI with the CityPlace DRI. Later in

1998, approximately five (5) acres were added to the DRI with Ordinance No. 3126-98 expanding the boundaries of the CPD to its current size of approximately 82 acres. Ordinance No. 3126-98 references Ordinance No. 3098-97 as controlling the permitted land uses within the CPD; however, there has been no legislative action which specifically removed the use list that was approved as part of Ordinance No. 2267-89. Ordinance No. 4759-18 corrects this omission.

As previously mentioned, at the time of the creation of the CityPlace DRI, the CRA owned the majority of the land within the DRI. The CRA issued a request for proposals to develop the majority of the parcels that they owned. CityPlace Partners was selected to develop a mixed use project containing residential, retail, restaurant, office, hotel and entertainment uses to be known as CityPlace. In 1997, the CRA and CityPlace Partners entered into a Lease Agreement for the development, construction, ownership and operation of the project to be known as CityPlace. The Palm Beach County Convention Center, the Raymond F. Kravis Center for the Performing Arts, the Opera Place parcel and the Tent Site were not included within the lease area. The Lease Agreement, as amended (now known as the Master Lease), includes Exhibit H Master Design Guidelines for CityPlace (Attachment 2 - Master Lease Exhibit H - CityPlace Design Guidelines) which acts as the zoning regulations for the area covered by the Master Lease.

As CityPlace developed, the majority of the parcels that were once subject to the lease were conveyed to subsequent property owners in accordance with the provisions of the Master Lease. These included the residential buildings along Sapodilla Avenue and Fern Street, the CityPlace Office Tower, the CityPlace South Tower, the Okeechobee Parcel (Restoration Hardware) and the Hilton Hotel. CityPlace Retail, LLC, wishes to exercise the purchase option for the remaining area which they currently lease from the CRA, which is generally located on either side of Rosemary Avenue between Okeechobee Boulevard and Fern Street. Included in the Lease Area are the buildings containing H&M, Cheesecake Factory, the old Macy's, Revolutions, Publix, the Improv, Brio, Muvico, the Harriot Himmel Theater, Panera Bread and L.A. Fitness. The commercial garages and the plaza are leased by the CRA to the CityPlace Community Development District and are not subject to this amendment.

Since the Lease contains the Design Guidelines, if the Lease no longer applies, the Lease Area would be left with no objective zoning regulations. CityPlace Retail, the CRA and the Planning Division staff have agreed that adopting the current Exhibit H Design Guidelines, with minor updates to reflect current conditions, as development regulations is appropriate to maintain predictability for any short term redevelopment of the Lease Area parcels. The design guidelines will apply to what will be known as the CityPlace Core. CityPlace Retail will work with the Planning Division staff to draft more comprehensive development regulations as they formulate their vision for the future of CityPlace. Any future changes to the development regulations will require City Commission approval.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the CityPlace Core. Signs for the Major Amendment were posted on the property on December 29, 2017.

COMMISSION DISTRICT: The subject property is located within Commission District No. 3 – Commissioner Paula Ryan.

**Fiscal Note:**

No fiscal impact.

17. **A request by Bonnie Miskel and Andrea M. Keiser of Dunay, Miskel, and Backman, LLP, on behalf of Everglades College, Inc., for the approval of the following:**

**Public Hearing of Resolution No. 48-18: A Major Planned Development Amendment to the Northwood University Community Service Planned Development (CSPD) to permit the construction of a football stadium on campus, including waivers; to address the development regulations outlined in Resolution No. 2-12; and to change the name to the Keiser University CSPD.**

**Resolution No. 49-18 authorizing the approval of a Minor Subdivision to create the Keiser University Sports Facility plat, a replat of a portion of Tract B of the Plat of Northwood University.**

**RESOLUTION NO. 48-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE NORTHWOOD UNIVERSITY COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED GENERALLY AT 2600 NORTH MILITARY TRAIL, REVISING THE MASTER PLAN, MODIFYING THE DEVELOPMENT REGULATIONS, AND RENAMING THE PLANNED DEVELOPMENT AS THE KEISER UNIVERSITY COMMUNITY SERVICE PLANNED DEVELOPMENT; GRANTING CERTAIN WAIVERS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 48-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “KEISER UNIVERSITY SPORTS FACILITY”; CONSISTING OF THE APPROXIMATELY 10.86 ACRE TRACT F; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 21828](#)**

**Staff Recommended Motion:**

APPROVE Resolution No. 48-18, a Major Planned Development Amendment to the Northwood University Community Service Planned Development (CSPD) to permit the

construction of a football stadium on campus, including waivers; to address the development regulations outlined in Resolution No. 2-12; and to change the name to the Keiser University 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. 49-18.

