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Mayor Keith A. James  
Commission President Christy Fox (District 3)  
Commissioner Cathleen Ward (District 1)  
Commissioner Shalonda Warren (District 2)  
Commissioner Joseph A. Peduzzi (District 4)  
Commissioner Christina Lambert (District 5)

City Administrator Faye W. Johnson  
City Attorney Kimberly Rothenburg  
City Clerk (Interim) Jacqueline Mobley

**City of West Palm Beach  
City Commission  
DRAFT Agenda  
Monday, December 12, 2022  
5:00 PM**

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, FL 33401, (561) 822-1210.

**1. CALL TO ORDER**

**2. MOMENT OF SILENCE**

**3. PLEDGE OF ALLEGIANCE**

**4. 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.

**5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA**

## 6. CONSENT CALENDAR

All items listed under the consent calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items.

- 6.1. Minutes of the Regular City Commission Meeting of November 14, 2022

**Originating Department:**

Mayor's Office

- 6.2. Minutes of the Regular City Commission Meeting of November 28, 2022

**Originating Department:**

Mayor's Office

- 6.3. Resolution No. 280-22 approving a second Amendment to an Interlocal Agreement between the City and Palm Beach County providing protocols for the referral and transportation of homeless individuals to the Senator Philip D. Lewis Center.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

RESOLUTION NO. 280-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY WHICH PROVIDE PROTOCOLS FOR THE REFERRAL AND TRANSPORT OF HOMELESS INDIVIDUALS TO THE SENATOR PHILIP D. LEWIS CENTER; EXTENDING THE TERM OF THE AGREEMENT TO MAY 21, 2027; AMENDING AND REPLACING SEVERAL SECTIONS OF THE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On November 30, 2009, the City approved Ordinance No. 4235-09, authorizing the sale of City-owned property located at 1000 45th Street to Palm Beach County for the development of the Homeless Resource Center, now known as The Senator Philip D. Lewis Center.

On May 22, 2012, the City and County entered into an Interlocal Agreement, which authorizes the City to refer and transport homeless individuals for acceptance into the Homeless Resource Center and provides the protocol for the transport and payment of any transport costs incurred by the City.

The first amendment to this agreement exercised the first of three renewal options, extended the terms of the agreement to May 21, 2022, and added Section 17 to the Agreement entitled "No Third Party Beneficiary".

Approval of Resolution No. 280-22 allows the City and the County to exercise the second of three renewal options to extend the term of the Agreement to May 21, 2027 and amends and replaces several sections of the Agreement as set forth in Amendment No. 2. Approval of this agreement allows the City to continue providing services to homeless persons, which serves a valid public purpose, and it is in the best interest of the City of West Palm Beach.

**Fiscal Note:**

No fiscal impact.

- 6.4. Resolution No. 302-22(F) appropriating funds in an amount up to \$16,660 for on-water law enforcement for manatee protection, which costs will be reimbursed by Palm Beach County in accordance with an Interlocal Agreement.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 302-22(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 2022/2023 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 PROVIDE APPROPRIATIONS FOR THE RECEIPT OF A PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT GRANT FOR MANATEE PROTECTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Since 2007, the City of West Palm Beach has provided increased law enforcement presence in the County's waterways in partnership with the Board of County Commissioners of Palm Beach County, as approved in a Manatee Protection Plan and as one of the thirteen (13) "key" manatee counties identified by the Florida Governor and Cabinet in October 1989. Studies by the Florida Fish and Wildlife Conservation Commission have demonstrated that increased law enforcement presence is the most effective means to gain compliance with boater speed zones and manatee protection speed zones, and reduce the risks to manatees and members of the public.

In accordance with the Interlocal Agreement for Law Enforcement Services for manatee protection between Palm Beach County and the City dated

August 22, 2018 (WPB Contract No. 21861.001), the West Palm Beach Police Department will enforce State statutes, administrative rules, and local and County ordinances related to vessel control, marine resource protection, and manatee protection and assist in educating boaters in the Enforcement Area about manatee and boater safety issues.

The County will reimburse the City for all labor, supervision, equipment, insurance, and supplies at a rate of \$87.50 per hour, up to the awarded amount of \$16,660 for services provided from November 15, 2022 through March 31, 2023, in accordance with the Interlocal Agreement.

Resolution No. 302-22(F) provides the accounts for the expense and reimbursement of the funds in the amount of \$16,660.

**Fiscal Note:**

No fiscal impact.

- 6.5. Resolution No. 305-22 authorizing the assessment of city liens in the total amount of \$22,015.59 for unpaid water service, sewer service and stormwater charges for the month of September 2022.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 305-22: 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 CHARGES FOR THE MONTH OF SEPTEMBER 2022; 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.

**Background Information:**

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. 305-22 are for unpaid water service, sewer service, and stormwater service charges for the month of September 2022. The list of properties to be assessed and the associated charges totaling \$22,015.59 are provided in Resolution No. 305-22 as EXHIBIT A – Utility Lien List - September 2022.

**Fiscal Note:**

No fiscal impact.

