



**City of West Palm Beach
City Commission**

**FINAL
PASS/FAIL AGENDA**

**June 1, 2020
5:00 P.M.**

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

**MAYOR
KEITH A. JAMES**

**CITY COMMISSION
PRESIDENT KELLY SHOAF**

**COMMISSIONER CHRISTINA LAMBERT
COMMISSIONER CHRISTY FOX**

**COMMISSIONER CORY NEERING
COMMISSIONER JOSEPH A. PEDUZZI**

**ADMINISTRATION
CITY ADMINISTRATOR, FAYE W. JOHNSON
CITY ATTORNEY, KIMBERLY ROTHENBURG
CITY CLERK, HAZELINE CARSON**

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

BUDGET UPDATE:

APPOINTMENTS (1-3):

1. **City Commission approval is requested for the Mayor's reappointment of Barbara Juliano to the Golf Course Advisory Committee for a term of three years (3) to expire on May 25, 2023. Ms. Juliano has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms her reappointment. **APPROVED****
Agenda Cover Memorandum No.: 22914
2. **City Commission approval is requested for the Mayor's reappointment of Roger Janssen to the Downtown Action Committee for a term of three years (3) to expire on March 3, 2023. Mr. Janssen has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms his reappointment. **APPROVED****
Agenda Cover Memorandum No.: 22915
3. **City Commission approval is requested for the Mayor's reappointment of Mabel Datena to the Library Board for a term of three years (3) to expire on April 9, 2023. Ms. Datena does not work or live within City limits and has served over the maximum allowed number of terms (3). It is required that the City Commission confirms her reappointment. **APPROVED****
Agenda Cover Memorandum No.: 22916

CONSENT CALENDAR (4-13): ALL CONSENT ITEMS (4-13) APPROVED

- 4. Resolution No. 73-20(F) authorizing the appropriation or transfer of funds from CRA CIP projects to the Art in Public Places Fund totaling \$120,091 to commission multiple artists to create a variety of public artworks for the Heart & Soul Park in the Northwest Historic District.**

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 2019/20 IN ACCORDANCE WITH SECTION 78-133 OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE ART IN PUBLIC PLACES PROJECT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE COMMISSIONING OF ARTIST TO CREATE UNIQUE PUBLIC ARTWORKS FOR THE HEART & SOUL PARK IN THE HISTORIC NORTHWEST NEIGHBORHOOD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22917

Staff Recommended Motion:

Approve Resolution No. 73-20(F).

Background:

The purpose of the art in public places program is to establish a program for the integration of public art into both public and private development projects throughout the city to visually enliven the city, illuminate the city's history, diversity, and culture, and foster economic development. Section 78-133 of the City's Code of Ordinances requires the inclusion of a deposit amount of not less than one percent of the total construction costs to be deposited in the art in public places fund as part of the appropriations and authorizations for the new construction, renovation or remodeling of eligible public improvements by the city.

Eligible public projects subject to the public art assessment are as follows: Any public building, facility or structure which permits public occupancy of all or a portion thereof, including but not limited to fire stations, police stations, and public community centers; any vertical construction within a public park or recreation facility; and a sidewalk, pedestrian or bicycle path project where sufficient location, space, utilities and other elements to accommodate public art exist, as determined by engineering and planning staff and the art in public places coordinator.

The Sunset Lounge and 7th Street Streetscape Project necessitate 1% of the respective projects' constructions costs totaling \$120,091 to transfer into the AiPP fund to be budgeted for multiple artworks within the Heart & Soul Park in the Historic Northwest neighborhood. The allocation of funds would allow for the publication of a Call to Artists for the park.

- Eligible construction costs for the 1% assessment:
 - Sunset Lounge - \$7,760,000 @ 1% = \$77,600
 - 7th Street- \$4,249,021 @ 1% = \$42,490.21

The request is to pool the CRA CIP projects (\$120,091) for the commissioning of multiple artists for a variety of public art opportunities within the design of the park. The AiPP division will work with the Office of Community Engagement, CRA, and the surrounding community through all the stages of the public art selection process.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Approval will recognize a transfer of \$120,091 from Fund 105 and provide appropriations for the commissioning of artists to provide artwork for the Heart and Soul Park.

