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[www.wpb.org](http://www.wpb.org)

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 Hazeline Carson

City of West Palm Beach  
City Commission  
**PASS/FAIL** Agenda  
Tuesday, May 31, 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. PROCLAMATION-**PRESENTED**

- 6.1. Proclaiming June 2022 as LGBTQ Pride Month. Proclamation to be accepted by Julie Seaver, Compass Chief Executive Officer; Amanda Canete, Compass Youth and Family Services Director; Ellen Wedner, Creative Art Director; Eric Romero volunteer and donor with Creative Arts; Rudolph R. Galindo, Assistant Director of Parks and Recreation and LGBTQ Liaison for the City of West Palm Beach.

**Originating Department:**

Mayor's Office

## 7. CONSENT CALENDAR-**ALL APPROVED**

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.

- 7.1. Minutes of the Regular City Commission Meeting of May 2, 2022

**Originating Department:**

Mayor's Office

- 7.2. Resolution No. 146-22 authorizing the assessment of city liens in the total amount of \$108,635.92 for unpaid water service, sewer service and stormwater charges for the month of March 2022.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 146-22: 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 FOR THE MONTH OF MARCH 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. 146-22 are for unpaid water, sewer and stormwater service charges for the month of March 2022. The list of properties to be assessed and the associated charges totaling \$108,635.92 are attached to Resolution No. 146-22 as EXHIBIT A – UTILITY LIEN LIST - MARCH 2022.

**Fiscal Note:**

No fiscal impact.

- 7.3. Resolution No. 119-22 authorizing the Mayor to execute a release of code enforcement liens encumbering 809 6th Street.

**Originating Department:**

Code Enforcement

**Ordinance/Resolution:**

RESOLUTION NO. 119-22: A RESOLUTION OF THE CITY COMMISSION OF CITY OF WEST PALM BEACH, FLORIDA, CONDITIONALLY WAIVING CITY LIENS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 809 6TH STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

**Background Information:**

The previous owner of 809 6th Street was cited for code violations on the property, including violations involving the interior walls and ceiling, water leaks, unsanitary conditions, disconnected plumbing to apartments, failure to obtain a boarding certificate, outdoor storage, inoperable vehicles, trash, debris, and overgrowth. As a result of the previous owner's failure to repair the property, a fine has accrued to approximately \$914,350. A new owner has recently purchased the property and plans to rehabilitate the property. The rehabilitation of the property will eliminate unpleasant conditions and improve the area. This resolution will allow the release of the \$914,350 fine/lien if certain conditions are met, including payment of a \$10,500 administrative fine, payment of any outstanding utility liens or taxes, and completion of the property rehabilitation by February 23, 2023.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 7.4. Resolution No. 162-22 supporting the City's request for federal funding for the Police Secure Communications Project (Site on Wheels) in the amount of \$959,500.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO: 162-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, SUPPORTING A REQUEST FOR FEDERAL FUNDING FOR THE CITY OF WEST PALM BEACH POLICE SECURE COMMUNICATIONS

PROJECT IN THE AMOUNT OF \$959,500; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

For Fiscal Year 2023, each Member of Congress may submit specific local projects to be included in the annual appropriations bill for funding through Member's Community Project Funding. On March 29, 2022, Mayor Keith A. James submitted the City of West Palm Beach FY23 Appropriations – Community Project Funding request to Congresswoman Lois Frankel for consideration.

One of the priorities submitted for consideration was the City of West Palm Beach Police Secure Communications Project which is a secure mobile radio site that will enhance the Public Safety Radio Communications Network. This Site on Wheels (SOW) will provide technology needed to deliver continuous public safety services, communication coverage, and reliable communications involving special events, natural disasters, and fixed primary communication site failure. The SOW will function as a 4th radio system site connected to a permanently seated tower. The unit is to be used as a fixed site to support the Public Safety Radio Network with quick disconnect capability for disaster recovery or priority events. When operating in support of Public Safety communications during disaster recovery, the SOW can be relocated to any location to serve the recovery or event. The total cost of the City of West Palm Beach Police Secure Communications Project is \$959,500.

Projects submitted for Community Project Funding must also show community support which may include a resolution from the City Commission. It is critical that the City of West Palm Beach obtain technology needed to provide exemplary continuous public safety services and communication coverage and that it maintain reliable communications during events, natural disasters, and communication site failure.

Approval of Resolution No. 162-22 will express the City Commission's support of the City of West Palm Beach Secure Communications Project application for federal funding for FY23.

- 7.5. Resolution No. 138-22 accepting the five (5) year Comprehensive Emergency Management Plan that will be submitted to Palm Beach County.

**Originating Department:**

Fire

**Ordinance/Resolution:**

RESOLUTION NO. 138-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE 5 YEAR COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP). THE EFFECTIVE DATE OF THE PALN

WILL BE JUNE 1, 2022. THERE WILL BE NO RECURRING COST ASSOCIATED FOR THE NEXT 5 YEARS. THE CEMP ESTABLISHES A CITYWIDE INCIDENT COMMAND STRUCTURE FOR MITIGATION, RESPONSE AND RECOVERY FOR LARGE SCALE EMERGENCIES AND DISATERS.