- 6.6. Resolution No. 299-22 approving a Right-of-Way Maintenance Agreement with Palm Beach Medical Property, LLC, for landscaping and irrigation adjacent to property located at 6910 South Dixie Highway.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 299-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A RIGHT-OF-WAY MAINTENANCE AGREEMENT BETWEEN PALM BEACH MEDICAL PROPERTY, LLC, AND THE CITY OF WEST PALM BEACH FOR MAINTENANCE OF A PORTION OF THE CITY RIGHTS-OF-WAY ADJACENT TO 6910 SOUTH DIXIE HIGHWAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Palm Beach Medical Property, LLC, is the owner/developer of 6910 South Dixie Highway, the site of a new outpatient surgical center. As part of the construction of the project, the developer installed landscape and irrigation improvements within the City-owned rights of way along Winters Street, Brevard Avenue, and Maddock Street. The parties desire to enter into a maintenance agreement to transfer the maintenance responsibility for the improvements to the developer.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

## 7. RESOLUTIONS

- 7.1. Resolution No. 289-22: A request by Peter R. Gallo, of Landplan Engineering Group, Inc., on behalf of Palm Beach Medical Property, LLC, for a replat of the subject property, consisting of approximately 0.92 acres (40,249 square feet), located at 6910 South Dixie Highway.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 289-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION (REPLAT) OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "PALM BEACH MEDICAL PROPERTY", CONSISTING OF ONE (1) PARCEL AND CONTAINING A TOTAL OF APPROXIMATELY 0.92 ACRES LOCATED AT THE NORTHEAST CORNER OF SOUTH DIXIE HIGHWAY AND MADDOCK

STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 289-22 creating the plat entitled "Palm Beach Medical Property." This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-342 of the City's Zoning and Land Development Regulations.

**Background Information:**

The subject property is one (1) individual parcel, consisting of 0.92 acres (40,249 square feet), located at the northeast corner of South Dixie Highway and Maddock Street. A location map of the subject area is provided in EXHIBIT A.

The subject property has an approved, subject to conditions, Informal Site Plan Review Application (ISPR Case No. 21-01) for an outpatient surgical center that is connected with the passed and adopted Alley Right-of-Way Abandonment Application (PB Case No. 1880 per Resolution No. 46-22). The approval and recording of the subject replat is one of the conditions of approval for ISPR Case No. 21-01.

Therefore, the applicant desires to combine the various lots and the abandoned alley from the underlying plat of Broadmoor Section 4 into one (1) lot on the subject property to satisfy one of the conditions of approval of ISPR Case No. 21-01 and to create the plat entitled "Palm Beach Medical Property".

**STANDARDS:** Staff has found the requested Minor Subdivision (Replat) complies with the subdivision general design standards as established in Section 94-342 of the City's Zoning and Land Development Regulations.

**NOTICES:** Pursuant to the requirements of Section 94-39(i)(5) and 94-39(j)(2) of the City's Zoning and Land Development Regulations, the site was posted, individual notices were mailed to property owners within 500 feet of the subject property, and the Resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Commission District 5: Commissioner Christina Lambert.

- 7.2. Resolution No. 292-22 accepting a State of Florida Department of Environmental Protection Resilient Florida grant in the amount of \$750,000 to be used to fund Flagler Drive Area Underground Utilities Hardening; and

Resolution No. 293-22(F) providing budget appropriations for the Water and Sewage Systems Revenue Fund.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 292-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A RESILIENT FLORIDA GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$750,000 TO FUND FLAGLER DRIVE AREA UNDERGROUND UTILITIES HARDENING; APPROVING THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 293-22(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 2022/2023 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 AND SEWAGE SYSTEMS REVENUE FUND BUDGET TO RECOGNIZE A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND TO PROVIDE APPROPRIATIONS FOR FLAGLER DRIVE AREA UNDERGROUND UTILITIES HARDENING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 292-22 and Resolution No. 293-22(F).

**Background Information:**

The Florida Department of Environmental Protection Resilient Florida program includes various grants that are available to counties, municipalities, water management districts, flood control districts and regional resilience entities to effectively address impacts of flooding and sea level rise facing the state, including funding assistance to analyze and plan for vulnerabilities, as well as implement adaptation and mitigation projects. Florida Statutes Section 380.093 establishes grant requirements.

A grant in the amount of \$750,000 (with 50% match required for total project cost of \$1.5 Million) was awarded by the State of Florida Department of Environmental Protection through its Resilient Florida Program for the completion of the City of West Palm Beach Flagler Drive Area Underground Utilities Hardening project. The general project boundaries extend from Gregory Road to the south, Belvedere Road to the

north, Parker Avenue to the west, and Flagler Drive to the east (adjacent to the Intracoastal Waterway). The Flagler Drive Area Underground Utilities Hardening Project will repair and refit the domestic wastewater collection and transmission network in areas of the City where underground utilities are exposed to elevated groundwater and flooding conditions. While the exact scope is subject to change due to the condition of the system discovered during the project, the proposed sanitary improvements are expected to involve rehabilitation of approximately 5,165 linear feet of vitrified clay pipes with a trenchless method using cured-in-place pipe liner, lining or replacement of approximately 80 sanitary laterals, and replacement or rehabilitation of approximately 128 sanitary manholes. Ancillary activities include sewage by-pass pumping, post closed-circuit television video/reporting, dewatering, and incidental site restoration.

Resolution No. 215-21 approved submittal of the application by the City (Grantee) for a Resilient Florida grant to implement the Flagler Drive Area Underground Utilities Hardening Project.

The grant funding covers the Project development costs incurred and expended during the period of July 1, 2021 to December 31, 2026.

Resolution No. 292-22 accepts the grant and authorizes execution of the grant agreement.

Resolution No. 293-22(F) amends the Water and Sewage Systems Revenue Fund Budget to accept the grant funds and provides appropriations of the grant plus the matching funds of \$750,000 for the Project.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Matching fund of \$750,000 required. Revenue Account: 454-097100-000-331351-51869964. FDEP Grant.