5. **Resolution No. 123-20(F) authorizing the appropriation of funds (\$90,000) to commission 15 artists as part of the COVID-19 Artist Relief Initiative: The Commons: 15 Artists 15 Locations.**

RESOLUTION NO. 123-20(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 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE ART IN PUBLIC PLACES PROJECT FUND TO PROVIDE APPROPRIATIONS FOR COVID-19 ARTIST RELIEF INITIATIVE: THE COMMONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22918

Staff Recommended Motion:

Approve Resolution No.123-20(F).

Background:

The Art in Public Places Committee is dedicated to supporting our creative sector by providing artist opportunities at this critical moment in time. On April 27, 2020 during a Zoom public meeting the AiPP Committee motioned unanimously to recommend to City Commission approval of \$90,000 from the AiPP Reserves to facilitate "The Commons: 15 Artists in 15 Spaces Local Artists COVID-19 Relief Initiative."

Curatorial Vision: Rethinking our commons is vital to our current challenging times. The AiPP Committee supports the artists process of creating in complex times through and with art. Fifteen multidisciplinary artists will be commissioned to create temporary works that address our community's need to connect in public spaces. Public spaces inherently

connect us to one another; COVID-19 has changed our public environment and inadvertently created a greater tension between public and private spaces. The project creates responsive opportunities for our artist community to reimagine our commons, to ask what we seek from our public spaces and how to re-build our sense of community after isolation and do so safely, and in solidarity.

Funds: total project budget is \$90,000 to commission fifteen artists at \$6,000 each that includes \$1,500 as an artist fee and the remaining balance on design, materials, build and installation.

Process:

All applicants must submit a current resume that confirms them, as professional artist as defined in the ordinance and residence in Palm Beach County. Pre-approved artists would be invited to submit up to a three-minute video about themselves, their art practice, and how COVID-19 has affected their livelihood.

The Outcome: Cultural Memory

Documenting each activity will play an important role in manifesting cultural memory during COVID-19. Furthermore, the project will provide the city's creative sector an opportunity to further their practice while receiving monetary relief.

Program Flexibility: Waiving of permitting requirements that are not health and safety related and waiver of any fees associated with permit reviews; waiver of liability insurance requirements with the City self-insuring; allowing for partial upfront artist fee payments.

Approval of Resolution No. 123-20(F) transfers funds from the AiPP Reserves account to fund the COVID-19 Artist Relief initiative.

Fiscal Note:

Approval will appropriate \$90,000 from the Art in Public Places Reserves to fund the COVID-19 artists relief initiative; The Commons.

6. **Resolution No. 124 -20 approving the continued provision of Child Care Services at Coleman, Gaines, Howard and South Olive Community Centers and authorizing the Mayor to sign a State of Florida Statewide School Readiness Provider Contract for the provision of said services.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONTINUED PROVISION OF CHILD CARE SERVICES AT COLEMAN, GAINES, HOWARD, AND SOUTH OLIVE COMMUNITY CENTERS 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 THE PROVISION OF SAID SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22919

Staff Recommended Motion:

Approve Resolution No. 124 -20.

Background:

The Early Learning Coalition (ELC) of Palm Beach County's School Readiness Program is a reimbursement program for eligible school readiness children. The City of West Palm Beach will receive payment based on attendance. The City provides childcare services for school age children at our four licensed facilities including: Coleman, Gaines, Howard, and South Olive Community Centers. Once the pre-approved ELC eligible children are enrolled in City's program the City is reimbursed at a rate determined by the State of Florida. The City has been working with the ELC for several years and averages receipt of over \$150,000 annually with an average of 45 children throughout our programs who qualify for this assistance.

Fiscal Note:

No Fiscal impact.

7. **Resolution No. 134-20(F) Recognizing additional lien collection revenue of \$100,141 and insurance reimbursement funds of \$23,859 for the purchase of four code enforcement vehicles.**

RESOLUTION NO. 134-20(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 2019/20 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO RECOGNIZE ADDITIONAL REVENUE FROM CODE ENFORCEMENT LIEN COLLECTIONS AND INSURANCE REIMBURSEMENT PROCEEDS TO PROVIDE APPROPRIATIONS FOR THE PURCHASE OF FOUR VEHICLES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22921

Staff Recommended Motion:

Approve Resolution No. 134-20(F).

