



**City of West Palm Beach  
City Commission**

**PASS/FAIL AGENDA**

**January 14, 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:**

**RECEIVED / FILED (1):**

1. Submittal of the following five (5) reports from the Internal Auditor's Office: **RECEIVED AND FILED**
  1. Public Utilities' Water Treatment Plant Audit, AUD18-01 and the Executive Summary of the Public Utilities' Water Treatment Plant Audit;
  2. Post Audit Review of the East Central Regional Wastewater Reclamation Facility, PAR18-08;
  3. Post Audit Review of Warehouse and Inventory, PAR18-07;
  4. Post Audit Review of Emergency Medical Services Billing, PAR18-06; and
  5. Post Audit Review of Workers' Compensation, PAR19-01

[Agenda Cover Memorandum No.: 22249](#)

**PRESENTATION AND AWARDS OF MERIT (2-3):**

2. "Proclaiming January 14-20, 2018 as Urban Youth Impact Week. Proclamation to be accepted by Bill Hobbs, Founder and President of Urban Youth Impact." **PRESENTED**  
[Agenda Cover Memorandum No.: 22244](#)
3. Special Recognition to City's Chief Building Inspector Ken Conrad who was awarded the Building Inspector of the Year Award by the Building Officials Association of Palm Beach County (BOAPBC). **RECOGNIZED**  
[Agenda Cover Memorandum No.: 22246](#)

**Background:**

Attached nomination letter from City's Building Official Robert Brown.

**CONSENT CALENDAR (4-14): ALL CONSENT ITEMS (4-14) APPROVED**

4. **Minutes of the Regular City Commission Meeting of December 17, 2018.**  
[Agenda Cover Memorandum No.: 22258](#)

**Staff Recommended Motion:**

Approve the Minutes of the Regular City Commission Meeting held on December 17, 2018.

**Fiscal Note:**

No fiscal impact.

5. **Approval of the Internal Auditor's Office FY2019 Annual Audit Plan.**  
**[Agenda Cover Memorandum No.: 22250](#)**

**Staff Recommended Motion:**

Approve the FY2019 Annual Audit Plan.

**Background:**

The Audit Committee reviewed and approved the draft FY2019 Audit Plan and recommended it for approval by the City Commission. The Internal Auditor's Office would like the plan approved, received, and filed.

**Fiscal Note:**

No fiscal impact.

6. **Resolution No. 2-19 approving an Agreement with the Miami Beach Police Department for the sharing of information for law enforcement purposes.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERAGENCY AGREEMENT BETWEEN THE MIAMI BEACH POLICE DEPARTMENT AND THE CITY OF WEST PALM BEACH REGARDING THE SHARING OF INFORMATION RELATED TO LEXIS NEXIS RISK SOLUTIONS VENDOR PERSONNEL SECURITY SCREENING; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22243](#)**

**Staff Recommended Motion:**

Approve Resolution No. 2-19.

**Background:**

The City of West Palm Beach entered into an Agreement with the vendor, Lexis Nexis Risk Solutions, for software and management. The Miami Beach Police Department has an ongoing business relationship with Lexis Nexis Risk Solutions and has agreed to act as the Lead Contract Agency in the State of Florida regarding the required security screening for Lexis Nexis Risk Solutions personnel. The agreement assigns responsibilities for security screening and communications regarding possible security issues. This agreement eliminates duplication of work effort among various agencies, without compromising the security requirements involved in the handling and transmission of sensitive criminal justice information.

Resolution No. 2-19 approves an Agreement with the City of Miami Beach to address the terms for sharing access to security screening information for Lexis Nexis Risk Solutions personnel.

**Fiscal Note:**

No Fiscal Impact.

7. **Resolution No. 371-18 approving the Conditional Settlement Agreement dated November 30, 2018, in the amount of \$45,000 in the matter of Gellani Eugene Latorre 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 DATED NOVEMBER 30, 2018, FOR \$45,000.00 IN THE MATTER OF GELLANI EUGENE LATORRE v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22251](#)**

**Staff Recommended Motion:**

Approve Resolution No. 371-18.

**Background:**

On March 30, 2015, Mr. Latorre was involved in a motor vehicle accident with a City vehicle. In 2016, he filed a complaint for damages resulting from alleged personal injury sustained in the motor vehicle accident. An agreement has been reached with Mr. Latorre to resolve all claims against the City of West Palm Beach, including all attorney's fees and costs, for \$45,000.00. In exchange for compensation, Mr. Latorre is signing a general release releasing the City from all claims arising from this motor vehicle accident.

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. Resolution No. 371-18 approves the conditional settlement agreement.

8. **Resolution No. 4-19 approving a Conditional Settlement Agreement dated December 11, 2018 totaling \$49,000.00 in the matter of Guillaume Previlon v. City of West Palm Beach, et al.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT DATED DECEMBER 11, 2018 IN THE AMOUNT OF \$49,000.00, IN THE MATTER OF GUILLAUME PREVILON v. CITY OF WEST PALM BEACH, et al.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22253](#)**

**Staff Recommended Motion:**

Approve Resolution No. 4-19.

