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Mayor Keith A. James
Commission President Joseph A. Peduzzi (District 4)
Commissioner Kelly Shoaf (District 1)
Commissioner Shalonda Warren (District 2)
Commissioner Christy Fox (District 3)
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
Monday, March 7, 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

- COVID-19 Memorial Day

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. PROCLAMATIONS-ALL PRESENTED

- 6.1. Proclaiming March 7, 2022 as COVID-19 Memorial Day.

Originating Department:

Mayor's Office

- 6.2. Proclaiming March 2022 as Public Procurement Month. Proclamation to be accepted by Paul Bassar, City's Procurement Official.

Originating Department:

Mayor's Office

- 6.3. Proclaiming March 2022 as Women's History Month.

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 February 7, 2022

Originating Department:

Mayor's Office

- 7.2. Minutes of the Regular City Commission Meeting of February 22, 2022

Originating Department:

Mayor's Office

- 7.3. Resolution No. 52-22(F) amending the general fund budget for the grants received under the Early Learning Coalition's Child Care Providers Phase VI Program in the amounts of \$38,076 for the South Olive Community Center after school program and \$38,076 for the Gaines Park Community Center after school program. Funds will be specified for staff on-boarding and training, deferred maintenance, program enhancements, equipment, and supplies.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 52-22(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 GENERAL FUND BUDGET TO PROVIDE FOR THE RECEIPT AND APPROPRIATION OF THE

EARLY LEARNING COALITION OF PALM BEACH COUNTY CHILD CARE PROVIDER PHASE VI GRANT AWARD TO SUPPORT ONGOING OUT-OF-SCHOOL PROGRAM OPERATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On January 23,2022, the City Commission approved Resolution No. 325-21, which authorized and ratified the City's applications for grants under the Early Learning Coalition of Palm Beach County from the State of Florida Office of Early Learning COVID-19 Response and Relief Supplemental Appropriations Phase VI grant funding, to support ongoing out-of-school program operations. The Early Learning Coalition provided the City with two (2) [one for each licensed City facility] Early Learning/Child Care Provider Phase VI Grant Eligibility Forms to complete, sign, and return for funding. We have received the grant funds for Child Care Providers Phase VI.

Resolution No. 52-22(F) authorizes the appropriation of the Early Learning/Child Care Provider Phase VI grant funds amending the general fund budget to support on-going out of school program operations. The grant received for each center is as follows:

- Gaines Park Community Center: \$38,076
- South Olive Park Community Center: \$38,076
- Total: \$76,152

Gaines Park Community Center is located in Commission District 1: Commissioner Kelly Shoaf.

South Olive Community Center is located in Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Approval will provide funding totaling \$76,152 for community center licensed child care program support.

- 7.4. Resolution No. 68-22 approving agreement terms and conditions for non-exclusive use of various City park facilities by youth sports providers.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 68-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AGREEMENT TERMS AND CONDITIONS FOR NON-EXCLUSIVE USE OF VARIOUS CITY PARK FACILITIES BY YOUTH SPORTS

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

Background Information:

The City owns various parks with athletic fields, practice facilities and restrooms which are for the use and benefit of the public.

The Parks and Recreation Department desires to offer the non-exclusive use of its park facilities by outside youth programs subject to specific terms and conditions applicable to all sports providers who elect to use the facilities.

By having agreements with youth sports providers, the Parks and Recreation Department can put in place a more effective maintenance plan to keep the fields safe and green with rest / recovery time.

Fiscal Note:

No fiscal impact.

8. RESOLUTIONS-ALL APPROVED

- 8.1. Resolution No. 54-22 ratifying the submittal of an application to the Department of Homeland Security for a SAFER Grant in the approximate amount of \$4.9 Million to fund the salaries for 15 new firefighters for three years.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 54-22: 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 FOR A GRANT UNDER THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAM IN THE AMOUNT OF \$4,960,539.90 TO FUND FIFTEEN FIREFIGHTER POSITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 54-22.

Background Information:

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 fifteen (15) firefighters. The requested cost of these firefighters for the three (3) year period is approximately \$4,960,539.90. Under the grant, there are no matching funds required over the three (3) year period of performance. If awarded, the funding will enable this organization to hire, train, and support these personnel. 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. 54-22 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.

If funding is awarded, the City would be required to provide funding for uniforms and bunker gear at \$10,200 per Fire Fighter for a total of \$153,000.

Fiscal Note:

There is no required funding match. The City would be required to provide funding for uniforms and bunker gear at \$10,200 per firefighter for a total of \$153,000.

- 8.2. Resolution No. 55-22 ratifying the submittal of an application to the Department of Homeland Security, Federal Emergency Management Agency, for an Assistance to Firefighters grant in the amount of \$1,013,950.91 for personal protective equipment and a wellness program for firefighters.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 55-22: 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 PROGRAM 2021 REQUESTING FUNDING IN THE AMOUNT OF \$1,013,950.91 TO BE USED TO PROVIDE A

WELLNESS/FITNESS PROGRAM FOR FIREFIGHTERS AND TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT AND BUNKER GEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 55-22.

Background Information:

The City of West of Palm Beach Fire Rescue Department is seeking ratification of its submittal of an application to the Department of Homeland Security for a grant under the Assistance to Firefighters Grant Program (AFG). These grants are given to support and enhance the fire safety of the public and responding firefighters.