Background:

In 2015, the Building Division used permit fees from the Building Permitting Special Revenue fund to replace several vehicles. As a cost savings measure, these vehicles were then transferred to the Code Enforcement Division for use by the code officers. Three of the vehicles, I029, I079 and I080 (Renamed CE029, CE079 and CE080) are now thirteen or fourteen years old and are in need of replacement for the code officers. Fleet Management will not replace these vehicles since they have already been replaced by the Building Division. Code Enforcement would like to purchase two (2) Ford Ranger pick-ups and one Ford escape. The Code Division needs funding to purchase three new

vehicles. Code officers enforce property maintenance codes and increase property values through the performance of their duties and cannot do their jobs without vehicles in proper working order. In addition, the Community Improvement Manager's vehicle (CE045 – Ford Explorer) was involved in an accident and was "totaled." We received an insurance payment (\$23,859.42) for the current value, however we need to secure the additional funds required to purchase the new replacements.

An increase in Code Enforcement revenues in Lien Collections (001 033210 354701) is anticipated to be more than enough to offset the cost of the vehicles. The division was budgeted to collect \$1,100,000 in lien collections. Through May 18th we have already collected \$1,065,237 in lien collections and 89% of our total budgeted revenue. At the current pace Code is anticipated to collect over 1.7 million in lien collections, or \$600,000 over budget in that line item alone. The F-Resolution is recognizing \$100,141 of this additional revenue to fund the purchase of the new vehicles. In addition the Code Division is projected to be well under our budgeted expenditures.

Fiscal Note:

Approval will recognize additional lien collection revenue and insurance reimbursement proceeds totaling \$124,000 and provide appropriations for the purchase of 4 code enforcement vehicles.

8. **Resolution No. 137-20 ratifying the submittal of an application to the Department of Homeland Security for a SAFER Grant to fund the salaries for twenty-eight (28) new firefighters for three (3) years.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY, FOR A GRANT UNDER THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAM TO FUND TWENTY-EIGHT FIREFIGHTER POSITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22922

Staff Recommended Motion:

Approve Resolution No. 137-20.

Background:

The City of West Palm Beach Fire Department desires to apply for a Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant. This program is designed to hire firefighters. This staffing is critical to maintaining safe fire rescue operations and adherence to National Fire Protection Association (NFPA) 1710 and maintaining the City's favorable Insurance Services Office (ISO) rating of "2". The period of performance for this grant is three (3) years and grantees do not have to commit to retaining the SAFER-funded firefighters beyond the period of performance. These new firefighters would strengthen the available force

should a natural or man-made disaster occur.

Based on a comprehensive staffing analysis, the Fire Department intends to request the funding to hire twenty-eight (28) firefighters. The requested cost of these personnel for the three (3) year period is approximately \$8,007,608. If awarded the City's share of the salaries for the new firefighters will be 25% in year-1 (\$667,296); 25% in year-2 (\$667,296); and 65% in year-3 (\$1,727,404). Under the grant, FEMA will cover the remaining \$4,938,052 in salary costs over the three (3) year period.

If awarded, the funding will enable this organization to hire, train, and support these personnel with matching funds from the City of West Palm Beach. These firefighters will be able to provide all of the necessary emergency and non-emergency service delivery as other employees currently with the department.

Resolution No. 137-20 ratifies the submittal of the grant application to the Department of Homeland Security. If awarded, the grant agreement and a financial resolution will be brought back to the Commission for approval.

Fiscal Note:

The City's share of the salaries for the new firefighters will be \$667,296 in year 1; \$667,296 in year 2; and \$1,734,964 in year 3.

Will include in FY22 (\$667,296 + \$163,912), FY23 (\$667,296) and FY24 (\$1,734,964) budgets.

Operating cost not covered under SAFER grant in FY22: Initial uniforms \$47,527, Bunker gear \$116,384, Fiscal impact of twenty-eight (28) new FTE firefighters will be \$831,208 in FY21.

Fund 001 City share \$667,296, Fund 199 Federal share \$2,001,916, Fund 131 not covered Uniforms City amount \$163,912.

9. **Resolution No. 138-20(F) appropriating the transfer of general funds, up to \$120,000, from Housing & Community Development Department to Economic Development Division for the COVID-19 Economic Recovery and Assistance Program.**

RESOLUTION NO. 138-20(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 2019/2020 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 OPERATING BUDGET TO PROVIDE APPROPRIATIONS FOR THE COVID-19 ECONOMIC RECOVERY AND ASSISTANCE PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22923

Staff Recommended Motion:

Approve Resolution No. 138-20(F).