**Background:**

On July 1, 2013, Mr. Previlon was involved in an incident with a security guard at his apartment complex and a WPB Police Officer. Guillaume Previlon filed a complaint for damages against the City of West Palm Beach, West Palm Beach Police Officer Kevin A. Harrell, in his individual and official capacity, and Infinity Clear Lake, LLC a/k/a Clear Lake Palm Apartments in the Fifteenth Judicial Circuit, In and For the State of Florida. In the complaint, he alleged an excessive force claim against the City pursuant to 42 U.S.C. § 1983. An agreement has been reached with Mr. Previlon to resolve all claims against the City of West Palm Beach and its agents and employees, including all attorney's fees and costs, for \$49,000.00. In exchange for compensation, Mr. Previlon is signing a general release releasing the City from all claims arising from the incident.

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. Resolution No. 4-19 approves the conditional settlement agreement.

9. **Resolution No. 9-19 approving the Conditional Settlement Agreement dated December 11, 2018, in the amount of \$40,000.00 in the matter of Tiffany Vogelsang v. City of West Palm Beach and Officer James Pratt.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT DATED DECEMBER 11, 2018, FOR \$40,000.00 IN THE MATTER OF TIFFANY VOGELSANG v. CITY OF WEST PALM BEACH AND OFFICER JAMES PRATT, INDIVIDUALLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22256](#)**

**Staff Recommended Motion:**

Approve Resolution No. 9-19.

**Background:**

On February 7, 2017, Ms. Vogelsang was involved in a motor vehicle accident with a City vehicle. In 2017, she filed a complaint for damages resulting from alleged personal injury sustained in the motor vehicle accident. An agreement has been reached with Ms. Vogelsang to resolve all claims against the City of West Palm Beach and its agents and employees, including all attorney's fees and costs, for \$40,000.00. In exchange for compensation, Ms. Vogelsang is signing a general release releasing the City from all claims arising from this motor vehicle accident.

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. Resolution No. 9-19 approves the conditional settlement agreement.

10. **Resolution No. 8-19 approving the Conditional Settlement Agreement dated December 13, 2018, in the amount of \$75,000 in the matter of Julie Ann Rico 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 DATED DECEMBER 13, 2018, FOR \$75,000.00 IN THE MATTER OF JULIE ANN RICO v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

[Agenda Cover Memorandum No.: 22257](#)

**Staff Recommended Motion:**

Approve Resolution No. 8-19.

**Background:**

On January 7, 2016, Ms. Rico was involved in a motor vehicle accident with a City vehicle. In 2018, she filed a complaint for damages resulting from alleged personal injuries sustained in the motor vehicle accident. An agreement has been reached with Ms. Rico to resolve all claims against the City of West Palm Beach and its agents and employees, including all attorney's fees and costs, for \$75,000.00. In exchange for compensation, Ms. Rico is signing a general release releasing the City from all claims arising from this motor vehicle accident.

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. Resolution No. 8-19 approves the conditional settlement agreement.

11. **Resolution No. 15-19: Approving economic incentives to Palm Beach Tech Foundation, Inc. d/b/a the 1909 in the amount of \$25,000 for the "Accelerator Program" providing entrepreneurial and business startup training to small businesses and authorizing execution of a related grant agreement.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING ECONOMIC INCENTIVES FOR THE "ACCELERATOR PROGRAM" OPERATED BY PALM BEACH TECH FOUNDATION, INC. D/B/A THE 1909; AUTHORIZING THE EXECUTION OF A RELATED GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

[Agenda Cover Memorandum No.: 22245](#)

**Staff Recommended Motion:**

Approve Resolution No. 15-19.

**Background:**

Since 2014 the City of West Palm Beach has set entrepreneurial and small business growth as a goal as part of its economic development strategy. The City has assisted entrepreneurs in ways such as Start-up Weekends, Hackathons, Palm Beach Tech's Build Out and other small grants. Earlier this year the City was approached with the proposal to be a partner in the 1909 Co-working project located at 313 Datura Street. 1909 is a non-profit collaborative effort by the startup community, local governments in Palm Beach County, local philanthropic organizations and private businesses dedicated to the exponential growth in startup businesses and creative industries. 1909 aims to help any entrepreneur start whatever business they want when they are ready. Other organizations supporting the 1909 project include the Knight Foundation in the amount of \$250,000, The Greater Delray Beach Chamber of Commerce in the amount of \$25,000, and Lake Park Community Redevelopment Agency in the amount of \$25,000. Palm Beach Tech has set up a foundation to fund the program and has requested a \$25,000 grant from the City to fund the program for the first year. Unlike other grants, Palm Beach Tech has requested all of the funding up-front with deliverables shown at the end of the project. The grant requires 1909 to perform the following:

- Accelerator program services to residents and businesses in order to support growth of the small business and startup community.
- Accelerator program services to at least ten (10) individuals and no more than twenty-five (25) individuals for a six (6) month period.
- Accelerator program participants with free workspace during the program period starting in January and ending in June.
- Accelerator participants will be required to pay \$300 for program supplies, curriculum materials, and basic entrepreneurial support services (workspace, internet, mailing address) during the program period.
- Accelerator participants will have opportunity to participate in community events for networking (ex. the monthly CreativeMornings, Tech Meetups) and workshops for learning during the program period.
- Accelerator participants will have access to a 9 week CO.STARTERS (or equivalent) curriculum program with weekly educational courses.
- Accelerator participants will have access to expert local mentors recruited from the local business community to support their personal and professional growth. This would cover commonly needed areas of expertise like Business Planning, Team Building, Marketing, and Raising Capital; and specific areas as needed such as software development, food service, and retail.
- Accelerator participants will upon completion of the program period (with minimum attendance requirements for 7 out of 9 curriculum sessions, at least 2 mentorship sessions a month, and 6 total community events) be able to present their company in a graduation like Pitch Competition, which will reward dollars and services to at least three (3) winners based on the results of an investor & community judging panel.
- Produce content on and publicize to print, digital, and social outlets the success of participants and especially that of those receiving cash or in-kind prizes through the Pitch Competition.

