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

City Administrator Faye W. Johnson
City Attorney Kimberly Rothenburg
City Clerk Hazeline Carson

**City of West Palm Beach
City Commission
PASS/FAIL Agenda
Monday, May 16, 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. PRESENTATION-PRESENTED

- 6.1. Legislative update by State Representative David Silvers

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 April 18, 2022

Originating Department:
Mayor's Office

7.2. Resolution No. 121-22 approving the installation of three (3) pole-mounted lighting fixtures and associated cabling within the Palm Beach Zoo parking lot, to be completed by the Zoological Society of The Palm Beaches, Inc. (in partnership with Florida Power & Light Co.), within its leased premises located at 1301 Summit Boulevard; and

The above-referenced request is being made by Casey Coy, Chief Operating and Security Officer for the Palm Beach Zoo & Conservation Society.

Originating Department:
Development Services

Ordinance/Resolution:

RESOLUTION NO. 121-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INSTALLATION OF PARKING LOT LIGHTING BY THE PALM BEACH ZOO WITHIN ITS LEASED PREMISES IN DREHER PARK AT 1301 SUMMIT BOULEVARD, AND GRANTING A UTILITY EASEMENT TO FLORIDA POWER & LIGHT COMPANY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On July 21, 1969, the City of West Palm Beach entered into a lease agreement with the Zoological Society of The Palm Beaches, Inc. (the "Zoo"), leasing a portion of City-owned property within Dreher Park, located at 1301 Summit Boulevard, for the construction, operation, and maintenance of a zoo facility.

As amended and restated from time to time, the lease agreement between the City and the Zoo requires that individual structures or improvements in excess of \$5,000 are to be submitted to the City Commission for prior approval, as such improvements would occur on City-owned property.

The Zoo is currently proposing to install three (3) 35-foot pole-mounted lighting fixtures within their parking lot located north of Summit Boulevard,

just west of the main entrance. As such improvements are likely in excess of \$5,000 (accounting for the Zoo's upfront cost and the cost of work provided by FPL), the Zoo is requesting approval from the City Commission. Additionally, the proposed work does require the granting of a non-exclusive easement to FPL for the lights and associated cabling.

Commission District 5: Commissioner Christina Lambert.

- 7.3. Resolution No. 126-22 accepting a grant of \$17,000 from the Florida Department of Agriculture and Consumer Services under the 2021 Urban and Community Forestry Grant Program to fund a tree inventory.

Resolution No. 127-22(F) amending the Water and Sewage System Revenue Fund to provide for the receipt of a \$17,000 grant from the Florida Department of Agriculture and Consumer Services for a 2021 Urban and Community Forestry Grant Program and to appropriate \$17,000 for the required grant match.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 126-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES 2021 URBAN AND COMMUNITY FORESTRY GRANT PROGRAM IN THE AMOUNT OF \$17,000 TO ASSIST IN THE INVENTORYING OF TREES IN THE CITY OF WEST PALM BEACH'S RIGHTS-OF-WAY AND PUBLIC SPACES; AUTHORIZING EXECUTION OF A GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 127-22(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 WATER AND SEWAGE SYSTEM REVENUE FUND BUDGET TO PROVIDE FOR THE RECEIPT OF A GRANT FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES 2021 URBAN AND COMMUNITY FORESTRY GRANT PROGRAM AND TO PROVIDE APPROPRIATIONS FOR A PORTION OF THE CITY'S TREE INVENTORY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

By Resolution No. 258-21, the City Commission approved submittal of an application to the Florida Department of Agriculture and Consumer Services' 2021 Urban and Community Forestry Grant Program for funding

of a portion of an inventory of trees in the City of West Palm Beach's Right-of-Way.