**Background:**

**STANDARDS:** The Planning Division has determined that the Major Planned Development Amendment to the Northwood University Community Service Planned Development (CSPD) to permit the construction of a football stadium on campus, with waivers; to address the development regulations outlined in Resolution No. 2-12; and to change the name to the Keiser University 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.

Compliance with all of the above-referenced standards has been detailed in Attachment 1 - Planning Board Staff Report.

It is Staff's professional opinion that the Minor Subdivision request complies with the City's Comprehensive Plan and all of the subdivision general design standards located in Section 94-342 in the Zoning and Land Development Regulations.

**PLANNING BOARD:** The Planning Board recommended approval (7-0) of the Major Amendment request to the City Commission after a Public Hearing on January 17, 2018.

The Minor Subdivision is not required to be reviewed by the City's Planning Board.

**ANALYSIS:**

Keiser University was originally approved in September 9, 1985 as the Northwood Institute Public Semi-public Planned Unit Development. Since its original approval, the campus changed names to the Northwood University Community Service Planned Development (CSPD). Acreage has been added and removed from the CSPD and the maximum enrollment has been increased to permit 1,800 students. Keiser University acquired the Northwood University campus on July 1, 2015, in order to establish its flagship campus. At the time of the purchase, the campus contained classrooms, a library, dormitories, recreational facilities and an indoor sports arena. Keiser University moved their College of Golf to the campus and constructed practice facilities on the southeastern portion of the campus. Keiser University is starting a football program in the National Association of Intercollegiate Athletics (NAIA) for the 2018-2019 academic year and wishes to construct an on campus football stadium consisting of an artificial turf football field, bleachers with a press box, and an athletic complex. Resolution No. 2-12

contained a requirement that approval of a major amendment to the CSPD is required for the construction of Recreation, Stadiums and Sports Arenas.

The major amendment not only seeks approval of the football stadium, but also requests the modification to certain conditions of Resolution No. 2-12, mainly related to the provision of parking on campus, and lastly, to officially change the name of the CSPD to the Keiser University CSPD.

### Football Stadium

The new football stadium is proposed to be constructed on the vacant southern portion of the campus. As previously mentioned, the stadium will consist of an artificial turf football field, bleachers with a press box, and an athletic complex. In accordance with Section 94-451 Artificial turf of the ZLDR, the City Commission will need to specifically approve the use of the artificial turf for the field. The field will be lighted. Staff has reviewed the photometric plans to ensure that there will be no glare cast off site by the lights. The bleachers will include 534 seats with a press box on top for a total height of approximately 35 feet. There are residential properties to the west of the stadium. Staff performed a site visit and has included requirements, including the installation of a landscaped berm, prohibitions on activities within the required 100 foot stadium buffer and the directing of the speakers away from the residences, in order for the stadium to comply with the residential privacy requirement of the City site plan standards. The athletic complex will be an approximately 14,000 square foot, one story building which will house the locker rooms, offices and ancillary space for the Keiser University athletic programs.

The stadium development requires waivers to the minimum landscape buffer and the outdoor activity use setback. Additionally, the applicant is requesting that the City Commission permit the use of artificial turf for the field.

In accordance with the Palm Beach County Traffic Division traffic approval letter, the access to the parking for the stadium will be only permitted through the main Keiser University entrance off of Military Trail. After the game, parking personnel will direct traffic to use both the main Keiser University entrance as well as Cecil Avenue to exit the site onto Military Trail.