**Deliverables:**

Once program participants are selected and prior to commencement, after the completion of the program and in an annual report, 1909 must provide the City of West Palm Beach with the following set of Key Performance Indicators:

- o Program Survey: Feedback from companies on quality & support of program.
- o Business Category: Based on North American Industrial Categories.
- o Total Customers: Total amount of clients or customers served.
- o Location: How many people continue to work out of 1909 & West Palm Beach.
- o Total Revenue Generated: Total amount of money generated from all participating businesses.
- o Total Capital Raised: Total amount of money raised from all participating businesses.

The 1909 program is consistent with the City's continued effort to grow small businesses and start-ups in the City.

COMMISSION DISTRICT: 1909 is located at in City Commission District 3 represented by Commissioner Paula Ryan.

**Fiscal Note:**

\$17,000 is set aside in professional services, the remaining amount is in the economic development line 500485.

**12. Resolution No. 314-18 amending and restating the City's Investment Policy.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING AND RESTATING THE INVESTMENT POLICY TO INCLUDE CHANGES TO AUTHORIZED INVESTMENT INSTRUMENTS AND PORTFOLIO COMPOSITION.**

**[Agenda Cover Memorandum No.: 22252](#)**

**Staff Recommended Motion:**

Approve Resolution No. 314-18.

**Background:**

Resolution No. 33-13 was approved on January 22, 2013, amending and restating the Investment Policy of the City of West Palm Beach.

Section XVIII empowers the Investment Committee to make modifications to the policy provided such modifications are approved by the City Commission.

At the Investment Committee meeting held on May 23, 2018, the Committee consisting of the Chief Financial Officer, City Administrator, Deputy Administrator, Budget Manager and Treasury Manager recommended the following changes to Section XIII of the investment policy. The changes are detailed below [i.e. a); b) and c)]:



- a) Section XIII (G) change:
  - i. Maximum Term from 1 year to 7 years.
  - ii. Maximum Aggregate Position from 10% to 50% of available funds.
  - iii. Maximum Individual issuers from up to FDIC insurance limit to 50% of available funds.
- b) Section XIII (P) change to (Q) and
- c) Section XIII (P) should now read as follows:

Israel Bonds - bonds, notes, or instruments backed by the full faith and credit of the State of Israel, if the State of Israel's foreign debt at the time of purchase is rated "A" or higher by Standard & Poor's and Moody's ratings services and any bonds purchased must have a maturity of five years or less. No more than 5% (at market value) of the total portfolio at the time of purchase may be invested in these securities.

Maximum Term	5 years
Maximum Aggregate Position	5% of available funds
Rating	A or better

Notwithstanding the provisions of Section X of this investment policy governing authorized broker/dealers, the Development Corporation for Israel may act as an authorized broker/dealer for securities backed by the State of Israel.

These changes are geared primarily at minimizing unrealized losses and increasing investments earnings.

**Fiscal Note:**

No fiscal impact.

- 13. **Resolution No. 6-19 authorizing the assessment of city liens in the total amount of \$25,500.61 for unpaid water service, sewer service, and stormwater service charges for the month of October 2018.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22255](#)**

**Staff Recommended Motion:**

Approve Resolution No. 6-19.

**Background:**

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 6-19 are for unpaid water service, sewer service, and stormwater service charges for the month of October 2018. The list of properties to be assessed and the associated charges totaling \$25,500.61 are attached to Resolution No. 6-19 as EXHIBIT A - Utility Lien List - October 2018. If not paid, these liens may be foreclosed by the City.

**Fiscal Note:**

No fiscal impact.

14. **Resolution No. 18-19 approving participation in FPL's Solar Together shared solar program and authorizing execution of the Pre-Registration Agreement for the program.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PRE-REGISTRATION AGREEMENT BETWEEN THE FLORIDA POWER & LIGHT COMPANY AND THE CITY OF WEST PALM BEACH FOR THE SOLAR TOGETHER – SHARED SOLAR PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22266](#)**

**Staff Recommended Motion:**

Approve Resolution 18-19.

**Background:**

The City of West Palm Beach has made a commitment to Climate Resilience, not only to adapt/prepare for Climate Change, but also to mitigate/reduce our Greenhouse Gas Emissions, including a goal of Net Zero Greenhouse Gas Emissions by 2050. Utilizing renewable energy will move us closer to those goals.

Florida Power & Light is initiating a shared solar program, Solar Together, that leverages the economies of scale of building universal solar to bring efficiencies to the cost and availability of solar power. Solar Together is a service that allows FPL customers to subscribe to a shared solar program and then receive credits from the solar produced on the monthly bill. Participants can subscribe an amount that would potentially produce up to 100% of their annual kilowatt hour electricity usage. Enrolling in the program will have no impact on our existing electric rate structure, time of use charges and/or demand charges. Enrolling will not change the number of kWh consumed on a monthly basis. More details on the background of the Solar Together Program can be found here:

<https://www.fpl.com/energy-my-way/solar/solartogether.html>.