**Background Information:**

Chapter 252, Florida Statutes, authorizes and encourages municipalities to create emergency management programs to provide for disaster mitigation, preparedness, response, and recovery responsibilities. Chapter 9-G, Florida Administrative Code, requires the governing body of the City of West Palm Beach to adopt by resolution, the City of West Palm Beach Comprehensive Emergency Management Plan.

The Comprehensive Emergency Plan (CEMP) is the citywide Incident Command Structure (ICS), mitigation, response and recovery document used during planned and large-scale emergency events.

The plan must be updated every 5 years and provided to Palm Beach County and the State of Florida. The plan is needed for FEMA public assistance, the Loss Mitigation Strategy (LMS) program and the City receives points from the Community Rating System flood program for the plan.

- 7.6. Resolution No. 156-22(F) approves the appropriation of \$100,000 from the ArtLife WPB Capital Project Fund for a local artists public art project: The Commons.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 156-22(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 2021/2022 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE ARTLIFE WPB CAPITAL PROJECT FUND TO PROVIDE APPROPRIATIONS FOR A LOCAL ARTISTS PUBLIC ART PROJECT: THE COMMONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On May 4, 2022, the ArtLife WPB Committee unanimously voted to recommend to City Commission the allocation of \$100,000 from the ArtLife WPB Capital Project Fund to implement *The Commons* a local artist's public art project.

After the success of the COVID-19 Local Artists Relief Initiative, *The Commons: 15 Artists 15 Spaces* the committee voted to continue this temporary city-wide project. The project has been modified to allow more funding per selected artist. Ten local artists through an open Call to Artists would be reviewed by the ArtLife WPB Committee for selection. Each selected artist would be provided a public platform to investigate, develop, and create a site-specific temporary piece.

The goal of the project is to provide our local artists an opportunity to further their art practice in the public realm. To experiment, to be curious, and investigate the possibilities of artworks within our commons.

Total Budget: \$100,000

Ten artists are to receive up to \$10,000 each. Each award will include a not to exceed artist fee of \$2,000 and the remaining balance of \$8,000 for design, build, installation, and other related materials.

It is anticipated that one of the ten awards will be a time based artist to document the project through photography, film, or other discipline.

Resolution No. 156-22(F) approves the appropriation of \$100,000 for the ArtLife WPB Public Art Fund to commission ten (10) local artists to create temporary artworks in the public realm.

This is a city-wide project.

**Fiscal Note:**

Approval will provide appropriations for The Commons local artists art project.

- 7.7. Resolution No. 153-22 ratifying a memorandum of agreement modifying Article 18 - Leaves of Absence of the October 1, 2020 - September 30, 2023, collective bargaining agreement between the Professional Managers and Supervisors Association (PMSA) and the City of West Palm Beach to prospectively update annual leave accruals and carry over leave limits for PMSA represented employees.

**Originating Department:**

Human Resources

**Ordinance/Resolution:**

RESOLUTION NO. 153-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING A MEMORANDUM OF AGREEMENT MODIFYING ARTICLE 18 OF THE OCTOBER 1, 2020 – SEPTEMBER 30, 2023 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PROFESSIONAL

MANAGERS AND SUPERVISORS ASSOCIATION (PMSA) AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City and the Professional Managers and Supervisors Association Certified Unit #1073 (PMSA) have reached a tentative Memorandum of Agreement (MOA) modifying Article 18, Leaves of Absence, Section 1. A. and Section 2. A. and G. of the parties' October 1, 2020 to September 30, 2023 Collective Bargaining Agreement (CBA), which was ratified by the City Commission on September 21, 2020.

Beginning on October 1, 2012, Collective Bargaining Agreements between the City and union reduced the amount of annual leave hours granted to PMSA represented employees hired after that date. Before this change, all City employees had earned the same amounts of annual leave uniformly - based on years of service. The effect of these changes is that currently annual leave benefits are provided to City employees in a non-uniform manner, depending on union status and date of hire. Additionally, the current number of annual leave days provided to those employees hired after October 1, 2012 is not competitive with the local governmental job market.

Historically, the City Commission has expressed the desire to generally strive for equity in policies among the various represented and non-represented employee groups. The proposed MOA reached between the City and PMSA will achieve this goal by prospectively providing uniform annual leave and leave carry over benefits.

This MOA is also consistent with similar changes being proposed to City Code of Ordinances Section 62-58 which will update the amount of annual leave days provided for non-union employees.

The proposed changes will improve retention of current employees and ensure the City can competitively recruit new employees, by offering annual leave benefits on-par with other local and county government employers.

If this MOA is approved, PMSA represented employees will prospectively earn annual leave as follows:

YEARS OF SERVICE	ANNUAL ACCRUAL EXPRESSED IN EIGHT-HOUR DAYS	MAXIMUM CARRY FORWARD EXPRESSED IN EIGHT-HOUR DAYS
01 – 04	13	39
05 – 09	17	51
10 – 14	20	60
15 – 19	21	63
20 or More	22	66

**Fiscal Note:**

No fiscal impact.

- 7.8. Resolution No. 154-22 ratifying a memorandum of agreement modifying Article 18 - Leaves of Absence of the October 1, 2020 - September 30, 2023, collective bargaining agreement between the Service Employees International Union (SEIU) and the City of West Palm Beach to prospectively update annual leave accruals and carry over leave limits for SEIU represented employees.