- 7.3. Resolution No. 224-22 approves an agreement with RUD 1 Flagler, LLC for the acceptance of a large scale Public Art installation "Portals" by Fred Eversley as an addition to the City's Public Art collection, and to be installed in the open public space at One Flagler.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 224-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH FLORIDA, APPROVING AND AUTHORIZING A PUBLIC/PRIVATE PARTNERSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND RUD



1 FLAGLER, LLC FOR THE CITY'S ACCEPTANCE OF FRED EVERSLEY'S LARGE SCALE PUBLIC ART INSTALLTION FOR THE PUBLIC OPEN SPACE AT ONE FLAGLER CONDITIONED BY THE CITY'S PUBLIC ART FUND CONTRIBUTION OF \$250,000 TOWARDS THE TOTAL COSTS OF THE ARTWORK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 224-22.

The proposed Public Art concept is for One Flagler at South Flagler Drive. This motion is based on the findings that the proposed artwork meets the criteria set forth in Section 78-125 of the City Code as reviewed by the ArtLife WPB Committee.

**Background Information:**

On August 3, 2022, at its regularly scheduled meeting, the ArtLife Committee voted unanimously to recommend to City Commission the City's acceptance of Fred Eversley's "Portals" Public Art sculpture via a public/private partnership with RUD 1 Flagler, LLC (The Related Companies herein after Related). This partnership provides an opportunity to commission internationally renowned artist Fred Eversley to create a monumental public artwork in the City of West Palm Beach. Further, the artwork will create a destination that will draw local, national, and international attention with a seasoned and respected artist.

As part of the partnership, Related is handling all logistical responsibilities regarding the commissioning of the work including the design, fabrication, materials, crating, shipping, siting, installation, and insurance for the artwork to be placed in the open public space at One Flagler.

The City's ArtLife Committee approved and recommended from the City's Public Art reserves, a contribution of \$250,000 towards the total costs in fiscal year 21/22. The Public Art account is separate from the general fund. Further, the Public Art funds are used solely for the selection, commissioning, acquisition, installation, maintenance, administration, and programming of the ArtLife Program. The City will have an agreement with Related that acknowledges the fiscal contribution in 21/22 from the Public Art reserves and the acceptance of ownership of "Portals" by Fred Eversley from Related. Related will have a separate agreement with the artist representative.

ABOUT THE ARTIST

Frederick John Eversley is a Los Angeles-based sculptor, one of a group of artists associated with the 1960's "L.A. Light & Space" movement. Working out of a studio in Venice Beach, his sleek creations in poured

acrylic polymers, stainless steel and bronze frequently take the form of disks, parabolas, helices, and lenses.

At first glance, the sculptures of Fred Eversley appear to be simple geometric forms: discs, parabolas, and triangular wedges. However, on further inspection, their subtleties and mysteries are revealed. All the three-dimensional works operate according to the optical principles of physics that determine the properties of lenses and mirrors. Even entirely solid forms appear to melt away either at the edges or through their centers. These pieces are alluring and seductive, drawing the viewer into them by reflecting the image of the spectator. The resulting illusion is one of personal involvement of the spectator with the work of art, as compared to the traditional distance separating the viewer from the art object.

Many of his sculptures incorporate parabolic curves that are found in a range of natural and man-made forms including: suspension bridges, wind-blown sand dunes, and microwave reflectors. Also, Eversley is fascinated by their ability to concentrate and reflect energy into a single point.

For Fred Eversley, energy concerns, both physical and metaphysical, are central to the quality of life for all of humanity and thus are an important and fertile area for artistic investigation and activity. Most of Eversley's attention, both intellectually and aesthetically, has involved using his art forms as an expression of energy.

Fred Eversley's work has been featured at over 200 exhibitions at prestigious museums, galleries, and art festivals worldwide. He was appointed as Artist-in-Residence at the Smithsonian Institute in 1977, and for three years, he had a studio at the National Air and Space Museum. His art is in the permanent collection of 35 museums including the Whitney and Guggenheim, and he has executed 20 large public artwork commissions. Eversley was honored with the "Lorenzo di Medici" 1st prize for sculpture at the 2001 Biennale Internazionale Dell' Arte Contemporanea di Firenze in Florence, Italy.

#### ABOUT THE PUBLIC ARTWORK

"Portals" incorporates Eversley's on-going investigation with light, optical effects, and materiality. The parabola to him is "the only shape that focuses all forms of energy to a single focal point." Further, he pursued how to "spin plastic around a vertical axis with an interest to make sculpture using energy concepts for making unique art of universal appeal." This large-scale, site-specific public artwork pays homage to Mr. Julian Abele, who is the African American architect for the First Church of Christ, 1928. Eight (8) "Portals" of varying heights, but placed at the same top height of 16.5', will be sited in the open space: two (2) on the lawn, one (1) on the path, and five (5) in the water.

An in-depth reading of Eversley' proposed concept is provided.

### MATERIALS

Clear cast polished Polyurethane resin material that is UV resistant, hard, and durable.

Portals will be up lit with LED placed below the sculptures.

#### **a) Complies**

The proposed art conforms to the definition of art contained in this article and will be created by a professional artist. The proposed art installation will be created by Fred Eversley, an artist renowned for his vivid cast resin works, which bring a range of sensory experiences and phenomena to the viewer.

#### **b) Master Plan**

The proposed art complies with the Public Art Master Plan. The proposed work contributes to fostering art appreciation and its relationship to quality of life for this community. This is a site-specific large-scale installation that pays homage to Julian Abele's architecture.

#### **c) Historic Significance**

The work is contemporary, but is influenced by the history of the church and its architect. Eversley celebrates Julian Abele and pays him direct tribute by incorporating many of the design elements of the First Church of Christ Scientist.

#### **d) Cultural Significance**

The project brings a distinct cultural experience to this community. The installation provides for a communal experience within a public space. The work moves beyond the "object" and instead creates a thoughtful story about the site that will involve the viewer.