The monthly subscription rate is fixed at \$6.76/kW. The subscription rate reflects the costs related to construct, own and operate the solar plants FPL build to serve participants in the

program. The monthly subscription rate does not change over time. Our subscription credit is based on the actual solar generation our subscription share produced in a given month multiplied by the subscription credit rate. The subscription credit rate will increase annually, if we remain in the program. Our subscription charge and subscription credit will appear as individual line items on our monthly billing statements. On an annual basis, program participants can expect a net bill reduction sometime between three to five years and achieve simple payback between five to seven years. More details on the subscription process, payment structure, and other FAQs can be found here:  
<https://www.fpl.com/energy-my-way/solar/solartogether/faq.html>

Our current City potential maximum subscription is 31,879 kilowatts (kW). However, the East Central Regional Water Reclamation Facility (ECR) and our current and proposed solar installations are not included in this agreement. We have subtracted these projects from the maximum subscription amount and are proposing 12,305 kW for the current subscription.

The program will be filed with the Florida Public Service Commission in the first quarter of 2019, and FPL anticipates the Commission's approval in the fourth quarter of 2019. Pending approval, FPL expects the earliest we would be billed for our subscription is the first quarter of 2020. Capacity has not yet been finalized, FPL is offering pre-registration to their largest energy users, to better understand their interest in the program and plan accordingly for the solar capacity they will need to meet customers' interest. Pre-registering in the program requires a binding agreement. Customers who pre-register will be automatically enrolled in the program pending PSC approval. Participants will not see a subscription cost or subscription credit on their bill until after the solar power plants dedicated to this program are operational. After the first billing cycle of the program, customers can unsubscribe from the program and will not be able to re-enroll for a 12-month period. Customer's may also elect to reduce their subscription following the first billing cycle. Additional subscriptions will be available, however there may be a waiting list.

We have elected to have the Renewable Energy Credits (RECs) retired on our behalf. A renewable energy certificate, or REC is a market-based instrument that represents the property rights to the environmental, social and other non-power attributes of renewable electricity generation. RECs are issued when one megawatt-hour (MWh) of electricity is generated and delivered to the electricity grid from a renewable energy resource. Because the physical electricity we receive through the utility grid says nothing of its origin or how it was generated, RECs play an important role in accounting, tracking, and assigning ownership to renewable electricity generation and use. On a shared grid, whether from on-site or off-site resources, RECs are the instrument that electricity consumers must use to substantiate renewable electricity use claims. RECs represent the environmental benefits of certain actions that can help mitigate GHG emissions.

Resolution No. 18-19 approves a Pre-Registration Agreement committing to 12,305 kW under the Solar Together Program.

**Fiscal Note:**

No fiscal impact in FY 2019. FY 2020 will budget an estimated \$35,000 for initial cost, which will go down to 0 after the 3rd year, then the City will be earning funds for the electricity.

**RESOLUTIONS (15-17):**

15. **Resolution No. 5 -19 APPROVED approving amendments to the City's Consolidated Annual One-Year Action Plans for fiscal years 2014/15, 2015/16, 2017/18, and 2018/19 to reprogram and award CDBG Program funds to specific activities.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AMENDMENTS TO THE CITY'S CONSOLIDATED ANNUAL ONE-YEAR ACTION PLANS FOR FISCAL YEARS 2014/15, 2015/16, 2017/18, AND 2018/19 FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO REPROGRAM AND AWARD PROGRAM FUNDS TO SPECIFIC ACTIVITIES; AUTHORIZING AND DIRECTING THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO SUBMIT THE PROPOSED AMENDMENTS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR REVIEW; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND DOCUMENTS NECESSARY FOR SUBMISSION OF THE AMENDMENTS AND THE USE OF SUCH FUNDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22259](#)**

**Staff Recommended Motion:**

Approve Resolution No. 5-19.

**Background:**

The City of West Palm Beach is an entitlement recipient of federal funds from the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) Program.

In accordance with 24 CFR 91.505, the City of West Palm Beach is submitting a substantial amendment proposing changes to reallocate CDBG Program funds in their respective Annual Action Plan to other eligible activities. A detailed description of the proposed substantial amendment including specifics on budgetary changes is attached to Resolution No. 5-19 as "Exhibit A".

Federal regulations require that a grantee provide citizens with reasonable notice of and an opportunity to comment on any substantial amendment to the Plan in accordance with 24 CFR 91.10. The 30-day comment period commenced on December 15, 2018 and ends on January 14, 2019.

**16. Resolution No. 14-19 **APPROVED** approving a temporary public art installation as "Face of the City" at the intersection of Tamarind Avenue and Fern Street.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A TEMPORARY MURAL DESIGN AT THE INTERSECTION OF FERN STREET AND TAMARIND AVENUE AS FACE OF THE CITY AND FUNDED THROUGH THE OFFICE OF PUBLIC LIFE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22261](#)**

**Staff Recommended Motion:**

Approve Resolution No. 14-19.

**Background:**

In 2015, the City partnered with the Dreyfoos School of the Arts Visual Arts Department to design and paint a large art installation (mural) as part of the Intersection Repair project. Since then multiple city departments have conducted site visits and determined that this intersection is ready to be re-designed and painted. This project sponsored by the Office of Public Life and, in accordance with Article V-Art in Public Places of the City's Code of Ordinances, is titled Tactical Urbanism. The goal of the project is grounded on the principle that street level public art can improve the pedestrian experience, reinforce connections to the City's downtown area and be a visual reminder to motorists to slow down. Furthermore, a new design reflects the changing perspectives and styles of the city and community at large, while also supporting local art students.

This project is funded through the Office of Public Life in partnership with the AiPP division, Development Services, Engineering and Public Works.