**Originating Department:**

Human Resources

**Ordinance/Resolution:**

RESOLUTION NO. 154-22 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING A MEMORANDUM OF AGREEMENT MODIFYING ARTICLE 18 OF THE OCTOBER 1, 2020 – SEPTEMBER 30, 2023 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE SERVICE EMPLOYEES INTERNATIONAL UNION/FLORIDA PUBLIC SERVICES UNION (SEIU/FPSU) AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City and the Service Employees International Union Certified Unit #401 (SEIU) have reached a tentative Memorandum of Agreement (MOA) modifying Article 18, Leaves of Absence, Section 4 C., Sections 5. A. and B. and Section 10. A. of the parties' October 1, 2020 to September 30, 2023 Collective Bargaining Agreement (CBA), which was ratified by the City Commission on September 21, 2020.

Beginning on February 3, 2013, Collective Bargaining Agreements between the City and union reduced the amount of annual leave hours granted to SEIU represented employees hired after that date. Before this change, all City employees had earned the same amounts of annual leave uniformly - based on years of service. The effect of these changes is that currently annual leave benefits are provided to City employees in a non-uniform manner, depending on union status and date of hire. Additionally, the current number of annual leave days provided to those employees hired after February 3, 2013 is not competitive with the local governmental job market.

Historically, the City Commission has expressed the desire to generally strive for equity in policies among the various represented and non-represented employee groups. The proposed MOA reached between the City and SEIU will achieve this goal by prospectively providing uniform annual leave and leave carry over benefits.



This MOA is also consistent with similar changes being proposed to City Code of Ordinances Section 62-58 which will update the amount of annual leave days provided for non-union employees.

The proposed changes will improve retention of current employees and ensure the City can competitively recruit new employees, by offering annual leave benefits on-par with other local and county government employers.

If this MOA is approved, SEIU represented employees will prospectively earn annual leave as follows:

YEARS OF SERVICE	ANNUAL ACCRUAL EXPRESSED IN EIGHT-HOUR DAYS	MAXIMUM CARRY FORWARD EXPRESSED IN EIGHT-HOUR DAYS
01 – 04	13	39
05 – 09	17	51
10 – 14	20	60
15 – 19	21	63
20 or More	22	66

**Fiscal Note:**

No fiscal impact.

- 7.9. Resolution No. 139-22 approving the provision of Child Care Services at Gaines and South Olive Community Centers and authorizing the Mayor to sign a State of Florida Statewide School Readiness Provider Contract and a Children’s Services Provider Contract providing funding for the provision of said services.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 139-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PROVISION OF CHILD CARE SERVICES AT THE GAINES AND SOUTH OLIVE COMMUNITY CENTERS; APPROVING AND AUTHORIZING THE MAYOR TO SIGN A STATE OF FLORIDA STATEWIDE SCHOOL READINESS PROVIDER CONTRACT BETWEEN THE PALM BEACH COUNTY EARLY LEARNING COALITION AND THE CITY FOR APPROXIMATELY \$50,000 IN FUNDING FOR THE PROVISION OF SAID SERVICES; APPROVING AND AUTHORIZING THE MAYOR TO SIGN A CHILDREN’S SERVICES COUNCIL PROVIDER CONTRACT BETWEEN CHILDREN’S SERVICES COUNCIL AND THE CITY FOR ADDITIONAL FUNDING FOR THE PROVISION OF SAID SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City's Parks and Recreation Department, in conjunction with the Palm Beach County Early Learning Coalition and the Children's Services Council, provides child care services for school age children at the City's two (2) licensed facilities at Gaines and South Olive Community Centers. The services are provided part-time for afterschool hours and full-time on days where there is no school and during the summer. The services provided include: child care, instructions and activities, and character development programs.

The City receives financial assistance for the provision of these services through Palm Beach County Early Learning Coalition (the "Coalition"). The terms and conditions for the receipt of this assistance are set forth in the State of Florida Statewide School Readiness Provider Contract (Form OEL-SR 20) between the City and the Coalition and the Children's Services Council ("CSC") Provider Contract, which is funded by the Coalition through the CSC. The School Readiness Provider Contract generally provides that the City will provide the facility, the services, and service personnel for the provision of the services and the Coalition will provide the funds, training for City staff, and monitoring. Through the CSC Contract, scholarships are provided for eligible children participating in the School Readiness Program. The CSC Contract requires that City meet various obligations to receive funding, including the requirement that the City must be a member of Prime Time Afterschool QIS, exclusive to PBC. The City meets this requirement. Approximately thirty (30) children are funded directly through the Coalition and approximately twenty (20) children are funded directly through the CSC scholarship program. The City expects to receive approximately \$50,000.

The term of each agreement is one (1) year. Agreements are attached as Exhibit A and Exhibit B in Resolution No. 139-22. Staff recommends approval of the Resolution and the Agreements.

Commission Districts 1 and 5: Commissioner Cathleen Ward and  
Commissioner Christina Lambert

**Fiscal Note:**

No fiscal impact.

- 7.10. Resolution No. 125-22 approving the interlocal agreement between Palm Beach County and the City of West Palm Beach accepting a grant in an amount not to exceed \$15,500 for reimbursement of Fire and Police K9 Officers emergency medical services classes.