#### **e) Visual Accessibility**

The proposed art is accessible to the public and will also be seen by passersby.

#### **f) Quality**

Proposed art installation is of high quality with durable materials.

#### **g) Appropriateness to Site**

The proposed art scale is appropriate to the site. The artist intentionally integrates the pieces into the open space including the reflective pool. The site, as a public platform, provides the dissemination of meaningful

contributions that address societal and cultural histories and offers a giving tribute – a public gesture of celebration and acceptance – encouraging a communal experience.

**h) Diversity**

The art installation will add to the diversity to the City's Public Art collection in terms of media, innovation, and creativity by a seasoned artist who is highly respected for his contributions to the visual arts.

**i) Public Welfare**

The proposed art reflects an enduring artistic concept and is not detrimental to the public welfare, nor will not constitute a safety hazard.

**j) Maintenance**

The proposed work will require minimal maintenance, and the maintenance plan is reasonable based on value, size, materials, location, and potential for vandalism, weathering, and the anticipated life of the artwork. The maintenance of the artworks will be the responsibility of the City's ArtLife program. The Public Art account is separate from the City's general fund, and a separate maintenance, restoration, and repair budget is maintained within this account.

**k) Valuation**

The proposed arts exceed the valuation requirements of the public art requirement. One percent (1%) of total construction costs is \$910,000. The total project costs \$2,100,000.

**l) Location**

The proposed location for the art installation is in an exterior open space that can accommodate the size and scale of the work.

**m) Artist Qualifications**

The artist meets the definition of artist in the code. Fred Eversley is a highly experienced artist that can draw local, national, and international interest and attention.

**n) Budget**

The project budget is included as part of the proposal, and one percent (1%) has being escrowed. Further, this is a public and private partnership that includes funding from the Public Art account, which is not part of the general fund. \$250,000 goes toward the art installation.

Resolution No. 224-22 acknowledges the public/private partnership between the City and Related and approves the acceptance of "Portals" by Fred Eversley as an addition to the City's Public Art collection as conveyed by Related. Resolution No. 224-22 also authorizes a contribution from the Public Art account (reserves) of \$250,000 in fiscal year 21/22.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact in FY 22/23. \$250,000 towards the total costs of the artwork from the Public Art Reserves in FY 21/22.

- 7.4. Resolution No. 300-22 grants Face of the City approval for a large scale sculpture titled "Genius Loci by artist Nekisha Durrett to be installed at Heart & Soul Park. Allocation of \$300,000 was approved through Resolution No. 44-22(F) and Resolution No. 286-21.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 300-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE ARTWORK ENTITLED "GENIUS LOCI" BY ARTIST NEKISHA DURRETT TO BE INSTALLED IN THE HISTORIC NORTHWEST DISTRICT IN HEART & SOUL PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 300-22.

**Background Information:**

On November 2, 2022, the ArtLife WPB Committee voted unanimously to recommend a site-specific sculpture "Genius Loci" by Nekisha Durrett for the Historic Heart and Soul Park to be installed across from the Sunset Lounge. The allocation of \$300,000 for the creation and installation of the Artwork was previously approved by the City Commission through Resolution No. 44-22(F). Resolution No. 286-21 approved an interlocal agreement between the City's ArtLife and CRA who partnered to bring a nationally recognized black female artist, Nekisha Durrett, to work with the community to design and create an iconic artwork for the Heart and Soul Park.

On Saturday, October 8th, Nekisha Durrett presented for the first time to the Community of the Historic Northwest "Genius Loci" during an open house of the Sunset Lounge.

**ABOUT THE ARTIST**

Nekisha Durrett is a mixed-media artist who employs the visual language of mass media to bring forward histories that are not often celebrated. Her expansive practice includes public art, social practice, installation, murals, painting, sculpture, and design. Durrett is invested in foregrounding issues of black life, while creating a space where fantasy, imagination, and history

converge. She earned her BFA at The Cooper Union in New York City and MFA from The University of Michigan School of Art and Design as a Horace H. Rackham Fellow. Her work has been exhibited nationally and is included in numerous private collections and public institutions, including The Phillips Collection, Washington, DC. Durrett is a finalist in the National Portrait Gallery's prestigious Outwin Portrait Competition. The Outwin: American Portraiture Today, organized by the National Portrait Gallery, is currently on view at Kemper Museum of Contemporary Art in Kansas City, Missouri. A solo exhibition of her work, titled Magnolia, a series of leaves perforated by the artist with the names of women and girls murdered by law enforcement, was presented at Cody Gallery at Marymount University in Arlington, VA in early 2021. Works from this series are currently on view at the Atlanta Biennial at Atlanta Contemporary.

### LOCATION

The selected area for the artwork is in the northwest area of the park directly across from the Sunset Lounge. The addition of the iconic sculpture will be the final permanent public art piece for the Heart and Soul Park.

### THE ARTWORK

The artist, through extensive research, created a beautiful iconic sculpture titled "Genius Loci" which means "Spirit of a Place." Latin; 1575. Ms. Durrett combines the ideologies of landscape architect Sarah Zewde who asks: "...What is architecture [for that matter Art] like when you are having a dialogue with your ancestral landscape?" and threads the histories of Shotgun houses, who's original architectural meaning comes from Africa, and were known as Togun: A Gathering Place and Shogun: God's House. Further, intertwining the history of the Styx and the local community, Ms. Durrett states: "What Palm Beach had in material wealth, West Palm Beach had in HEART, SOUL and GENIUS with the Sunset Lounge, which is considered to be: "The Cotton Club of the South". She has created a large-scale sculpture that echo's the community and their histories with "one great BIG loudspeaker" Genius Loci: The Spirit of a Place.