Background:

Due to the severe economic impact of the COVID-19 pandemic, financial assistance will be required to assist West Palm Beach businesses to recover. The Economic Development Department has established a COVID-19 Economic Recovery and Assistance Program, in the form of a loan fund, to follow similar actions that are being taken by Federal and State governments creating financial assistance programs as a response to the impact the pandemic is having on the economy. The Housing & Community Development Department desires to donate up to \$120,000 to the City's COVID-19 Economic Recovery and Assistance Program. HCD has identified a total cost savings in personnel of up to \$120,000 due to vacancies.

Fiscal Note:

Approval will move appropriations from HCD to Economic Development for the City's COVID-19 Economic Recovery and Assistance Program.

10. **Resolution No. 142-20 authorizing the City's agreements with the eight (8) Medicaid Managed Care Organizations (MCOs) in the State of Florida Region 9 pursuant to the City's participation in the Medicaid Managed Care Organization Supplemental Payment Program.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND APPROVING LETTER OF AGREEMENTS BETWEEN THE STATE OF FLORIDA REGION 9 MEDICAID MANAGED CARE ORGANIZATIONS FOR PARTICIPATION IN THE MEDICAID MANAGED CARE ORGANIZATION SUPPLEMENTAL PAYMENT PROGRAM AND THE CITY OF WEST PALM BEACH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22924

Staff Recommended Motion:

Approve Resolution No. 142-20.

Background:

This is a new revenue source to supplement the current Medicaid reimbursements for medical transports (current rate is approximately \$190 per transport). This program will reimburse approximately \$75 more per transport over the current rate. This has the potential to generate an additional \$214,000 based on call volume projections.

Additional background information:

Medicaid payment rates do not recognize the actual costs incurred by EMS providers for the provision of EMS services and as a result, municipalities and counties have been

required to use alternative funding sources to supplant the costs incurred through other funding mechanisms, such as the allocation of taxes and fees. Despite the establishment of the Public Emergency Medical Transport (PEMT) Medicaid Fee for Service Program in 2016, the medical managed care reimbursement levels remained at inadequate levels.

This past legislative session, the Florida Fire Chiefs' Association championed a legislative effort which led to the approval and new funding establishing a Medicaid managed care supplemental payment while preserving the existing Public Emergency Medical Transport Medicaid Fee for Service Program. The new Medicaid Managed Care Payment Program increases Medicaid federal funding available to government owned Fire and EMS communities.

The City entered into a Letter of Agreement with the Agency for Health Care Administration (AHCA) per Resolution No. 299-19. AHCA will drawdown the federal funds and transfer to the MCOs which will reimburse the City for each transport of a Medicaid MCO patient. Prior to the disbursement of the supplemental payments to eligible PEMT providers, the State of Florida, through AHCA, is requiring each MCO to execute a separate agreement with the eligible PEMT providers, such as the City. Therefore, the City is required to enter into an agreement with the MCOs in the State of Florida Region 9 prior to receiving the payments.

Fiscal Note:

The intergovernmental transfer is estimated to be \$214,000 and the revenue is estimated to be an additional \$214,000 (\$214,000 IGT returned plus an additional \$214,000).

11. **Resolution No. 151-20 ratifying the submittal of an application to the Department of Homeland Security, Federal Emergency Management Agency, for grant funding under the Assistance to Firefighters Grant Supplemental Program to be used for COVID-related expenses, including the purchase of personal protective equipment.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, FOR A GRANT UNDER THE ASSISTANCE TO FIREFIGHTERS GRANT SUPPLEMENTAL PROGRAM TO BE USED TO FOR THE PURCHASE OF EQUIPMENT AND SUPPLIES NEEDED TO RESPOND TO THE COVID-19 PUBLIC HEALTH EMERGENCY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22926

Staff Recommended Motion:

Approve Resolution No. 151-20.

Background:

FEMA is offering an Assistance to Firefighters Grants Supplemental Program's to

provide funding directly to fire departments to assist with the additional expenses incurred for critical Personal Protective Equipment (PPE) and supplies needed to prevent, prepare for, and respond to the COVID-19 public health emergency.

The grant allows the City to utilize grant funds retroactively to PPE purchases back to Jan 1, 2020. The City has requested a grant of \$274,170.

If awarded a grant, the City shall agree to keep its overall expenditures through May 29, 2021, for such PPE and supplies at a level that is 80% or more of the average spent on PPE and supplies in fiscal years 2018 and 2019.

Resolution No. 151-20 ratifies the submittal of the grant application.