**Originating Department:**

Fire

**Ordinance/Resolution:**

RESOLUTION NO. 125-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH ACCEPTING A GRANT IN AN AMOUNT NOT TO EXCEED \$15,500 FOR REIMBURSEMENT OF FIRE AND POLICE K9 EMERGENCY MEDICAL SERVICES CLASSES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Palm Beach County is the recipient of grant funds from the Florida Department of Health to improve and expand pre-hospital Emergency Medical Services (EMS) systems in the County. Each grant recipient county is encouraged to disburse funds to EMS providers operating within the County. Palm Beach County offers an EMS grant program which provides funding for the purchase or replacement of EMS Equipment. The West Palm Beach Fire Department desires to receive a grant for training to treat our Fire and Police K9 Officers through emergency medicine.

The West Palm Beach Fire Department requested funds from Palm Beach County to purchase this training in order to treat and transport our Fire and Police K9 Officers. Palm Beach County has awarded the City a grant in an amount not to exceed \$15,500 for the purpose of purchasing this training.

Use of the grant funds will improve our ability to serve and treat both Fire and Police K9 Officers who are hurt in the line of duty. It is the City's priority to promote a safe and secure community, and the Fire Department's strives to meet and exceed these expectations.

The Grant funds will be provided to the City by the County on a reimbursement basis once the training has been purchased. The Fire Department will ensure proper execution and will continue to train fire department personnel.

**Fiscal Note:**

EMS Grant Funding

**8. RESOLUTIONS-ALL APPROVED**

- 8.1. Resolution No. 152-22 approves the proposed artworks for Forte Residencies at 1309 South Flagler Drive by developer Flagler Residential, LLC to satisfy the public art requirement. One percent of the total construction costs escrowed is \$1,100,000.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 152-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MAKING FINDINGS AND APPROVING INSTALLATION OF PUBLIC ART FOR FORTE RESIDENCIES BY FLAGLER RESIDENTIAL, LLC AT 1309 SOUTH FLAGLER DRIVE IN COMPLIANCE WITH THE PUBLIC ART ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 152-22.

The proposed public art concept for Forte Residencies at 1309 South Flagler Drive. This motion is based on the findings that the proposed artworks meet the criteria set forth in Section 78-125 of the City Code as reviewed by the ArtLife WPB Committee.

**Background Information:**

On May 4, 2022, the ArtLife WPB committee voted unanimously to recommend the art concept for 1309 South Flagler Drive known as Forte Residencies to satisfy the public art requirement. Flagler Residential, LLC has enlisted two seasoned art consultants who identified three renowned women artists with diverse art practices. Three sculptures two purchased and one commissioned specifically for this site by Hamilton will be integrated into their development site. \$1,100,000 has been escrowed.

**ABOUT THE ARTISTS**

**Kiki Smith**

Since the late 1970's the artist has developed a figurative language that addresses the interconnections between mythology, the human condition, and the natural world. Encompassing a broad range of media, Smith's investigation of the female form makes her a key figure for feminist artists and thinkers.

**Allison Janae Hamilton**

Hamilton is a multi-media artist working in sculpture, installation, photography, and video. She was born in Kentucky, raised in Florida, and in her maternal family's farm and homestead the rural flatlands of western Tennessee. Hamilton's relationship with these locations forms the cornerstone of her artwork, particularly her interest in landscape. Using plant matter, layered imagery, complex sounds, and animal remains Hamilton creates immersive spaces that consider the ways American landscape contributes to our ideas of "Americana" and social relationships to space in the face of a changing climate, especially within the rural American south.

**Rose Wylie**

Wylie paints uniquely recognizable, colorful and exuberant compositions that at first glance appear aesthetically simplistic, not seeming to align with any discernable style or movement, but on closer inspection are revealed to be witty observations and subtly sophisticated mediations on the nature of visual representation.

## **ABOUT THE ARTWORKS**

### ***The Weather* (2019) Kiki Smith**

- Bronze
- 82 x 11' 1-1/2 x 36 -1/2"
- 1,528 LBS
- Edition 1 of 3
- Edition of 3 + 1 AP

*The Weather* depicts a woman's face with enigmatic rays streaming from her mouth, eyes, and hair evoking the many emanations of a potent female body such as speech, tears, breath, and thoughts. Despite the heavy material the work exudes the dynamism and lightness evocative of nature's mercuriality, as suggested by the title.

### ***The People Cried Mercy* (2022- 2023) Allison Janae Hamilton**

- Bronze
- 18ft x 36" x 36"
- Site-Specific Commissioned

The sculpture was inspired by "Florida Storm," a 1928 hymn written by Judge Jackson about the great Miami Hurricane of 1926, as well as the 1928 Okeechobee Hurricane referenced in Zora Neale Hurston's novel *Their Eyes Were Watching God*. Through blending land-centered folklore and personal family narratives she engages haunting yet epic mythologies and histories that address the social and political concerns of today's changing terrain

### ***Pineapple* (2020), Rose Wiley**

- Painted bronze in (2) two parts
- 137 3/3 x 43 1/4 x 43 1/4 inches
- 2000 LBS

The *Pineapple* derives from earlier paintings and drawings and for Wylie working in three dimensions represents a further act of translation from original image to painting to sculpture that equally brings out the formal qualities of the pineapple shape as well as its symbolic resonances - a welcoming gesture. The Pineapple extends Wylie's distinct visual language into the public realm.

## **CRITERIA SECTION 78-125**

### **Art**

The proposed art conforms to the definition of art contained in this article - yes all artists are internationally renowned each with their own distinct art practice. Each artwork is unique and reflects the artist's practice.