### MATERIALS

Made of multiple materials: cooper sheeting, black concrete and what appears as Shou Sugiban (charred wood).

### THE CRITERIA

The ArtLife WPB Committee reviewed the art concept by Nekisha Durrett based on Section 78-125 of the City Code, which sets forth the following criteria:

**Art:** The proposed art conforms to the definition of art contained in this article. The proposed artwork is unique and reflects the community and the artist's art practice.

**Master Plan:** The proposed art complies with the Public Art Master Plan. The artwork celebrates the Historic Northwest Community with an impressive sculpture created by an experienced artist that can draw local, national, and international interest.

**Historic Significance:** Genius Loci reflects, the Styx, the architecture, culture, the Sunset Lounge, the people past and present.

**Cultural Significance:** The project brings a distinct cultural experience to the City and its public art program while reinforcing the City's identity as an Arts & Cultural destination. The site-specific and iconic sculpture is one-of-a-kind. Genius Loci reflects the community's history, culture and is made to be inclusive, and accessible to the community to experience and enjoy.

**Visual Accessibility:** The proposed work will be accessible to the public day and night.

**Quality:** The sculpture will be made of high quality and durable materials.

**Appropriateness to Site:** The siting of the artwork is intentionally placed to in front of the Sunset Lounge in the Heart & Soul Park.

**Diversity:** The artwork contributes to the diversity of the public art program and the City in terms of media, innovation, and creativity.

**Public Welfare:** The proposed work is not detrimental to the public welfare, nor will it constitute a safety hazard.

**Maintenance:** The proposed artwork will require minimal maintenance, and the maintenance plan is reasonable based on value, size, materials, location, and potential for vandalism, weathering, and the anticipated life of the artwork. Maintenance is overseen by the Public Art program with a separate maintenance and restoration budget outside of the general fund.

**Valuation:** The proposed artwork meets the valuation requirements of the public art requirement.

**Location:** The proposed location for the sculpture is an exterior place and accessible to the public.

**Artist Qualifications:** The artist meets the definition in the public art code. Nekisha Durrett has a strong and evolving art practice, especially with community-based projects. The artist is recognized and respected in her evolving art practice and has had large public art commissions.

**Budget:** \$300,000 has been budgeted for this project.

Resolution No. 300-22 grants Face of the City approval of "Genius Loci" by Nekisha Durrett for the Heart & Soul Park.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 7.5. Resolution No. 301-22 grants Face of the City approval for the artwork in Northwood Village titled: "Voices of Northwood" by local artist Ates Islidak and "Prismatic Tesselations" by local artist Molly Aubry to be installed in the Northwood Village area and Blum Park. Total allocated approved project budget is \$60,000.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 301-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE ARTWORK ENTITLED: "VOICES OF NORTHWOOD" BY LOCAL ARTIST ATEs ISLIDAK AND "PRISMATIC TESSELATIONS" BY LOCAL ARTIST MOLLY AUBRY TO BE INSTALLED IN NORTHWOOD VILLAGE AND BLUM PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 301-22.

**Background Information:**

On September 7, 2022, the ArtLife Committee voted unanimously to recommend to the City Commission the proposed public art projects by local artists Molly Aubry and Ates Isildak for Northwood Village. Further, it was recommended that the artist collaborate towards creating a walkable discovery of art and sound through Northwood Village and anchored between Blum Park and Serenity Park. This recommendation was also provided to the CRA Advisory Committee. Total project budget of \$60,000, of which \$40,000 was approved through Resolution No. 265-22(F), and \$20,000 budgeted by the CRA.



## LOCATION

Blum Park, Walkway to Northwood Court, Northwood Road and Dixie Highway, Spruce between Northwood Road and 24th Street, Spruce and 25th Street and Serenity Park

## ABOUT THE ARTISTS

Local artist Molly Aubry received her BFA from the University of Florida and MFA from Cranbrook Academy of Art. Her work explores entangled perceptual worlds through the matrix of print media. Mining the tension between organic materials and digital processes, the work imagines artifacts from a world in which the natural and artificial are inextricably linked. Aubry's recent exhibitions include: *Strange Paradise: A Window into Surrealism* at the Annmarie Sculpture Gardens and Art Center in Solomon's, MD; *Night Visions* at the Coconino Center for the Arts in Tuscon, AZ; *Animals* at Site: Brooklyn Gallery in New York; and *Intimacy* at Science Gallery of Trinity College in Dublin, Ireland. Her public art commissions include: Art in Public Places for Palm Beach County and Miami-Dade County. In 2020, Aubry's work was featured in *New Eyes*, The Mid America Print Council Journal's issue on contemporary printmaking. She has been awarded full fellowships for residencies at the Vermont Studio Center, Ragdale Foundation, Shoals Marine Laboratory, and Playa, and a Visiting Artist Grant in Moldova from the U.S. Department of State. Aubry currently teaches as an Adjunct Professor at the New World School of the Arts in Miami.

Local artist, Ates Isildak, received a B.A. in English Literature from the University of Central Florida and is an alumnus of Dreyfoos School of the Arts. Using short films, music videos, and photography, Ates aims to create a safe space and medium in which marginalized communities can exuberantly express themselves. Ates Isildak's works have appeared at the Museum of Contemporary Art North Miami, Spectrum Miami Art Basel, Cultural Council (Stuart & Lake Worth), and Fritz Gallery. His video work has been premiered online by Troma, Spin Magazine, Flood Magazine, Office Magazine, Consequence of Sound, Noisey, and Vice. Ates Isildak was a past recipient of the South Florida Cultural Consortium.