The temporary public art installation will be located at the highly visible intersection of Tamarind Avenue and Fern Street and will be facilitated by staff in partnership with Dreyfoos School of the Arts. The installation (weather permitting) is scheduled for February 16 and 17, 2019. The event is free and open to the public, and the community will again be invited to participate in the application of paint.

The Dreyfoos School of the Arts, Visual Arts Department students were invited to submit applications to be reviewed by the AiPP Committee. On December 19, 2018, the AiPP Committee reviewed and voted to recommend to the City Commission the design by a team the following five current students: Gillian Dickinson, Isabelle Stratton, Megan Tachev, Dani Walters and Sophia Dawson. (Proposal attached).

The students were inspired by the different meanings associated with the word "migration". The artwork, composed of brightly colored Florida reef inspired fish representative of their own 'school', while other groups of fish echo the foot traffic from popular sites such as Cityplace and Clematis. The design's background has intersecting and overlapping lines mirroring currents in our waters and conceptually the diverse paths taken by pedestrians and cars in reaching their destinations. The students wrote in their proposal "The ocean

environment and fish rely on each other in order to create a successful ecosystem, just as the intersection and pedestrians rely on one another to create an enjoyable and lively city.”

Their chosen colors have a strong contrast between the foreground and background and will work well in relation to the street.

Section 78-125 of the City's Code of Ordinances provides as follows: The art in public places committee shall consider the following criteria in recommending approval or disapproval of a work or art, artwork, or historic or cultural element. In specific cases, the committee may recommend approval of a work of art that the committee considers exceptional but does not meet all the criteria.

- a) Complies. The proposed art conforms to the definition of art contained in this article and will be created by an artist as defined in this article.
- b) Master plan. The proposed art meets the typologies and qualities described in the art in public places master plan.
- d) Cultural significance. The proposed element is culturally significant and reflects the esthetic and cultural traditions and diversity of the city or the surrounding neighborhood.
- e) Visual accessibility. The proposed art/element will be readily visible to the public and meet the location requirements of this article.
- f) Quality. The proposed artist is professionally recognized in the medium and the proposed art/element is of quality and enduring value.
- g) Appropriateness to site. The proposed art/element is of design, scale and material appropriate scale to the site.
- h) Compatibility. The proposed art/element is compatible with the surrounding neighborhood.
- i) Public welfare. The proposed art/element is not detrimental to the public welfare and will not constitute a safety hazard. Complies with public accessibility requirements, if applicable.
- j) Maintenance. The proposed art/element will not require extraordinary maintenance and the maintenance plan addresses vandalism, weathering, and the life of the artwork.
- k) Valuation. The proposed art and/or element(s) meet or exceed the valuation requirements of this article.

The Art in Public Places Committee recommends to the City Commission the approval of the selected public art design as Face of the City.

COMMISSION DISTRICT: Public Art Installation is in Commission District Number 3-Paula Ryan.

**Fiscal Note:**

No Fiscal Impact.

17. **Resolution No. 7-19 APPROVED final artwork by artist Daas for the Kaye Street Water Tank project as Face of the City.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE ARTWORK BY ARTIST DAAS FOR THE KAYE STREET WATER TANK PUBLIC ART PROJECT AS FACE OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22260](#)**

**Staff Recommended Motion:**

Approve Resolution No. 7-19.

**Background:**

On December 19, 2018, the Art in Public Places Committee voted to recommend to the City Commission the proposed artwork " Let the Future Unfold" by artist Daas for the Kaye Street Water Tank Public Art Project. The city's water tank is located at 4400 Parker Avenue, a busy thoroughfare near downtown, Dreher Park, Flagler Drive and the Intracoastal. The Dreher Park Neighborhood Association requested an artwork that would bring a unique element to their community and visually enhance the surrounding area. The City Commission approved the allocations of funds for the Kaye Street Water Tank Public Art Project through Resolution No. 91-18 and (F) Resolution No. 99-18. Staff facilitated a National Call to Artists for the project, applications were reviewed by the Art in Public Places Committee and visual artist Daas was selected for the project. Pursuant to the Agreement for Public Art Installation with the City, Daas was required to lead three community engagement workshops, as well as a site visit with the Utilities Department and AiPP staff.

On November 14, 2018, Daas had three creative sessions where the stakeholders shared their thoughts and stories about their city, neighborhood and community. Participants were encouraged to write and draw meaningful imagery and invited in an open forum conversation with the artist. These activities occurred as follows: SFSC Stem Building: Coffee with the Artist; Palmetto Elementary School students grades 3 thru 5: present artwork, Q& A, and hands-on-activity "the art of origami folding"; and South Florida Science Center: Meet and Greet, Q & A and discussion. Also, Daas met with staff on site to review and discuss in detail the installation process.

The Art in Public Places Committee reviewed and discussed the proposed artwork, which meets the criteria set forth in Section 78-125 of the City's Code of Ordinances. "Let the Future Unfold" represents hope and a bright future. The central image is of a young girl who sends her paper airplane into flight, surrounding her are bright and colorful bougainvillea, hummingbirds, a blue heron, which are symbolic representations of dreams, beauty, wisdom, and hope. The paper airplane can be seen to unfold and refold itself in origami style throughout the space of the water tank coming back to the child newly transformed as a white dove. The story wraps around the water tank with the most prominent view point being on Parker Avenue. The artist has cleverly worked around the buildings, trees, and stairwell that are part of the location's site and surrounding area effectively displaying different parts that make up the whole of the artwork.