Fiscal Note:

If the \$274,170 grant is awarded, the federal share is \$249,246.36 and the City match would be \$24,924.64.

- 12. Resolution No. 156-20 authorizing submittal of an application for an Institute of Museum and Library Services CARES Act Grant for providing services to support the West Palm Beach Community in its COVID-19 relief and recovery efforts.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES FOR CARES ACT GRANT FUNDING TO ALLOW THE MANDEL PUBLIC LIBRARY TO PROVIDE SERVICES IN SUPPORT OF COVID-19 RELIEF AND RECOVERY EFFORTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22927

Staff Recommended Motion:

Approve Resolution No. 156-20.

Background:

The goal of the FY2020 IMLS (Institute of Museum and Library Services) CARES Act Grants for Museums and Libraries program is to support the role of museums and libraries in responding to the coronavirus pandemic. IMLS is funding direct grants to respond quickly, efficiently, and with significant impact to the national emergency. IMLS is looking for projects that will create opportunities for libraries to support positive socio-economic change now and in a future reopened environment. This can be through preserving jobs, staff training and development, addressing the digital divide, planning for reopening, and providing technical support and capacity building for digital inclusion and engagement, prioritizing our highest-need communities.

The City of West Palm Beach Mandel Public Library wants to provide service to community members who are having a difficult time due to COVID-19. For example,

the library is considering programs aimed at providing services to the community such as homework assistance, internet access, one-on-one job assistance, bringing library materials to citizens, and doing storytimes (pop-up tents). The Mandel Public Library of West Palm Beach would like to apply for this grant opportunity to assist the West Palm Beach community in its COVID 19 recovery efforts. Cost sharing is not required for the IMLS CARES Act Grants for Museums and Libraries grant program and will not be considered in the evaluation.

Resolution No 156-20 authorizes submission of the grant application.

13. Resolution No. 164-20 modifying the collective bargaining agreement between the City of West Palm Beach and the Palm Beach County Police Benevolent Association Certified Unit 145 and Certified Unit 825 for the period of October 1, 2017 - September 30, 2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WEST PALM BEACH AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION CERTIFIED UNIT 145 AND CERTIFIED UNIT 825, MODIFYING ARTICLE 13 OF THE PARTIES' COLLECTIVE BARGAINING AGREEMENT FOR THE PERIOD OF OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2020; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22929

Staff Recommended Motion:

Approve Resolution No. 164-20.

Background:

Resolution No. 164-20 modifies Article 13 - EMPLOYMENT AND PROMOTIONAL POLICY, of the collective bargaining agreement between the City of West Palm Beach and the Palm Beach County Police Benevolent Association Certified Unit 145 and Certified Unit 825 for the period of October 1, 2017 to September 30, 2020.

Highlights of the changes are shown below, exact language of the Memorandum of Understanding is attached.

Article 13 - EMPLOYMENT AND PROMOTIONAL POLICY

1. Section 4 (A)(5) - Revises the terms for composition of and appointment to the Oral Interview Promotional Review Committee.
2. Sections 7 and 8 - Clarifies deadlines to meet eligibility criteria to participate in the promotional process.

The MOU is pending ratification on May 29, 2020 and requires ratification by the

Commission in order for it to be binding on the City.

Fiscal Note:

No fiscal impact

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (14-15):

14. **Resolution No. 150-20 **APPROVED** authorizing the submittal of an application to the Florida Department of Transportation through the Palm Beach Transportation Planning Agency for a Local Initiatives grant to fund construction of a complete streets design for Mercer Avenue from Centrepark Boulevard to Australian Boulevard.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION THROUGH THE PALM BEACH TRANSPORTATION PLANNING AGENCY FOR A LOCAL INITIATIVES GRANT FOR CONSTRUCTION OF COMPLETE STREETS IMPROVEMENTS ON MERCER AVENUE FROM AUSTRALIAN AVENUE TO CENTREPARK BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22925

Staff Recommended Motion:

Approve Resolution No. 150-20.

Background:

The National Complete Streets Coalition promotes the development and implementation of "Complete Street" policies and practices. A Complete Streets approach integrates people and place in the planning, design, construction, operation, and maintenance of our transportation networks. This helps to ensure streets are safe for people of all ages and abilities, balance the needs of different modes, and support local land uses, economies, cultures, and natural environments.