## THE ARTWORKS

Sculpture: Ms. Aubry will produce multiple variations of metal geometric sculptures with glass inserts titled: "Prismatic Tesselations" to be installed in the identified locations (map provided). Solar-powered LEDs will glow from underneath the sculptures at night, casting beautiful, colorful shadows through the glass.

Sound Installation: Idea is to auditorily personify the identified locations through “associative music”, which is commonplace environmental sounds arranged alongside melodies and rhythms to provoke a visceral or emotive reaction from the listener. Each location will have a sound component playing a unique piece for example a mix of birds chirping, basketball, bikes, and vehicles, mixed in with music, ambient mediations, and blues to name a few.

Each “exhibit” will have a QR code to provide more in-depth information about the project and the artists.

**Materials:** Cold-rolled steel, fused and stained glass and LED lights. Custom speakers, flash drives, and steel signs.

**The Criteria:** The ArtLife WPB Committee reviewed the art concepts by Molly Aubry and Ates Islidak based on Section 78-125 of the City Code, which sets forth the following criteria:

**Art:** The proposed art conforms to the definition of art contained in this article. The proposed artworks are unique and reflect the feedback provided by the community.

**Master Plan:** The proposed art complies with the Public Art Master Plan. The artwork celebrates the Northwood Village area with public works in two very different mediums: sculpture and sound, which reflects the areas bohemian vibes.

**Historic Significance:** Not relevant as the works are contemporary.

**Cultural Significance:** The project brings a distinct cultural experience to the City and its public art program, while reinforcing the City’s identity as an Arts & Cultural destination. The site-specific artworks play off one another to create an immersive experience for the public, while also creating a walkable public art exhibit throughout the area.

**Visual Accessibility:** The proposed work will be accessible to the public day and night.

**Quality:** The works will be made of high quality and durable materials.

**Appropriateness to Site:** The siting of the artwork is intentionally placed to create a walking art tour throughout key locations in the Northwood Village area.

**Diversity:** The artworks contribute to the diversity of the public art program and the City in terms of media, innovation, and creativity.

**Public Welfare:** The proposed work is not detrimental to the public welfare, nor will it constitute a safety hazard.

**Maintenance:** The proposed artwork will require minimal maintenance and the maintenance plan is reasonable based on value, size, materials, location, and potential for vandalism, weathering, and the anticipated life of the artwork. Maintenance is overseen by the Public Art program with a separate maintenance and restoration budget outside of the general fund.

**Valuation:** The proposed artwork meets the valuation requirements of the public art requirement.

**Location:** The proposed location for the sculpture is an exterior place and accessible to the public to experience.

**Artist Qualifications:** The artists meet the definition in the public art code. Molly Aubry is a local emerging artist with substantial gallery exposure. This will be her third public art commission. Local artist Ates Islidak is a film maker working with sound elements. This will be his first public art sound installation.

**Budget:** \$60,000 has been budgeted for this project.

Resolution No. 301-22 grants Face of the City approval of "Voices of Northwood" and "Prismatic Tesselations" to be installed in Northwood Village.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

No fiscal impact.

- 7.6. Resolution No. 306-22 approving interim standards for Commission review of residential projects, which will increase the supply of affordable housing, as permitted by Section 166.04151, Florida Statutes.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 306-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, PROVIDING INTERIM STANDARDS FOR COMMISSION REVIEW OF RESIDENTIAL PROJECTS, WHICH WILL INCREASE THE SUPPLY OF AFFORDABLE HOUSING, AS PERMITTED BY SECTION 166.04151, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 306-22.

**Background Information:**

In 2001, the Florida Legislature amended the Municipal Home Rule Powers Act creating Section 166.04151, entitled Workforce Housing. This amendment specifically allowed municipalities to adopt laws, ordinances, rules, and other measures, which increase the supply of affordable housing, notwithstanding any other provision of law to the contrary. In 2020, the Florida Legislature amended the workforce housing section allowing governing bodies to review applications for development of affordable housing on any parcel zoned for residential, commercial, or industrial use.

The Planning Division is currently working on workforce housing provisions as directed by the City Commission at its October 24, 2022, Mayor/Commission Work Session and anticipates the process will take six (6) months to complete. This resolution establishes interim standards to provide guidance in the processing of applications, while the permanent land development regulations are being drafted.

The Resolution establishes the following Special Review standards that all developments using F.S. 166.04151 shall be evaluated on:

1. Traffic impacts;
2. The form and scale of each building and application of the requirement as defined in the Workforce/Affordable Housing Density Bonus Guidelines (Attachment I);
3. Compatibility with surrounding properties and adjacent neighborhoods;
4. Sufficiency of setbacks, screens, buffers, and general amenities to preserve the internal and external harmony with the character and the uses inside and outside the proposed development;
5. Land area is sufficient;
6. Unit type and the income levels served by the development are needed; and
7. Suitability of a development in an Industrial zoning district.

Affordability requirements shown in Attachment I are in line with City policy. Staff has included a section in the Resolution that permits waivers and variances to the underlying zoning regulations and the Workforce/Affordable Housing Density Bonus Guidelines shown in

Attachment I. The Resolution as written, does not permit waivers or variances for height and density. This is consistent with the Downtown Master Plan with a maximum building envelope for developments.

Adoption of Resolution No. 306-22 will serve to provide standards applicable to projects submitted to the Commission for review pursuant to Section 166.04151, Florida Statutes.

**Fiscal Note:**

Not applicable.

## 8. PUBLIC HEARING

- 8.1. Public Hearing and First Reading of Ordinance No. 4999-22 amending Chapter 86 of the City's Code of Ordinances to establish the City's Wrecker Operator System.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

ORDINANCE NO. 4999-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 86 (TRAFFIC) BY AMENDING AND RESTATING ARTICLE I (IN GENERAL) TO AMEND SECTION 86-1 (DEFINITIONS) TO ADD NEW DEFINITIONS AND ADDING A NEW SUBSECTION 86-9 TO CREATE A WRECKER OPERATOR SYSTEM; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 4999-22 on first reading and schedule second reading.