The Art in Public Places Committee recommends to the City Commission the approval of "Let the Future Unfold" by Daas for the Kaye Street Water Tank Public Art Project.

COMMISSION DISTRICT: "Let the Future Unfold" is in Commission District Number 5 - Christina Lambert.

**Fiscal Note:**

Funded through (F) resolution 99-18.

**PUBLIC HEARING (18-20):**

18. **A Public Hearing for the Mayor to waive conflicts of interest relating to Rand Hoch, an individual, appointed as a current member of the Art in Public Places Advisory Committee and who desires to transact business with the City as a Workers Compensation Mediator. **WAIVER APPROVED****  
**[Agenda Cover Memorandum No.: 22262](#)**

**Background:**

Rand Hoch, a licensed Florida attorney in good standing, is a current appointed member of the Art in Public Places Committee through June 3, 2021. Rand Hoch, individually or through his business, also mediates workers' compensation cases and desires to mediate such cases in which the City of West Palm Beach is a party. To do so would present a conflict of interest per section 112.313(7), Florida Statutes and section 2-443(d), Palm Beach County Code of Ethics, as Rand Hoch, individually or through his firm, would be a vendor of the City, receiving payment for his mediation services.

Section 112.313(12), Florida Statutes, and section 2-443(e), Palm Beach County Code of Ethics, allows for a waiver of an advisory board member's conflict upon full disclosure of the relationship. The statute provides that in instances where the advisory board member is appointed by an individual [in this instance the Mayor], the waiver is affected, after a public hearing, by a determination by the Mayor and full disclosure of the transaction or relationship by Rand Hoch to the Mayor. Mr. Hoch has made such disclosure to the Mayor and she intends to waive the conflict after public hearing as provided in the attached written waiver of a potential conflict of interest.

**Fiscal Note:**

No fiscal impact.

19. **Public Hearing and Second Reading of Ordinance No. 4820-18, **CONTINUED** a request by Angela Biagi of WGI on behalf of Kravis Center for the Performing Arts, Inc. for a text amendment to introduce new regulations regarding signage for cultural facility uses within the Downtown Master Plan Area.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS AT CHAPTER 94, ARTICLE IV,**



**DOWNTOWN MASTER PLAN, SECTION 94-110, SIGNAGE REQUIREMENTS, TO INTRODUCE NEW REGULATIONS REGARDING SIGNAGE FOR CULTURAL FACILITY USES; DECLARING THIS TEXT AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22263](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4820-18 amending the Zoning and Land Development Regulations in Section 94-110, Signage Requirements, to introduce new regulations regarding signage for cultural facility uses. This motion is based on the factual testimony presented, the staff report, the recommendations of the Downtown Action Committee and 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:**

Recently, the Kravis Center for the Performing Arts (Kravis Center) has been granted Site Plan Approvals for improvements to their facility located on the block bounded by Okeechobee Boulevard on the south, Iris Street on the north, Tamarind Avenue on the west and Sapodilla Avenue on the east. The approval was conducted through two different processes due to the fact that the Kravis Center parcel is split within two different zoning designations. The eastern portion of the site is located within the CityPlace Commercial Planned Development (CPD) and the western portion of the site is located within the Downtown Master Plan (DMP) area. During the approval process, the applicant expressed that a critical component of the proposed improvements to their facility was the provision of new adequate signage, allowing the Kravis Center to effectively identify its location to visitors and announce its programming to the community. To fulfill their intention, the Kravis Center would like to install a new freestanding sign with electronic changeable copy at the corner of Tamarind Avenue and Okeechobee Boulevard. The proposed sign is within the portion of the Kravis Center located within the DMP, therefore any proposed sign shall follow the DMP sign regulations contained in Article IV Section 94-110.

However, as the DMP sign section does not include specific regulations for signs associated with cultural facilities, signage for these facilities are regulated by the general code, as authorized by DMP section 94-110(b). As the DMP generally does not permit freestanding or monument signs, signage for these types of uses within the DMP are limited to wall-mounted signs. Considering this, the Kravis Center decided to submit an application for a text amendment to the DMP to allow freestanding changeable copy signs for cultural facilities.

**PROPOSED AMENDMENT**

The applicant is proposing new regulation that allows freestanding signs for cultural facilities. The full text of the applicant's proposed amendment is included in the attached staff report. The main points of their proposal are as follows:

1. Allow up to two changeable copy freestanding monument signs per parcel, sign may be located on a corner.
2. Setback: minimum 15 feet setback from Public Street for parallel sign; 20 feet setback from Public Street for non-parallel sign.
3. Maximum height: 10 feet.
4. Maximum area: 1.75 sf for each one linear feet of frontage along main frontage, not to exceed 650 sf; and 0.75 sf for each one linear foot of frontage along side streets.
5. Content: name, logo, and address of only the building and building occupants, and information related to on-site events and performances.
6. One electronic changeable copy sign allowed. Message shall be allowed to continuously scroll and change message with electronic changeable copy.

The applicant's proposal utilizes the basic requirements included in the general sign regulation Section 94-407(14) for theaters, indoor motion pictures, and live performances as a base for its proposal, but increases the maximum allowable square footage per sign according to the street frontages. The applicant's proposed language would allow the Kravis Center a sign size that would exceed 1,200 square feet.

#### STAFF ANALYSIS

Planning Staff performed a thorough analysis into the applicant's proposal which included comparison of other cultural facility signage within the City, as well as applying the applicant's proposal to these facilities to determine the amount of signage that the proposed regulation would permit. From this analysis, staff determined that the regulation proposed by the applicant would permit signage sizes far exceeding what other cultural facilities in the City currently have been approved for.