### **Master Plan**

The proposed art complies with the Public Art Master Plan. The proposed artworks integrate into the infrastructure of a private development building. The artworks celebrate diverse styles and are impressive sculptures created by experienced artists that can draw local, national, and international interest.

### **Historic Significance**

Not applicable to two of the sculptures as the works are contemporary. The work by Allison Janae Hamilton was inspired by "Florida Storm" a 1928 hymn written by Judge Jackson about the Great Miami Hurricane of 1926 and the 1928 Okeechobee Hurricane referenced in Zora Neale Hurston's novel Their Eyes Were Watching God.

### **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. These artworks will provide a creative, inclusive, and accessible experience to the community.

### **Visual Accessibility**

The proposed works will be accessible to the public day and night.

### **Quality**

Each sculpture is of high quality and made with durable materials.

### **Appropriateness To Site**

The siting of each artwork is intentionally and placed to create a discovery of three different women artists and their large-scale original pieces.

### **Diversity**

The artworks will contribute to the diversity of the public art program and the city in terms of media, innovation, and creativity but also the artists, two seasoned artists and one developing as a mid-career artist who grew up in Florida.

### **Public Welfare**

The proposed works are not detrimental to the public welfare nor will they constitute a safety hazard.

**Maintenance**

The proposed artworks 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 the responsibility of the developer.

**Valuation**

The proposed artworks meet the valuation requirements of the public art requirement.

**Location**

The proposed locations for the sculptures are exterior places and accessible to the public.

**Artist Qualifications**

Each artist meets the definition in the public art code. Each artist has a strong and evolving art practice. The three artists are well known, respected in their fields, and have their works in major museums and collections.

**Budget**

1% of the total construction costs \$1,100,000 has been escrowed.

Supporting documents are provided.

The ArtLife Committee recommends to City Commission approval of the proposed artworks by Kiki Smith, Allison Janae Hamilton and Rose Wiley for 1309 South Flagler Drive, Forte Residencies in compliance with the public art ordinance.

Commission District 5: Christina Lambert.

**Fiscal Note:**

No fiscal impact.

- 8.2. Resolution No. 149-22 amending the GMP design build contract with All Site Construction for the Coleman Park Community Center Project;

Resolution No. 150-22(F) amending the Series 2020 General Obligation Bond Fund Budget to reappropriate \$1.5M from the Gaines Park Warren Hawkins Aquatic Center Parks project to the Coleman Park Community Center and Gymnasium Project; and

Resolution No. 161-22 authorizing modification of the Parks and Recreation Projects to be financed from proceeds from the Parks Bond.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 149-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE CONTRACT FOR DESIGN-BUILD SERVICES FOR COLEMAN PARK GYMNASIUM BUILDING PROJECT BETWEEN THE CITY OF WEST PALM BEACH AND ALL-SITE CONSTRUCTION SERVICES, INC., TO ADJUST THE GUARANTEED MAXIMUM PRICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO.150-22(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 2021/2022 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE SERIES 2020 GENERAL OBLIGATION BOND FUND BUDGET TO REAPPROPRIATE FUNDS FROM THE GAINES PARK WARREN HAWKINS AQUATIC CENTER PROJECT TO THE COLEMAN PARK COMMUNITY CENTER AND GYMNASIUM PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 161-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH AUTHORIZING MODIFICATION OF THE PARKS AND RECREATION PROJECTS IDENTIFIED IN EXHIBIT A TO ORDINANCE NO. 4884-19 AND SCHEDULE A TO RESOLUTION NO. 197-20 TO BE FINANCED FROM PROCEEDS FROM THE CITY OF WEST PALM BEACH GENERAL OBLIGATION BONDS, SERIES 2020 (PARKS AND RECREATION PROJECTS); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolutions No. 149-22, 150-22(F), and 161-22.

**Background Information:**

This item is a request for City Commission approval to transfer \$1.5M from the Gaines Park Warren Hawkins Aquatic Center Bond Funded Project to the Coleman Park Community Center Project due to a timing issue with the expenditure of the Bond funds. Staff has identified two alternative funding sources to replace the \$1.5M for the Gaines Park Warren Hawkins Aquatic Center Project and contemplates bringing a request to the Board for approval of those funds by late summer.

The City of West Palm Beach and All-Site Construction Services, Inc., executed a Contract for Design-Build Services for Coleman Park Gymnasium Building Project, dated January 4, 2021 which authorized



design and construction services for the Coleman Park Gymnasium Building Project for a Guaranteed Maximum Price (“GMP”) of Three Million Four Hundred Ninety-Eight Thousand Eight Hundred Eighty-Six and 00/100 Dollars (\$3,498,886).

Due to recent fluctuations in the construction materials and labor markets the Contractor can no longer complete the project scope in its entirety for the original GMP amount. In order to ensure that the proposed new Gymnasium gets constructed along with the renovations of the existing Community Center building, an increase of One Million, One Hundred Fifty-Four Thousand, Six Hundred Twenty-Six and 86/100 Dollars, \$1,154,626.86 to the GMP is necessary. This will result in a revised GMP of Four Million Six Hundred Fifty-Three Thousand Five Hundred Twelve and 86/100 Dollars. (\$4,653,512.86).