A healthy urban forest provides ecosystem services for residents and visitors, including cleaner air and water, energy conservation, and carbon mitigation. The inventory will specifically evaluate trees that need pruning and other treatments to improve their health. It will identify tree botanical name and tree location, as well as related hazards that can be proactively mitigated before they require an emergency response, cause damage to structures and facilities, and add to the storm debris volume. Existing City resources will be better able to handle storm response as a result. The inventory will justify additional local investments to mitigate these hazards in both the long and short term. Safer public greenspace areas will result from this inventory, as well as identification of areas which could be planted with trees in the future. Summarizing and publicizing inventory results, including ecosystem services values, can significantly contribute to citizen awareness and support for city urban forestry programs.

This project reinforces the goals of the City's Sustainability Office, which emphasizes energy conservation, carbon neutral activities, and overall health and well being for residents. It also enhances the effectiveness of the City's overall storm preparation and response, as well as the quality of life for City residents and visitors.

The Florida Department of Agriculture and Consumer Services' 2021 Urban and Community Forestry Grant Program awarded the \$17,000 grant to the City for the project. The match requirements for this grant is 1:1 match at \$17,000. Match requirements can be met utilizing the Public Utilities Office of Sustainability's fiscal year 2022 budget.

Resolution No. 126-22 accepts the grant award and authorized execution of the grant agreement. Resolution 127-22(F) provides for receipt of the grant and appropriation for the Tree Inventory.

Fiscal Note:

Funding for the grant match of \$17,000 will be appropriated from the Water and Sewer Operating Fund 450 Sustainability Division budget.

- 7.4. Resolution No. 131-22 accepting a Deed of Donation from Florida Power & Light Company (FPL) for sidewalk and curbing located at 501 Datura Street and authorizing the Mayor to execute the Acceptance.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 131-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA,

ACCEPTING A DEED OF DONATION FROM FLORIDA POWER & LIGHT COMPANY TO THE CITY OF WEST PALM BEACH FOR SIDEWALK AND CURBING LOCATED AT 501 DATURA STREET; AUTHORIZING THE MAYOR TO EXECUTE THE ACCEPTANCE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In November of 2021, FPL received approval (FSPR 21-02) of an EV (Electric Vehicle) Fast Charging Station adjacent to their substation at 501 Datura Street. During the review process, it was determined that the FPL property encompassed part of the existing sidewalk and curbing of Datura Street. FPL agreed that as a condition of approval, it would deed the affected portion of the sidewalk and curbing to the City. Conveyance of the affected portion is accomplished by a Deed of Conveyance from FPL and an Acceptance by the City. The Deed and Acceptance is attached to Resolution No. 131-22.

Commission District 4: Commissioner Joseph Peduzzi.

- 7.5. Resolution No.129-22(F) authorizing the receipt of \$40,000 from the West Palm Beach Library Foundation through a pass-thru grant from the Community Foundation for Palm Beach and Martin Counties to hire a certified teacher, provide homework supplies and healthy snacks for children visiting the "Mandel Mobile" in the West Palm Beach community.

Originating Department:

Library

Ordinance/Resolution:

RESOLUTION NO.129-22(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2022/2023 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF GRANT FUNDING FROM WEST PALM BEACH LIBRARY FOUNDATION TO EXPAND THE MANDEL MOBILE SERVICES TO INCLUDE HIRING A CERTIFIED TEACHER AND SUPPLIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On January 11, 2010, the City Commission of the City of West Palm Beach adopted Resolution No. 6-10 which authorized execution of a fundraising agreement between the City and the West Palm Beach Library Foundation, Inc to solicit donations for the Mandel Public Library of West Palm Beach. The Library strives to provide unique programming for citizens of all ages in West Palm Beach such as health and fitness classes, art classes,

computer classes, workshops, homework help and so much more. Funding obtained from the West Palm Beach Library Foundation supports the services at the Library.

Since May 2021, the Library's WiFi enabled and grant-funded minivan, "Mandel Mobile" has provided essential services to neighborhood parks on the north and south ends of the City. Such services include homework help for children and teens, job search and resume assistance, and ESOL services. In addition, Library staff have created library cards, loaned laptops and hotspots and connected individuals with library and community resources. On March 21, 2022, the City Commission, through Resolution No. 67-22(F), accepted funding from the West Palm Beach Library Foundation to continue the Mandel Mobile service for a second year of service to the community.