The Palm Beach County Transportation Planning Authority's (TPA) Local Initiatives (LI) program is an annual competitive application process where projects are submitted to the TPA and prioritized for funding. Eligible projects include Complete Streets improvements, including lane narrowing, lane repurposing, bicycle and pedestrian facilities, Intelligent Transportation Systems, operational improvements, signing and lighting; transit vehicles and facilities.

The City of West Palm Beach submitted an application to the Florida Department of Transportation, through the Palm Beach Transportation Planning Agency, for grant funds in an amount not to exceed \$5,000,000 from the Local Initiatives (LI) Program to fund

construction of Complete Streets improvements on Mercer Avenue from Australian Avenue to Centrepark Boulevard. This grant will help fund and supplement the proposed improvements in the City's Capital Improvement Plan. The residents will have an opportunity to provide feedback during the design phase of this project. The project goal is to provide and increase the safety of all users while upgrading critical underground infrastructures.

The Mercer Avenue Complete Streets project (Australian Avenue to Centrepark Blvd.) was adopted by the City Commission as part of the Bicycle Masterplan and was identified in the Stormwater Masterplan. The proposed scope of work includes, but is not limited to, the following:

- American Disability Act (ADA) upgrades such as sidewalk connection
- Drainage Improvements
- Bike facilities
- Lighting improvements
- Milling and Resurfacing
- New sidewalk connections
- New signing and pavement markings
- Intersections Improvements

The Local Initiatives grant program requires a City match of approximately \$2.6 million for design, permitting and construction engineering inspection for the Mercer Avenue project.

The City requested that the Florida Department of Transportation administer design, permit and construct the Mercer Ave Complete Street project.

It is estimated that notification of award will be Fall 2020. If awarded, the grant funds for the Local Initiatives program will be available no earlier than 2025.

The TPA, as part of the grant application, requires commitment from the City that if the Mercer Avenue project is funded by the LI grant, the City Commission will appropriate such funds as may be necessary to design, permit, manage the construction and construct the Mercer Avenue project; and that the City will appropriate such funds as may be necessary for the continued maintenance of the Mercer Avenue Complete Streets improvements funded by the grant.

Resolution No. 150-20 ratifies the submittal of the grant application.

COMMISSION DISTRICT: District 5- Commissioner Christina Lambert.

Fiscal Note:

Grant approval will provide approximately \$5M in grant funding to supplement the road paving program along Mercer Avenue. The Local Initiatives grant program requires a City match of approximately \$2.6 million for design, permitting and construction engineering inspection for the Mercer Avenue project.

15. Resolution No. 72-20 **APPROVED** amending the City's Salary Plan for FY2019/2020 by creating the job classifications of Vision Zero Coordinator and Intergovernmental Affairs Coordinator, Resolution No. 176-20(F) **APPROVED** amending the full time (FTE) budget and Resolution No. 177-20(F) **APPROVED** amending the General Fund Budget to move appropriations between department cost centers.

RESOLUTION NO. 72-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 302-19, APPROVED ON SEPTEMBER 23, 2019, AND AMENDED THEREAFTER, TO CREATE THE JOB CLASSIFICATIONS OF VISION ZERO PROGRAM COORDINATOR AND INTERGOVERNMENTAL AFFAIRS COORDINATOR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 176-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FY 2019/20 FULL TIME EQUIVALENT (F.T.E) PERSONNEL DETAIL OF THE GENERAL FUND TO RECLASSIFY POSITIONS IN THE MAYOR'S OFFICE, CITY ATTORNEY'S OFFICE, DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND FOR DEVELOPMENT SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 177-20(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 2019/20 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 RECLASSIFY POSITIONS AND REALLOCATE BUDGET IN THE MAYOR'S OFFICE; CITY ATTORNEY'S OFFICE, DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND FOR PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22930

Staff Recommended Motion:

Approve Resolution No. 72-20, Resolution No. 176-20(F) and Resolution No. 177-20(F)

Background:

This item is a request for City Commission approval of certain personnel changes in the FY2019-2020 adopted budget related to the Mayor's Office, Development Services, City Attorney and Housing & Community Development (HCD). Overall, these changes will result in a net estimated reduction of \$600,000 to next year's General Fund operating budget.