As part of the submittal for the football stadium, the applicant reviewed the existing development regulations and master plan approved as part of Resolution No. 2-12. The currently approved master plan requires 2,480 parking spaces based on the maximum student enrollment, faculty/staff, the places of assembly and visitors. Development regulation no. 21 requires the construction of these parking spaces concurrently with the construction of the next building, which is the athletic complex for the football stadium. Additionally, 134 parking spaces would need to be constructed to meet the requirement of the football stadium bleachers. The applicant raised concerns about constructing 2,614 parking spaces for a university with 580 students enrolled.



The applicant reviewed the parking calculations provided with the current master plan and realized that the methodology used to determine the places of assembly was flawed in that it counted not only the auditoriums but also classrooms, offices, and other areas that were used by students and faculty. Since the students and faculty are accounted for under their own parking line item, the double counting of this space significantly increased the amount of “required” parking.

The applicant next reviewed how the faculty parking requirements are calculated and noted that there are adjunct/part time faculty that are not on campus on a full time basis and thus do not require a parking space reserved on a 1:1 basis. Staff agreed with this analysis and there will be an additional development regulation added to the approval regulation which permits adjunct/part time faculty to require only one parking space per two employees.

The applicant also requested that staff re-evaluate the requirement to provide parking for the maximum enrollment of 1,800 students since only 580 students are enrolled. Staff’s concern is that parking will not be in place if there is a spike in enrollment and that the campus would be deficient for parking. The applicant and staff discussed possible options and arrived at an agreement that in conjunction with construction of the football stadium, and its required parking, Keiser University would construct student parking based on the current enrollment of 580 students. Additionally, in order to capture any additional enrollment, an additional ten (10) percent of the campus required parking will be constructed for the 2018-2019 academic year.

Starting with the 2019-2020 academic year, Keiser University will provide the Planning Division a certified annual enrollment and staffing verification letter on October 1 of each year. If the student enrollment and/or staffing parking requirements exceed the previous year’s parking requirement, then additional parking is required to be constructed with all applicable City approvals and permits and completed no later than January 15 of the following year.

On December 4, 2017, the City Commission adopted Ordinance No, 4747-17, which permits universities to request up to a 30 percent reduction in the amount of required parking within a Community Service Planned Development. The university is required to provide relevant empirical evidence supporting the parking waiver and receive City Commission approval as a Major Planned Development Amendment. Keiser University submitted a parking demand study by Simmons & White which provides that the parking, as required by the ZLDR, can be reduced by 30 percent and still provide for the actual parking use. One of the key points of the study is that the ZLDR require the parking calculation for all seats in the places of assembly as if they are all occupied at the same time. However, for the specific Keiser University campus, there are a number of assembly seats that have differing user times, such as the baseball, basketball and football stadiums. The sports play in different seasons so all the stadium seating will not be occupied at the same time. Staff does not object to the reduction of parking by 30 percent

based on the parking demand study presented by the applicant. For added protection, staff is including a condition that Keiser University not schedule overlapping events at the places of assembly.

The parking requirement for the 2018-2019 academic year is 803 parking spaces. The master plan calls for the construction of 807 parking spaces in conjunction with the construction of the football stadium. Some of the parking spaces will be located adjacent to the football stadium with the remainder located in a new parking field on the north end of campus. As part of the provision of the additional parking, staff noted items on the campus that needed to be updated to comply with the ZLDR. These have not only been reflected on the master plan, but also added as conditions or additional development regulations, and include ADA parking and access upgrades, bicycle parking and landscaping.

#### Replat

Keiser University has submitted a minor lot split application to create a new parcel for the football stadium for financing purposes. While the lot split is not reviewed and approved by the Planning Board, the current proposed property line creates the situation where the ZLDR landscape buffer will not be present between the two newly created parcels. The resolution includes a waiver which allows the university to not provide an landscape buffer between these internal parcels.

The area subject to the replat, consists of approximately 10.86 acres located generally at 2331 Northwood University Drive.

**PUBLIC NOTICE:** Major Amendment - Individual notices were mailed to all property owners within 500 feet of the Northwood University CSPD boundary. Signs for the Major Amendment were posted on the property on December 29, 2017.

Both Resolutions were advertised in the Palm Beach Post on March 2, 2018.

**COMMISSION DISTRICT:** The subject property is located within Commission District No. 2 – Commissioner Cory Neering.

#### **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.**