Additionally, the West Palm Beach Library Foundation recently applied for and received funding through the Community Foundation for Palm Beach and Martin Counties to expand the Mandel Mobile services to include the hiring of a certified teacher. By hiring a certified teacher to work on the Mandel Mobile, the library can offer expert, focused educational assistance to students that mirror what they are learning in school. This kind of professional assistance, backed by classroom and curriculum knowledge, is best suited to support student comprehension and learning gains. Funding will cover the teacher salary, supplies, and healthy snacks for the children that visit the Mandel Mobile throughout the 2022 summer and into the 2022/2023 school year.

Fiscal Note:

This funding provides funding for teacher salary, supplies and healthy snacks on the Mandel Mobile starting June 1, 2022 through May 31, 2023.

- 7.6. Resolution No. 136-22 providing a three percent (3%) cost of living adjustment (COLA) for certain non-union positions which did not receive the 3% COLA in FY21; and

Resolution No. 137-22 providing a two percent (2%) cost of living adjustment (COLA) for certain non-union positions which received a 3% COLA in FY22 to create parity with other similarly situated SEIU and PMSA positions which received a 5% COLA in FY22.

Originating Department:

Human Resources

Ordinance/Resolution:

RESOLUTION NO. 136-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, PROVIDING FOR A COST OF LIVING ADJUSTMENT (COLA) FOR ELIGIBLE CURRENT EMPLOYEES IN CERTAIN CITY JOB

CLASSIFICATIONS BASED ON THEIR ONGOING PERFORMANCE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO.137-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, PROVIDING FOR A COST OF LIVING ADJUSTMENT (COLA) FOR ELIGIBLE CURRENT EMPLOYEES IN CERTAIN CITY JOB CLASSIFICATIONS BASED ON THEIR ONGOING PERFORMANCE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

During FY21, a majority of City employees received either step or cost of living salary increases, except for certain classifications of non-union employees. Public Safety union employees received 5% step salary increases. Whereas, Service Employees International Union (SEIU) and Professional Managers and Supervisors Association (PMA) union employees received a 3% cost of living (COLA) salary increase. Later in FY21, the confidential classified employees which include over 20 job classifications and Executive Administrative Assistants received a 3% COLA effective April 2021. However, due to the enormous revenue loss and resultant challenges faced in developing a balanced FY21 budget, there were employees in over 100 non-union job classifications who did not receive the 3% COLA in FY21.

Due, in part, to the hard work of all employees to keep the City moving forward, the City experienced a renaissance from the pandemic. Therefore, for the current fiscal year, FY22, all City employees received salary increases. Public Safety union employees received both annual step and significant market adjustment salary increases. SEIU and PMSA unions employees received salary increases in the form of a 5% COLA. Whereas, non-union employees received the customary 3% COLA.

The City is now in an improved financial posture with significant salary and operational savings. Accordingly, for those non-union classifications of employees who went without a COLA in FY21, Administration is recommending the 3% COLA. In addition, to create a level of parity for those specified non-union classification of employees, Administration is recommending the 2% COLA differential between the 3% COLA they received and the 5% COLA their staff counterparts in SEIU and PMSA received during this fiscal year.

Resolution 136-22, if approved, would provide current eligible, non-represented regular status (non-probationary) employees, including the City Administrator, who were employed on regular status on or before September 30, 2020 who did not receive any COLA in FY21 with a 3%

COLA, based on their ongoing performance, and effective from the first full pay period beginning on or after October 1, 2021.

FY22 estimated general fund cost is \$382,609.09 which will be funded from vacant position cost savings. No fiscal impact.