Although Planning Staff acknowledges the importance of visibility of signage for the Kravis Center, Staff is concerned with the amount of total sign face that the proposed code amendment would permit for the Kravis Center and for other cultural arts facilities within the DMP. Considering that the desire of the DMP area is to create a pedestrian friendly environment where the pedestrian scale is predominant, it is staff's professional opinion that large signs, as the one proposed by the Kravis Center language, are not desirable for most of the locations within the DMP area. Staff is therefore proposing an alternative set of regulations addressing the need for specific sign regulations for live performance venues and cultural facilities in general but restricting the possible size to mitigate the possible impacts of large signs on the urban environment.

The main points of Staff's proposal are as follows:

1. Allow freestanding signs in limited locations, within the Urban Core district and only along streets with the designation of "Avenue," which are streets with a ROW width generally larger than 100 feet.
2. Establish a maximum square footage of 400 square feet per Avenue frontage for

freestanding signs instead of using a ratio, to limit confusion with permitting. This size is comparable to the sign sizes that have been permitted for other cultural facilities within the City.

3. To establish a minimum setback for freestanding signs at 32 feet as measured from the back of the existing curb. The proposed 32 feet is double the minimum setback required for most buildings along Avenues. This will help to limit the number of freestanding signs within the DMP.

4. Allow wall-mounted changeable copy signs within the Special District and Urban Core district boundaries, at a maximum height of 7 feet and a width of 60% of the tenant storefront width to give smaller facilities an opportunity for signage to advertise their programming.

Staff's professional opinion is that this proposed language would allow for large cultural facilities to utilize freestanding signs to effectively advertise their events while limiting the amount of these large signs with the DMP area. Staff's full proposed regulation is included in the attached staff report.

The proposed amendment was presented to the Downtown Action Committee during its October 10, 2018 meeting and approved 5-0. The proposed amendment was presented to the Planning Board during its October 16, 2018 meeting and approved 7-0.

COMMISSION DISTRICT: The area is located in Commission District No. 3-Commissioner Paula Ryan.

20. **Public Hearing and First Reading of Ordinance No. 4767-18 **APPROVED** a request by 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 6-2(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; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22247](#)**

**Staff Recommended Motion:**

Approve Ordinance 4767-18 on First Reading.

**Background:**

On July 11, 2017 Alfred J. Malefatto of Lewis, Longman & Walker, P.A, on behalf of Boos Development Group, Inc., submitted an application to amend Chapter 6 of the City Code

to allow the sale of beer, wine and ale for consumption off premises within the Clematis Waterfront District. The request was associated with the opening of a proposed CVS pharmacy at the southwest corner of Clematis Street and Dixie Highway, and included language limiting the sale of beer, wine and ale to a maximum sale/display area of 1% of the total gross floor area of the establishment.

Due to some concerns with the possible impacts of the proposed changes on Clematis Street, at the April 9, 2018 City Commission meeting the item was continued for six months. After the six months, the item was discussed at a Mayor-Commission work session on November 13, 2018 and was generally supported by the City Commission.

Staff recognizes the natural evolution of the street, and the role law enforcement can play to minimize any negative impacts the sale of beer, wine and ale for consumption off premises may have on Clematis Street. Considering these, staff recommends additional regulations to minimize any possible impacts as follows:

1. Sale of beer, wine and ale will not be permitted between 10:00 p.m. to 7:00 a.m.
2. Surveillance cameras shall be installed inside and outside the establishment.

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

**PUBLIC HEARING – QUASI JUDICIAL (21-23):**

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

21. **Resolution No. 366-18 APPROVED approving an Amendment to the Florida Power and Light Distribution Control Center, which is a Major Development of Significant Impact.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE FLORIDA POWER AND LIGHT DISTRIBUTION CONTROL CENTER DEVELOPMENT OF SIGNIFICANT IMPACT (DSI) TO CONSTRUCT A 7,027 SQUARE FOOT COMMISSARY BUILDING LOCATED AT 4217 UP THE GROVE LANE, WEST PALM BEACH, FLORIDA; DECLARING THE AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22264](#)**

**Staff Recommended Motion:**

Approve Resolution No. 366-18, approving the amendment to the FPL Development of Significant Impact. This motion is based upon the factual testimony presented, the petition submitted, the staff report, the recommendation of the Planning Board, and the findings that the requirements and standards of Sections 94-32, 94-35 and 94-36 of the City's Zoning and Land Development Regulation standards have been met.

**Background:**

The subject property consists of ±9.77 acres and is located on the north side of Up the Grove Lane, approximately 600 feet east of North Military Trail. The subject property is home to Florida Power and Light's Command Center and Distribution Control Center. The complex is a result of FPL's recent efforts to consolidate all of their control functions and provide a storm refuge space during times of emergency (i.e. hurricanes). The site currently contains two adjacent buildings, the one-story, 10,332 square foot Control Center, and the two-story, 71,055 square foot Distribution Control Center. The site also contains a 616 square foot generator structure and two surface parking lots totaling 302 spaces.