The first item is a request to delete three Assistant City Administrator (ACA) positions: job code 101115, pay grade GM18 (salary range: \$136,931-\$205,396). Elimination of the three ACA positions completes the restructuring and streamlining of City Administration to achieve a more efficient and cost-effective operation. The Mayor began the restructuring back in early January of this year with the voluntary reassignment of an ACA to his former Department Director position heading up Development Services. The Development Services Director position is being reinstated and the respective unfilled ACA position is now being eliminated. Subsequently, in mid-January, a promotional appointment of an ACA to the position of City Administrator resulted in a second ACA position becoming vacant. That vacant ACA position was not filled and is now being eliminated. The third ACA position being eliminated is currently occupied and the impacted employee is being reassigned to a newly requested position; Intergovernmental Affairs Coordinator.

Chief among the responsibilities of the Intergovernmental Affairs Coordinator position would be coordination of the City's legislative initiatives, contract management oversight and grant management oversight; among other duties. The position would strengthen the City's grants and contracts management and help to increase accountability among the various departments. It would be created through a reclassification of HCD's existing Neighborhood Coordinator position: job code 104319, pay grade 54 (salary range: \$49,245 - \$73,877) to the Intergovernmental Affairs Coordinator position: job code 101247, pay grade 75 (salary range: \$82,711 -\$124,083). The Intergovernmental Affairs Coordinator position would be reallocated to the City Attorney's Office and is an increase of approximately \$60,000 to the General Fund budget. However, that fiscal impact is factored into the net estimated reduction of \$600,000 to the FY21 operating budget.

Commission approval is also requested to add a part-time Vision Zero Program Coordinator position (job code: 303122 , pay grade 65 and salary range: \$64,613 - \$96,933) to continue to support Vision Zero initiatives for eliminating all traffic deaths and serious injuries; previously performed through contractual personnel. The City's Vision Zero initiative had a success rate of up to a 55% reduction for traffic deaths and serious injuries within targeted corridors in 2019. To sustain the Vision Zero program, it is more cost beneficial for the City to hire staff to maintain the City's goal. The Vision Zero Program Coordinator's main responsibility is to coordinate the City's work to meet our Vision Zero commitment, which is to end all traffic related deaths and severe injuries by 2030 and communicate regularly with stakeholders including various City departments, public stakeholders and elected officials. Vision Zero is an internationally renowned traffic road policy and system which provides a framework for reducing traffic deaths and serious injuries through a combination of engineering, education and enforcement measures. The creation of the part-time position is an increase of \$65,000 which is factored into the net estimated reduction of \$600,000 to the FY21 operating budget. The part-time Vision Zero Program Coordinator position would be included in the Communications Division.

The last component of the Mayor's restructuring entails the consolidation of the

Community Engagement function within Housing & Community Development. The Coordinator Community Initiatives position (job code 101166, pay grade 58, and salary range \$54,537 - \$81,547) and the Neighborhood Services Coordinator position (job code 101165, pay grade 57, and salary range \$53,031 - \$79,558) are being transferred to HCD. This would not result in a fiscal impact as the general fund budgeted dollars for these two positions would be reallocated to the Department's budget. Both positions are community oriented and strategically align with the mission of the HCD Department. Given that the positions would report to existing HCD management staff, the Neighborhood Services and Engagement Manager position is being eliminated. As a result, there would be a reduction of \$120,000 to next year's General Fund operating budget which is factored into the \$600,000 net budget reduction noted herein.

The last request to the Commission is to correct an error in a position in the FY20 adopted budget for the Human Resources Department. The Department had a Human Resources Technician position that was underfilled as a Human Resources Specialist. The position became vacant in FY19 and the intent was to fill the position at the originally budgeted level of Human Resources Technician. However, in the final FY20 budget, the position was listed at the lower Human Resources Specialist level. This will be a promotional opportunity and is an increase of \$4,713. The increase will be offset by an operational reduction in the Department's FY21 budget.

Fiscal Note:

Changes will reduce the FTE's by 3 and reduce the FY2021 operating budget by approximately \$600,000.

ITEM ADDED TO THE AGENDA:

16. **Resolution No. 178-20 APPROVED extending the Declaration of State of Local Emergency, as amended.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY (CIVIL UNREST), AS AMENDED, PURSUANT TO SECTION 870.047, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ADJOURNMENT:

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

NOTICE: IF ANY PERSON DECIDES TO APPEAL ANY DECISION OF THE CITY COMMISSION AT THIS MEETING, THAT PERSON WILL NEED A RECORD OF

THE PROCEEDINGS AND FOR THAT PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY OF WEST PALM BEACH DOES NOT PREPARE OR PROVIDE SUCH A RECORD.