Resolution 137-22, if approved, would provide current, eligible non-represented employees who were employed in regular status (non-probationary) on or before September 30, 2021 in specifically designated job classifications an additional 2% COLA, based on their ongoing performance, and effective from the first full pay period beginning on or after October 1, 2021.

FY22 estimated general fund cost is \$136,168.87 which will be funded from vacant position cost savings. No fiscal impact.

Fiscal Note:

No fiscal impact, costs of providing these COLAs will be funded from FY22 personnel vacancy savings.

- 7.7. Resolution No. 130-22(F) authorizing the appropriation or transfer of City funds for the replacement of the Lake Pavilion air conditioner unit not to exceed \$310,000 including engineering and installation.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 130-22(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 WATERFRONT DISTRICT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE REPLACEMENT OF THE LAKE PAVILLION AIR CONDITIONER UNIT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Lake Pavilion opened in 2009. A popular event rental facility, the venue annually hosts more than 200 weddings, rehearsal dinners, business meetings, bar mitzvahs and other personal and professional gatherings.

In May 2021, Resolution No. 100-21(F) was approved by the City Commission for \$60,000 to include the repair of the Meyer Amphitheatre roof and replacing one of the three original air conditioning units in the Lake Pavilion. Since that time, it was determined that those funds were insufficient to cover the cost of replacing the unit and, in fact, covered only

the \$38,740 cost of the engineering construction documents to replace the two existing split A/C systems.

The original air conditioning unit for the Lake Pavilion has required numerous repairs over the past year. It has been determined that the entire air conditioning system needs to be replaced as soon as possible to avoid a total failure and possible interference with booked events. The cost to replace the A/C system in the Lake Pavilion is \$300,000. An additional \$10,000 is requested to cover the rental of a temporary A/C unit if necessary. Funding will come from the Waterfront District Fund "Reserve for Future Projects" account. The balance in the reserve prior to funding the A/C system request is \$1,366,242.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Approval will provide appropriations for the replacement of the Lake Pavilion A/C system.

- 7.8. Resolution No. 134-22 accepting a grant from the Florida Department of Economic Opportunity under the Community Development Block Grant - Mitigation grant program, in the amount of \$16,764,610 to fund improvements to Currie Park; and

Resolution No. 135-22(F) authorizing the appropriation or transfer of City funds amending the Grant Capital Project Fund budget for receipt and appropriations from the Florida Department of Economic Opportunity for a Community Development Block Grant - Mitigation, providing for improvements to Currie Park.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 134-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A FEDERALLY FUNDED GRANT IN THE AMOUNT OF \$16,764,610 FROM THE STATE OF FLORIDA, DEPARTMENT OF ECONOMIC OPPORTUNITY, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT- MITIGATION FUND PROGRAM FOR CONSTRUCTION OF CERTAIN CURRIE PARK IMPROVEMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 135-22(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 GRANT CAPITAL PROJECT FUND BUDGET TO PROVIDE FOR THE RECEIPT AND APPROPRIATION OF THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY COMMUNITY DEVELOPMENT BLOCK GRANT TO PROVIDE APPROPRIATIONS FOR IMPROVEMENTS TO CURRIE PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

By Resolution No. 20-46, the Board of the West Palm Beach Community Redevelopment Agency authorized submittal of an application on behalf of the City of West Palm Beach to the State of Florida, Department of Economic Opportunity (FDEO), for a federally-funded grant under the Community Development Block Grant – Mitigation program to fund a portion of the improvements for the Currie Park Improvement Project.

FDEO awarded the City a grant in the amount of Sixteen Million Seven Hundred and Sixty-Four Thousand Six Hundred Ten Dollars (\$16,764,610) to the City for the construction of a resilient seawall, a flood wall, a living shoreline, stormwater retrofits, site grading. “green” infrastructure and a resilience hub, as part of the Currie Park Improvement Project.

The term of the grant is forty-eight (48) months.

The City desires to accept the grant funding to be used for the Currie Park Improvement Project.