FPL wishes to construct a 7,207 square foot commissary building that will operate as a catering kitchen to prepare food to serve employees of the Command Center and Distribution Control Center and to be delivered to various locations in the event of a hurricane emergency. The commissary will be capable of preparing up to 700 meals three times per day in addition to snack items. The applicant has indicated that there will not be a buffet or food line, as food prepared in the commissary building will not be consumed on-site. The commissary will be stocked with provisions at the onset of each hurricane season and supplemented in the event of an emergency. During a hurricane event, it is anticipated that the commissary will operate around the clock. The commissary building will be constructed to the north of the existing Command Center and Distribution Control Center building and will be connected via a covered walkway. The applicant is proposing to add foundation landscaping to the proposed commissary building, stripe a loading area to the east of the commissary building, and construct sidewalks to connect the existing parking lot to the proposed commissary entrances and future generator locations.

PLANNING BOARD: The Planning Board recommended approval (4-0) of the requests to the City Commission after a Public Hearing on November 28, 2018.

PUBLIC NOTICE: Resolution No. 366-18 was advertised in the Palm Beach Post on January 4, 2018.

COMMISSION DISTRICT: The subject properties are located within Commission District 2 - Commissioner Cory Neering.

22. **Public Hearing and First Reading of Ordinance No. 4823-19: **APPROVED** Regarding a request by Todd Wodraska, of Special District Services, Inc., on behalf of Banyan Cay Dev, LLC, for the establishment of the Banyan Cay Community Development District.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO THE ESTABLISHMENT OF THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; ESTABLISHING AND NAMING THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE FIVE PERSONS**

**DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING CONSENT FOR THE EXERCISE OF CERTAIN POWERS; PROVIDING DISCLOSURE REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 22265](#)**

**Staff Recommended Motion:**

**Approve Ordinance No. 4823-19 on First Reading. This motion is based upon the factual testimony presented, the application submitted, the staff report, and consideration of the factors set forth in Section 190.005, Florida Statutes.**

**Background:**

Located north of Presidential Way and east of Congress Avenue, the Banyan Cay Residential/Commercial Planned Development was originally approved on July 8, 2013, with the adoption of Ordinance Nos. 4446-16 and 4447-13, and Resolution No. 6-13. Providing for the redevelopment of the north golf course of The President Country Club, the proposed master-planned development was to consist of single family residential homes, a multifamily high-rise, villas, and a resort hotel with spa, meeting space, restaurant, golf clubhouse, etc. The most recent revised Development Order for the project was approved on November 20, 2017.

With the redevelopment of the site under construction, the City of West Palm Beach Development Services Department - Planning Division received a request, dated December 3, 2018, in accordance with the provisions of Chapter 190, Florida Statutes, for the formation of the Banyan Cay Community Development District (CDD) (ATTACHMENT 1). The Banyan Cay Community Development District will be responsible for the financing, development, construction and maintenance of:

- (a) storm water management systems, potable water distribution, fire hydrants, wastewater collection and transmission facilities; and
- (b) certain access roads; internal roads, and roadway improvements, including streetscape, and irrigation; and
- (c) a perimeter berm and wall.

The petitioner is proposing to establish the Banyan Cay CDD on approximately 94.24 acres of the redevelopment site and believes that the property is amenable to operating as an independent special district for the following reasons:

- a. Establishment of the District and all land uses, and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective City of West Palm Beach Comprehensive Development Master Plan, as amended.
- b. The area of land within the proposed District is part of a planned development and is of sufficient size and is sufficiently compact and contiguous to be developed as one functional interrelated community.
- c. The community development facilities the District proposes to finance will be compatible with the capacity and use of existing local and regional community development services and facilities.
- d. The proposed District will be the best alternative available for delivering community development services to the area to be served because (i) the District provides

a governmental entity for delivering those services and facilities in a manner that does not financially impact persons residing outside the District, (ii) Chapter 190, F.S., authorizes a community development district to acquire infrastructure improvements previously constructed by the Petitioner or allows for a community development district to, in the first instance, construct such infrastructure improvements, (iii) the timing for the creation of the proposed District and the issuance of special assessment bonds is compatible with the timing for the construction and acquisition of such infrastructure improvements, which will result in direct benefit to the landowners and their assigns within the District, (iv) establishment of a community development district in conjunction with a comprehensive planned community, as proposed, allows for a more efficient use of resources as well as providing the opportunity for new growth to pay for itself, and (v) establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities.

e. The area that will be served by the District is amenable to a separate special district government.

In making the determination to grant or deny the petition to establish the community development district, the City Commission shall consider the record of the public hearing and the following factors found in 190.005(1)(e) F.S.:

1. Whether the statements in the petition have been found to be true and correct;
2. Whether the establishment of the district is inconsistent with any applicable element or portion of the City's Comprehensive Plan;  
Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community;
4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district;
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
6. Whether the area that will be served by the district is amenable to separate special-district government.

CONCLUSION: It is Staff's professional opinion that the proposed petition meets the criteria and requirements of Chapter 190, Florida Statutes.

PUBLIC NOTICE: Ordinance No. 4823-19 was advertised in the Palm Beach Post on December 17, 24, 31, 2018 and January 7, 2019, in accordance with Sec. 190.005(1)(d), Florida Statutes.

COMMISSION DISTRICT: The proposed Banyan Cay CDD is located within Commission District No. 1 - Commissioner Kelly Shoaf.

- 23. A request by Alexander Ahrenholz of Cotleur & Hearing, on behalf of Joseph L. Morse Health Center, Inc., for the following:**

**Public Hearing and First 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 First 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 Safe at Homesafe CSPD. Discussion of Resolution No. 1-19: **DISCUSSED** 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.**

**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 FRED GLADSTONE 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.: 22248](#)**



**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 Safe 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.

DISCUSS Resolution No. 1-19.

**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 Safe 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.

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.**