**Background Information:**

The City previously provide for the towing or storage of disabled vehicles or vessels by entering into franchise agreements with towing companies selected through the City's procurement process. The franchise agreements, among other things, charged the towing companies a franchise fee, payable to the City, for the privilege of operating within the City. Florida Statute 166.04464 now prohibits Municipalities from imposing a fee or charge on an authorized wrecker operator or towing business for towing, impounding or storing a vehicle or vessel. The statute does authorize a Municipality to impose a reasonable administrative fee or charge on the registered owner or other legally authorized person(s) in control of a vehicle or vessel to cover the cost of enforcement when the vehicle or vessel is towed from public property. The fee may not exceed 25

percent of the maximum towing rate and may be collected on behalf of the city by an “authorized wrecker operator” or towing business. The Legislature also adopted Section 166.043 which requires counties to establish the maximum rates (rates chargeable by towing companies). Palm Beach County’s current rates are provided. This section also provides that Municipalities may opt-out of the applicability of the county rates by adopting their own ordinance establishing such rates. The City does not presently have such an ordinance.

Based on cost factors associated with vehicle removal, the finance department has determined that the approximate cost to the City to remove a vehicle is one hundred thirty one and 35/100 Dollars (\$131.35). Prior to the recent legislation prohibiting the imposition of fees upon towing companies, the City collected \$15,000 annually from two (2) towing companies which were selected competitively to provide towing services within the City. The Police Department has determined that it ordered 6,223 total tows during the year 2021, and that through October of 2022, it has ordered 5,345 total tows. Department records do not show the number of tows by class, and it is unable to estimate the total number of future tows.

Section 323.002, Florida Statutes, defines an “authorized wrecker operator” as “any wrecker operator who has been designated as part of the “wrecker operator system” established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle”. That section defines “Wrecker Operator System” as “a system for the towing or removal of wrecked, disabled, or abandoned vehicles under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways. A wrecker operator system must include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods”.

Section 323.004 defines “unauthorized wrecker operator” as any wrecker operator who has not been designated as part of the wrecker operator system. That section prohibits unauthorized wrecker operators from monitoring police radio communications in order to determine the location of a disabled vehicle; from driving by the scene of a disabled vehicle to offer towing services; and if they are driving by the scene of a disabled vehicle and is stopped by the disabled vehicle operator, it regulates the disclosures that must be made to the operator. Violation of these provisions is an offense ranging from a noncriminal violation to a first degree misdemeanor.

The City does not have a Wrecker Operator System. Ordinance No. 4999-22 establishes the City’s Wrecker Operator System. It provides the method of selection and qualifications for operators; imposes an administrative fee in the amount of 25 percent of the maximum towing rate established by

Palm Beach County from time to time; authorizes wrecker operators to collect the fee on behalf of the City; regulates the operation of unauthorized operators; and provides for the right of disabled vehicle owners or operators to choose an operator of their own choice.

**Fiscal Note:**

No fiscal note.

- 8.2. Public Hearing and First Reading of Ordinance No. 5030-22: A declaration of an extension to the zoning in progress to allow parklets established under the Temporary Outdoor Dining program to continue operation while revised parklet regulations are adopted and adoption of a temporary fee for parking meter use associated with parklets.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5030-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA DECLARING AN EXTENSION TO THE ZONING IN PROGRESS FOR PARKLETS; PERMITTING CONTINUED OPERATION OF PARKLETS BY BUSINESSES WHO HAVE ESTABLISHED THEM UNDER THE TEMPORARY OUTDOOR DINING PROGRAM DURING THE EMERGENCY MEASURES OF THE COVID-19 PANDEMIC UNTIL NEW REGULATIONS ARE ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, A SUNSET CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5030-22 declaring an extension to the zoning in progress to allow parklets established under the Temporary Outdoor Dining program to continue until revised parklet regulations are adopted or until November 29, 2023, whichever first occurs and revise monthly parking meter rental fees for parklets.

**Background Information:**

A parklet is a seating platform that converts curbside parking spaces into vibrant community spaces that may provide amenities such as: seating, landscaping, bicycle parking, art, among others. Ordinance No. 4667-16 established Chapter 78, Article XVIII, of the Code of Ordinances, which allowed the creation of parklets in compliance with the regulations.

In concert with the Governor's Executive Order, on May 19, 2020, the City of West Palm Beach issued a Declaration of Emergency, which allowed expanded outdoor seating for restaurants under a Temporary Outdoor Dining (TOD) Program to ensure businesses had the greatest ability to operate successfully during the COVID-19 economic recovery. The TOD program allowed expanded seating on sidewalks and for parklets. After the

City's Declaration of Emergency expired, the TOD Program expired, but many businesses desired to retain their expanded outdoor seating.

On March 22, 2021, Ordinance No. 4936-21 updated the regulations for sidewalk cafe seating to reflect lessons learned from the pandemic and provide additional flexibility for business owners and comfort for pedestrians. However, in the case of the parklets, the regulations have not yet been updated. On November 29, 2021, the City Commission declared a Zoning in Progress for parklets (Ordinance No. 4921-21) in order to facilitate the development and adoption of revised regulations and standards for parklets. The City, in conjunction with the Downtown Development Authority, continue to work on developing revised regulations to the City's code regarding the utilization of parklets for businesses within the City. While the revised parklet regulations are being drafted, staff desires to establish an extension to the Zoning in Progress for parklets. No new applications to use a parklet will be accepted until new parklet regulations are adopted, or until the Zoning in Progress expires on November 29, 2023.