Resolution No.134-22 accepts the grant and authorizes the execution of the grant agreement and Resolution No.135-22 (F) recognizes the funding for the improvements to be made in Currie Park.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval will recognize FDEO CDBG Mitigation Grant proceeds and provide appropriations for Currie Park Improvements. No City matching funds are required.

- 7.9. Resolution No. 148-22 amending the City's Salary Plan for fiscal year 2022 by creating the job classification of Police Major and updating the pay grade allocation and/or salary ranges for non-union public safety management job classifications; and

Resolution No. 151-22(F) amending the full time equivalent (F.T.E.) budget for the Fire Department by reallocating one (1) Firefighter position to one (1) Operations Lieutenant position.

Originating Department:

Human Resources

Ordinance/Resolution:

Resolution No. 148-22: 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. 248-21, APPROVED ON SEPTEMBER 20, 2021, AND AMENDED THEREAFTER, TO CREATE THE JOB CLASSIFICATION OF POLICE MAJOR AND TO UPDATE THE PAY GRADE ALLOCATION AND/OR SALARY RANGES FOR NON-UNION PUBLIC SAFETY MANAGEMENT JOB CLASSIFICATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 151-22(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND FOR THE FIRE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

This item updates job classifications for the Police Department non-union command staff by adding the job classification of Police Major. It also updates the uniform pay grades which are assigned to both Police and Fire command staff job classifications of: Fire Division Chief, Fire Assistant Chief, Fire Chief, Police Major, Police Assistant Chief, Police Deputy Chief and Police Chief. The updates to the pay grades are routine updates to reflect the current market and do not result in any pay increases for the positions they apply to.

Resolution No. 148-22 amends the City's Salary Plan for fiscal year 2022 by creating the job classification (job title) of Police Major and updates the pay grade salary ranges for non-union public safety management job classifications to be competitive with the market. The proposed change does not increase or otherwise change the number of approved full time employees (FTEs) of the Police Department and does not have a general fund budget impact.

This update to police command staff job classifications allows for a job description that better reflects and aligns with the complex, confidential and higher level managerial functions that need to be performed within the police command staff structure in the internal affairs, administrative and budget areas. The Police Major job classification will be allocated to pay grade PS01 with a salary range of \$127,202 - \$165,582.

Additionally this item reallocates one Firefighter position to a Fire Lieutenant position.

Resolution 151-22(F) amends the full time equivalent (FTE) budget of the Fire Department to reallocate one (1) Firefighter position to one (1) Operations Lieutenant position. Reallocation of this position will enable the department to assign the new Operations Lieutenant to facilitate the Community Paramedic program. Community Paramedics connect patients with chronic disease management services and perform community risk reduction in vulnerable populations by visiting them in their home, eliminating unnecessary fall risks, assisting with medications and connecting them to services. This program is a groundbreaking opportunity that will also have the benefit of reducing dependency on emergency medical systems.

The proposed change does not have a general fund budget impact and will be funded from personnel savings of realized by replacement of a retiring Battalion Chief with a new Battalion Chief at a lower Step Pay.

Fiscal Note:

No fiscal impact.

8. RESOLUTIONS-ALL APPROVED

- 8.1. Resolution No. 93-22 supporting Phase I of the West Palm Beach Housing Authority's redevelopment of the public housing development at 3765 Georgia Avenue; approving a City funding commitment in the amount of \$640,000; supporting the Authority's application for Low Income Housing Tax Credits and authorizing the Mayor to execute all documents necessary to support the application and the project and to disburse the City's funds.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 93-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, SUPPORTING PHASE I OF THE PROPOSED REDEVELOPMENT OF A WEST PALM BEACH HOUSING AUTHORITY PUBLIC HOUSING DEVELOPMENT AT 3765 GEORGIA AVENUE KNOWN AS "SOUTHRIDGE"; APPROVING A CITY FUNDING COMMITMENT IN THE AMOUNT OF \$640,000; SUPPORTING THE AUTHORITY'S APPLICATION FOR LOW INCOME HOUSING TAX CREDITS AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO SUPPORT THE APPLICATION; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO PROVIDE THE CITY FUNDING COMMITMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 93-22.