In December 2019, the City Commission passed Ordinance 4884-19 that approved holding a referendum election for the Parks Bonds. Ordinance 4884-19 provided that the City may, in its sole discretion, by official action evidenced by a resolution of the City Commission adopted from time to time, modify or amend all or any portion of the Parks and Recreation Projects listed in Exhibit “A” or any component thereof, to substitute or modify one or more of such Parks and Recreation Projects, if the City determines such substitution or modification better serves City purposes; provided such modified or substituted facility, improvement or equipment is a Parks and Recreation Project.

In July 2020, the City Commission passed Resolution 197-20 authorizing the issuance of not to exceed \$30,000,000 in aggregate principal amount of General Obligation Bonds, Series 2020 (Parks and Recreation Projects), to pay for the cost of acquisition, construction, development, extension, enlargement, improvement, renovation, equipping and furnishing of certain parks and recreation projects within the city

Resolution 197-20 also provided that the City Commission may add to or substitute Parks and Recreation Projects to those described in adopted project listing by adopting one or more resolutions describing such new or substitute Parks and Recreation Project (s).

The Coleman Park Community Center is currently under contract for renovations and construction of a new gymnasium. Due to increases in material and construction costs, the project is in need of additional funding for completion to serve the needs of the community. The Parks and Recreation Department has proposed to utilize funds from the Gaines Park Warren Hawkins Aquatic Center Renovation project to complete this much needed renovation and construction for Coleman Park. The Aquatic Center renovation project is in the early stages of design and development and is not expected to start final design and construction anytime soon. There is

much time needed to conduct a thorough analysis and needs assessment for the Aquatic Center. As well as conduct extensive community outreach to ensure the needs of the community are met with the renovations. This process will take more time to be completed, and the Coleman Park Community Center has already been through years of this analysis and community engagement. Because the Coleman Park Community Center is years ahead of the Aquatic Center renovation, staff is recommending utilizing the bond funds for the Aquatic Center to complete the Coleman Park Community Center project. This will allow time to complete analysis and design for the Aquatic Center. The existing Aquatic Center will continue to function while awaiting final engagement outcomes, design and funds to complete the project.

If approved, alternative funding will be provided for the Aquatic Center project in the future to replace the Bond funds being transferred to the Coleman Park project.

Resolution No. 149-22 increases the GMP to account for the additional cost of construction.

Resolution No. 161-22 authorizes the modification to the Parks and Recreation Project list funded by the Parks Bond.

Resolution 150-22(F) provides for the transferring of One Million, Five Hundred Thousand Dollars (\$1,500,000) from the existing General Obligation Bonds, Series 2020 (Parks and Recreation Projects), Gaines Park Warren Hawkins Aquatic Center to the newly added Coleman Park Gymnasium Project, to facilitate the increased costs to the Coleman Park Community Center project and allow for the Gymnasium to be constructed. Coleman Park and Gaines Park are both located in Commission District No. 1, Commissioner Cathleen Ward.

**Fiscal Note:**

Upon approval, appropriations of \$1,500,000 will be available for the Parks Bond Project - Coleman Park Community Center.

**9. PUBLIC HEARING-ALL APPROVED**

- 9.1. Public Hearing and Second Reading of Ordinance No. 4998-22 authorizing conveyance of a two foot strip of land at 1540 N. Australian Avenue to Palm Beach County.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

ORDINANCE NO. 4998-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA,

AUTHORIZING CONVEYANCE OF A TWO FOOT STRIP OF LAND AT 1540 N AUSTRALIAN AVENUE TO PALM BEACH COUNTY FOR RIGHT-OF-WAY PURPOSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Motion to Approve Ordinance No. 4998-22 on Second Reading.

Note: Section 2-31(27) of the Code of Ordinance requires approval by a 4/5ths vote of the Commission at either First Reading or Second Reading.

**Background Information:**

The new HCD Community Center, located at 1540 N Australian Avenue, is currently under construction.

Australian Avenue is a County road. In order to obtain a driveway permit from Palm Beach County, to allow the curb cut for the driveway entrance on Australian Avenue, Palm Beach County has required that an additional two (2) feet of the property be conveyed to the County for the future widening of Australian Avenue.

On May 16, 2022 City Commission passed Resolution No. 108-22 declaring the 2-foot strip of land to be surplus.

Sec. 2-31(27)(c) of the Code of Ordinances exempts conveyances to another government agency from the requirement to obtain appraisals for the property being conveyed.

This is the second reading for Ordinance No. 4998-22 which will authorize the conveyance to Palm Beach County and the execution of all necessary documents.

The approval of Ordinance No. 4998-22 will then allow for Palm Beach County to issue a Right-of-Way permit for the driveway connection to Australian Avenue.

**Fiscal Note:**

No fiscal impact.

- 9.2. Public Hearing and Second Reading of Ordinance No. 5000-22 amending the Code of Ordinances at Chapter 62 (Personnel and Retirement), Article II (Personnel Policies), Division 2 (Compensation and Leave Policies), Section 62-58 (Annual Leave) to adjust the accrual rate.

**Originating Department:**

Human Resources

**Ordinance/Resolution:**

ORDINANCE NO. 5000-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 62 (PERSONNEL AND RETIREMENT), ARTICLE II (PERSONNEL POLICIES), DIVISION 2 (COMPENSATION AND LEAVE POLICIES), AT SECTION 62-58 (ANNUAL LEAVE) TO ADJUST THE ACCRUAL RATE; PROVIDING FOR A CODIFICATION CLAUSE, A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5000-22 on Second Reading on May 31, 2022.