Existing parklets will be allowed to continue to operate under the Temporary Outdoor Dining Program regulations and the existing ordinances, with two (2) additional conditions:

1. Businesses with parklets located in metered parking spaces shall be required to pay the parking space meter bagging fee as amended, effective on January 1, 2023; and
2. Parklets with tents shall be required to remove the tent. Umbrellas may be used in accordance with the existing regulations.

Ordinance No. 5030-22 establishes an extension to the Zoning in Progress for up to one (1) year for the development of new regulations for parklets in the public right-of-way.

Commission District 1: Commissioner Cathleen Ward.

Commission District 3: Commissioner Christy Fox.

## 9. PUBLIC HEARING - QUASI-JUDICIAL

Disclosure of ex-parte communications, if any\*  
Swearing-in of witnesses.

- 9.1. Public Hearing and First Reading of Ordinance No. 5023-22 designating the Florida Public Utility Company (FPUC) building on the West Palm Beach Register of Historic Places.

**Originating Department:**



Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5023-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 401 SOUTH DIXIE HIGHWAY AS A HISTORIC SITE ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5023-22 on First Reading and schedule Second Reading for December 27, 2022.

**Background Information:**

This application is for the designation of the structure at 401 South Dixie Highway, West Palm Beach, Florida, formerly known as the Florida Public Utility Company (FPUC) building.

The FPUC Office Building, built in 1965, in downtown West Palm Beach embodies the distinctive characteristics of the mid-century modernist architecture. The Building meets local register criteria A and D. It is significant as an important element of the commercial history of West Palm Beach and a mainstay as the downtown evolved and developed around it. It is also significant as a representation of the work of the firm founded by renowned architect, Marion Sims Wyeth (1889-1982), whose work over 55 years made him one of Palm Beach's most prolific architects with many notable commissions and as he helped shaped the image of West Palm Beach and neighboring Palm Beach.

On October 25, 2022, the Historic Preservation Board unanimously recommended approval (7 - 0) to designate this building.

Commission District 3: Commissioner Christy Fox.

- 9.2. Public Hearing and First Reading of Ordinance No. 5028-22: A request by Jon Schmidt, of Schmidt Nichols, on behalf of Rosarian Academy Inc., for an abandonment of the terminus portion of Eucalyptus Street (155' east of North Olive Avenue) and the alleyway between 7th Street and Eucalyptus Street, generally located west and adjacent to the Rosarian Academy; consisting of approximately 0.23 acres or 10,101 square feet.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5028-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING THE TERMINUS PORTION OF THE

EUCALYPTUS STREET RIGHT-OF-WAY (APPROXIMATELY 155 FT. EAST OF N. OLIVE AVENUE) AND THE ALLEYWAY BETWEEN 7TH STREET AND EUCALYPTUS STREET, CONSISTING OF APPROXIMATELY 0.23 ACRES (10,101 SQUARE FEET), GENERALLY LOCATED WEST AND ADJACENT TO THE ROSARIAN ACADEMY; RESERVING MAINTENANCE, DRAINAGE, AND UTILITY EASEMENTS; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHTS-OF-WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

THIS ITEM IS BEING CONTINUED TO THE DECEMBER 27, 2022 CITY COMMISSION MEETING.

- 9.3. Public Hearing of Resolution No. 248-22 regarding a Class A Special Use Permit to allow for the construction and placement of a dock and boatlift outside the middle one-third of the subject lot located at 234 Arlington Road.

The above-referenced request is being made by Amy D. Bahl, Esq., on behalf of Donald Kirkham, III and Monica Lynn Makarovich.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 248-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A DOCK AND BOATLIFT OUTSIDE THE MIDDLE ONE-THIRD OF THE LOT LOCATED AT 234 ARLINGTON ROAD; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

THIS ITEM IS BEING CONTINUED TO THE JANUARY 9, 2023 CITY COMMISSION MEETING.

- 9.4. Public Hearing of Resolution No. 291-22: A request by Heather Danforth, of Integrated Perspectives, on behalf of Alison Percy, for a Minor Subdivision to approve the plat entitled "Worth Court South," located at 262 Worth Court South and 258 Worth Court South.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 291-22: 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 "WORTH COURT SOUTH", CONSISTING OF THREE (3) PARCELS AND CONTAINING A TOTAL OF APPROXIMATELY 0.77 ACRES LOCATED AT 262 WORTH COURT SOUTH AND 258 WORTH COURT SOUTH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 291-22 creating the plat entitled 'Worth Court South.' This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request is consistent with the Comprehensive Plan, complies with the standards set forth in Section 94-342 of the City's Zoning and Land Development Regulations, and complies with all applicable provisions of Chapter 177, Florida Statutes.

**Background Information:**

A request by Heather Danforth of Integrated Perspective, on behalf of Alison Percy to reconfigure and replat the lots located at 262 Worth Court South and 258 Worth Court South, consisting of a total of 0.77 acres, from two (2) to three (3) separate lots. The properties are zoned Single Family Low Density (SF7) and the applicant intends to develop the lots with the required 60-foot widths mandated in this district. The Planning Division has no objection to this request.

NOTICES: Pursuant to the requirements of Section 78-215(b) of the City's Code of Ordinances, individual notices were mailed to property owners within 500 feet of the subject property, the site was posted, and the Resolution was advertised in the Palm Beach Post.

Commission District 5: Commissioner Christina Lambert.

**10. COMMENTS FROM THE PUBLIC**

Public comments are limited to 3 (three) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

**11. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS**

**12. 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 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.