The West Palm Beach Fire Department intends to utilize the funds from this grant to provide a formal wellness / fitness program for firefighters to reduce injury and illness. These funds will also be utilized to purchase personal protective equipment/bunker gear for the firefighters.

There is a 10% match required for this grant that will come from the Fire Assessment Fee Fund. The total grant requested is \$1,013,950.91 with a match of \$101,395.09. The period of performance is one year.

Resolution No. 55-22 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 grant is \$1,013,950.91 with a required match of \$101,395.09.

9. PUBLIC HEARING-ALL APPROVED

- 9.1. Public Hearing and First Reading of Ordinance No. 4992-22 amending Chapter 34 – Environment to create Article VII – Natural Areas to provide regulations governing the City's natural areas.

Originating Department:

Public Utilities

Ordinance/Resolution:

ORDINANCE NO. 4992-22: PUBLIC HEARING AND FIRST READING OF AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 34 – ENVIRONMENT, TO CREATE ARTICLE VII – NATURAL AREAS TO PROVIDE REGULATIONS GOVERNING CONDUCT IN THE CITY'S NATURAL AREAS, INCLUDING GRASSY WATERS PRESERVE / WATER CATCHMENT AREA; PROVIDING A CONFLICTS CLAUSE, A

SEVERABILITY CLAUSE, A CODIFICATION CLAUSE, AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No 4992-22.

Background Information:

The City of West Palm Beach owns and manages high-quality native ecosystems that are under the control of or assigned to the City for management, maintenance, and operation, including but not limited to Grassy Waters Preserve/Water Catchment Area, Apoxee area, Clear Lake, Lake Mangonia, Renaissance Settling Basin and its South Lobe. Grassy Waters Preserve/Water Catchment Area and adjacent natural areas are a pristine remnant of the once great Everglades system. Protection of these natural areas are necessary to protect the City's potable water supply. Additionally, these natural area are home to a variety of native wildlife, including, but not limited to the Everglades snail kite, wood stork, white ibis, great blue heron, white-tailed deer, otter, bobcat and alligator.

Due to increased use of the City's natural areas, and a resulting increase in behavior detrimental to the natural areas, the West Palm Beach Police Department and the Public Utilities Department desire more specific regulations for the protection of the natural areas and the City's drinking water system.

Protection of these natural areas provide City residents and visitors with an opportunity to learn about and appreciate these natural resources and wildlife.

The City desires to provide more specific regulations regarding behavior in the City's natural areas, for the protection of its water supply, the natural environment and the health, safety and welfare of its residents, businesses and visitors.

Ordinance No. 4992-22 establishes regulations to protect the City's natural areas.

Fiscal Note:

No fiscal impact.

- 9.2. Public Hearing of Resolution No. 46-22: A request by Ana Riddell, on behalf of Palm Beach Medical Property, LLC for the abandonment of an approximately 20-foot wide by 214-foot long platted alley, consisting of approximately 0.1 acres, located east of South Dixie Highway between Winters Street and Maddock Street.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 46-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING AN APPROXIMATELY 0.1 ACRE (4,280 SQUARE FOOT) ALLEY LOCATED EAST OF SOUTH DIXIE HIGHWAY, BETWEEN WINTERS STREET AND MADDOCK STREET; RESERVING A UTILITY EASEMENT; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY, UPON THE SATISFACTION OF CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 46-22.

Background Information:

The subject property is a strip of land approximately 20 feet wide by 214 feet long (4,280 square feet), and is located east of South Dixie Highway, between Winters Street and Maddock Street, approximately one block south of Forest Hill Boulevard. The alley way is a 20 foot wide alley, which was dedicated to the City by deed, as recorded in Official Records Book 447, Page 628, of the Public Records of Palm Beach County. The alley is a part of an existing parking lot on the property and bisects the easternmost row of parking from the rest of the lot. The alley is also encumbered by an underground utility easement. The owner of the adjacent property on either side of the alley (6910 South Dixie Highway) desires to vacate the alley to build an addition to the existing medical clinic.

The abandonment of the subject property will not result in any negative impact to the surrounding area since the alley is located entirely inside the existing parking lot of the property at 6910 South Dixie Highway. Due to its small size and narrow width, the subject alley has very little (if any) development potential or use to anyone other than the adjacent owner; it could not readily be developed as a stand-alone parcel. Properties of this type are almost exclusively purchased privately by the adjacent landowners for assemblage into their property and it has been determined that will be no negative impact by the abandonment on the City's street system.

An appraisal for the abandonment of the subject property was prepared by Anderson & Carr, Inc., on April 19, 2022, and submitted to the City. According to the appraisal report, the market value for the subject area with a utility easement reservation is \$147,000.00. The applicant has agreed to pay the City the appraised value for the abandonment.

STANDARDS: Staff has found the request abandonment complies with the abandonment criteria as established in Sec. 78-217 of the City's Code of Ordinances.

PUBLIC NOTICE: Pursuant to the requirements of Sec. 78-25(b) of the City's Code or Ordinances, individual notices were mailed to property owners within 400 feet of the subject property, and the site was posted. To date, the City has not received any inquiry regarding the general nature of this request.

COMMISSION DISTRICT: The subject area is located within Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

10. COMMENTS FROM THE PUBLIC

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

11. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

12. ADJOURNMENT

*Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

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