**Background Information:**

Historically, the City Commission has expressed the desire to generally strive for equity in policies among the various represented and non-represented employee groups. From time to time, the City Commission has adopted amendments to the City's regulations regarding personnel policies to provide for consistent policies for City employees.

The City desires to amend certain sections of the City Code of Ordinances, at Chapter 62 (Personnel and Retirement), Division 2 (Compensation and Leave Policies) to provide consistent policies for City employees.

Beginning on January 1, 2013, the City reduced the amount of annual leave hours it granted new non-union employees hired after that date. Before this change, all City employees had earned the same amounts of annual leave uniformly - based on years of service. The effect of these changes is that current policy grants annual leave days to non-union employees in a non-uniform manner. Additionally, the current number of annual leave days provided to employees hired after 2013 is not competitive with the local governmental job market.

Ordinance No. 5000-22 amends the City Code of Ordinances Section 62-58 to prospectively provide all non-represented (non-union) employees the same number of annual leave days based on years of service which other union represented employees and non-union employees hired on or prior to December 31, 2021 receive. If approved, this proposed change will be effective on the first full pay period after this amended Ordinance takes effect.

This amendment is proposed in order to promote uniformity in the number of annual leave days awarded to non-union employees, improve retention of current employees and ensure the City can competitively recruit new employees, by offering annual leave benefits on-par with other local and county government employers.

If this Ordinance is approved, non-union employees will prospectively earn annual leave uniformly as follows:

Years of Service	Accrual Rate (Hourly)	Annual Days/40-Hour Schedule
01—04	0.050000	13
05—09	0.065385	17
10—14	0.076923	20
15—19	0.080769	21
20+	0.084615	22

**Fiscal Note:**

No fiscal impact.

**10. PUBLIC HEARING - QUASI-JUDICIAL-APPROVED-10.1 & 10.2; CONTINUED-10.3**

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

- 10.1. Public Hearing and First Reading of Ordinance No. 4990-22 to designate the Sunshine Park neighborhood on the West Palm Beach Register of Historic Places.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 4990-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING THE SUNSHINE PARK NEIGHBORHOOD AS AN HISTORIC DISTRICT ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 4990-22 on First Reading.

**Background Information:**

This application for designation of the Sunshine Park neighborhood as an Historic District in the West Palm Beach Register of Historic Places was requested by the Historic Preservation Board on January 25, 2022.

Pursuant to section 94-48(a)(1), Code of Ordinances of the City of West Palm Beach, pertaining to designation of historic districts, district eligibility is based on the establishment of historic contexts or themes which describe the historical relationship of the properties within the district. In the case of designation of districts, at least 50 percent of the buildings shall be at least 50 years old, and shall be significant in one or more areas including: association with events that have made a significant contribution to the broad patterns of the city's history; or, association with the lives of

persons significant in the city's past; or, embodies distinctive characteristics; or, yielded, or likely to yield, information important in prehistory or history (sec. 94-48(a)(1)(a)-(d)).

The Sunshine Park Historic District is significant under Criteria A and C. Criterion A is for significance because of association with events that have made a significant contribution to the broad patterns of the City's History. Under Criterion A, Sunshine Park is significant for its role in community development, specifically as a boom time subdivision in West Palm Beach in the years 1920-1929 and the Post-War Period. Development of the Sunshine Park area began circa 1920.

Criterion C is for significance related to distinctive characteristics of a type, period or method of construction, representative works of a master, possession of high artistic value, or representation of significant and distinguishing entity whose components may lack individual distinction. Under Criterion C, Sunshine Park is significant for its collection of architecture representative of the period from 1925 to 1960. The area has a significant collection of Mission Revival style houses, as well as a number of houses that reflect Post-War architecture. The district maintains the integrity of setting, design, materials and scale that reflect its development during the Florida Land Boom era of the 1920s and the Post-War Period from 1945-1960.

The Sunshine Park Historic District consists of approximately 117 contributing properties (80%), 17 non-contributing properties (11 %), and 12 properties that are either vacant or in the process of being built on currently (8%).

Staff sent consent petitions to the property owners of Sunshine Park. Upon receiving a 23% response in favor of designation (short of 51%), the Historic Preservation Board directed staff to initiate designation.

On March 22, 2022, the Historic Preservation board voted (6-1) in favor of designation.

The subject site is located in Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact to the City.

- 10.2. Public Hearing and First Reading of Ordinance No. 4993-22 for a compatible rezoning of the Sunshine Park neighborhood to be consistent with its new historic designation.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY REZONING ±30 ACRES LOCATED APPROXIMATELY BETWEEN THE NORTH SIDE OF ARDMORE ROAD TO THE NORTH, THE SOUTH SIDE OF AVON ROAD TO THE SOUTH, THE EAST SIDE OF GEORGIA AVE TO THE WEST, THE WEST SIDE OF FLORIDA AVE TO THE EAST, AS WELL AS PORTIONS OF THE 400 BLOCKS OF ARDMORE, UPLAND, WESTWOOD AND SUNSET ROADS FROM SINGLE-FAMILY HIGH DENSITY RESIDENTIAL TO HISTORIC SINGLE-FAMILY HIGH DENSITY RESIDENTIAL, CONTEXT 2 AND FROM MULTIFAMILY MEDIUM DENSITY RESIDENTIAL TO HISTORIC MULTIFAMILY MEDIUM DENSITY RESIDENTIAL, CONTEXT 1; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 4993-22 on First Reading.

**Background Information:**

A City-initiated request for a Rezoning to change the zoning designation of ±30 acres from Single-Family High Density (SF14) Residential to Historic Single-Family High Density Residential, Context 2 (SF14-C2), and from Multifamily Medium Density (MF20) Residential to Historic Multifamily Medium Density Residential, Context 1 (MF20-C1).

Located approximately between the north side of Ardmore Road to the north, the south side of Avon Road to the south, the east side of Georgia Avenue to the west, the west side of Florida Avenue to the east, as well as portions of the 400 blocks of Ardmore, Upland, Westwood and Sunset Roads, the subject property consists of ±30 acres and currently consists of a mix of SF14, MF20 and GC as seen in the current zoning map . The City is requesting that the SF14 and MF20 zonings be rezoned to their corresponding historic zonings of SF14-C2 and MF20-C1 as a result of the Historic Preservation Board designating the neighborhood as the Sunshine Park Historic District at the March 22, 2022 meeting, as seen in the proposed Zoning Map.

On April 19, 2022, the Planning Board voted (6-0) in favor for the rezoning.

The area is located in Commission District 5, Commissioner Christina Lambert.

- 10.3. Public Hearing of Resolution No. 124-22 regarding a Major Subdivision to replat Tract L2 of the Banyan Cay RPD/CPD, consisting of ±10.10 acres,

into the following: 31 fee-simple single-family lots; three (3) open space tracts; and one (1) private roadway tract.

The above-referenced request is being made by Joni Brinkman, of Urban Design Studio, on behalf of Banyan Cay Dev. LLC.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 124-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, PURSUANT TO THE CODE OF ORDINANCES OF WEST PALM BEACH, FLORIDA AND THE FLORIDA STATUTES, APPROVING A MAJOR SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "BANYAN CAY RESORT REPLAT OF TRACT 'L2'"; CONSISTING OF 31 SINGLE FAMILY PARCELS, A PRIVATE ROADWAY TRACT, AND COMMON OPEN SPACE, CONTAINING A TOTAL OF APPROXIMATELY 10.10 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

THIS ITEM IS BEING CONTINUED TO THE JUNE 13, 2022, CITY COMMISSION MEETING.

**Background Information:**

(THE INFORMATION PROVIDED BELOW IS A GENERAL SUMMARY. A FULL ANALYSIS IS INCLUDED IN THE STAFF REPORT)

Located north of Presidential Way and east of Congress Avenue, the Banyan Cay Residential/Commercial Planned Development (RPD/CPD) currently consists of a total of ±123.68 acres and is the location of the former north golf course of The President Country Club, within the Lands of the President. In July 2013, the City Commission approved redevelopment of the subject property as an exclusive resort-style community with a master-planned development consisting of residential homes; a resort hotel with spa, meeting space, and restaurant; golf clubhouse; two (2) multifamily buildings; and resort cottages.

Amended from time to time, the current approved build-out provides for the following:

- 150 room hotel with restaurant, spa, meeting space, etc.;
- Golf clubhouse;
- 146 single family homes;
- 22 villas (11 duplexes); and
- 370 multifamily dwelling units.



With the 94 single family homes in Pod A nearing completion, the development is progressing with the sale and construction of the remaining single-family homes. As such, the developer is proposing to move forward with the “resort cottages” within Tracts L1 and L2. The approved Master Plan provides that these two (2) tracts in the interior of the development are to consist of 52 single family homes on larger lots nearing 10,000 square feet. Tract L1 was previously subdivided into its 21 single family lots with the adoption of Resolution No. 299-18 on November 5, 2018.

The replat for Tract L2 was previously approved on March 23, 2015 (Resolution No. 38-15) when the development was known as Sea Palm Resort; the approval at the time was to subdivide Tract L2 into 30 single family lots, but this plat was never recorded. Since the approval, the name of the development has changed, and the Master Plan has been amended allowing for one (1) additional single-family home. Therefore, the applicant has brought forward a revised plat for Tract L2 that reflects the current name, as well as subdivides the tract into 31 single family lots, three (3) open space tracts; and one (1) private roadway tract.

The proposed plat is consistent with the approved Master Plan and all single-family homes within tract will be required to comply with the adopted Banyan Cay Design Guidelines & Development Regulations; compliance with such will be reviewed at the time of permitting.

**CONCLUSION:** Based upon the provision that the plat is consistent with the already-approved Master Plan and that’s simply a matter of creating the individual lots, Staff has no objection to the proposed replat. Subject to the conditions of approval contained herein, the project complies with all the requirements of the Banyan Cay RPD/CPD, and the Development Services Department – Planning Division has found that the request satisfies all the standards found within the City’s ZLDRs. Therefore, Staff is recommending approval of the request, subject to the conditions outlined herein.

**PLANNING BOARD:** After a Public Hearing on October 19, 2021, the Planning Board recommended approval (6-0).

**PUBLIC NOTICE:** Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Resolution No. 124-22 was also advertised in the Palm Beach Post on May 6, 2022.

**COMMISSION DISTRICT 3:** Commissioner Christy Fox.

## 11. 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.

## **12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS**

## **13. 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.