Background Information:

Smith & Henzy Affordable Group (Smith & Henzy) and the West Palm Beach Housing Authority (WPBHA) (the "Developers") formed a partnership to redevelop an existing public housing site owned and operated by the WPBHA known as "Southridge". The Developers propose to demolish the existing 148 public housing units and develop 150 new elderly affordable rental units in Phase I of a two phase project.

The Developers intend to apply to the Florida Housing Finance Corporation's highly competitive Low Income Housing Tax Credit program to finance the project. In order for the application to receive maximum points and increase the chance of being awarded Tax Credits, the developers must demonstrate a high level of local government support for the project in the form of a loan or a grant. The local government contribution requirement for a project of this size and scope is \$640,000. Approval of Resolution No. 93-22 will authorize a City commitment in the amount of \$640,000 on the condition that the project is awarded the tax credits from Florida Housing Finance Corporation.

Funds to support this contribution will be made available from the State Housing Initiatives Partnership (SHIP) Program and/or the City's Housing Trust Fund in the form of a loan. The terms of the loan will be negotiated upon tax credit approval and submission and review of supporting documentation. HCD recommends that the City Commission approve the City commitment of funds in the amount of \$640,000; authorize the Mayor to execute all documents necessary to support the submittal of the Low Income Housing Tax Credit application authorize the Mayor to sign all documents necessary to transfer the City funds should the Tax Credits be awarded. A copy of the developer's Local Government Contribution Request including the project description is attached.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

\$640,000 obligation if the Developer is awarded the Low Income Housing Tax Credit.

- 8.2. Resolution No. 118-22 approves the proposed art concept for One West Palm at 550 Quadrille Boulevard by developer 1370 South Ocean, LLC (Jeff Greene) to satisfy the public art requirement. One percent of the total construction costs escrowed is \$1,460,000.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 118-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA,

MAKING FINDINGS AND APPROVING INSTALLATION OF PUBLIC ART FOR ONE WEST PALM AT 550 QUADRILLE BLVD BY DEVELOPER 1370 SOUTH OCEAN, LLC IN COMPLIANCE WITH THE PUBLIC ART ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 118-22, the proposed public art concept for One West Palm at 550 Quadrille Boulevard, this motion is based on the findings that the art meets the criteria set forth in Section 78-125 of the City Code as reviewed by the ArtLife WPBCommittee.

Background Information:

On April 6, 2022, the ArtLife WPB committee voted unanimously to recommend the art concept for 550 Quadrille known as One West Palm to satisfy the public art requirement. 1370 South Ocean, LLC commissioned world renowned artist Olafur Eliasson to design and create a site-specific public artwork for their development site. This development consists of approximately 200,000 sq. ft. of Class A Office space, a 200 room hotel and 228 residential units. A total of \$1,460,000 has been escrowed, however the public art is valued at over \$2 million.

About the Artist:

Olafur Eliasson born 1967 is an Icelandic–Danish artist known for sculptured and large-scale installation art employing elemental materials such as light, water, and air temperature to enhance the viewer's experience. In 1995 he established Studio Olafur Eliasson in Berlin, a laboratory for spatial research. Olafur represented Denmark at the 50th Venice Biennale in 2003 and later that year installed The Weather Project, which has been described as "a milestone in contemporary art", in the Turbine Hall of Tate Modern, London. Eliasson has also produced numerous projects in public space. Green river was carried out in various cities between 1998 and 2001. Eliasson designed Serpentine Gallery Pavilion 2007 together with architect Kjetil Thorsen for London's Kensington Gardens. The New York City Waterfalls, commissioned by the Public Art Fund, were installed along the city's waterfronts in 2008. Your rainbow panorama, a circular colored-glass walkway atop ARoS Museum, Aarhus, Denmark, opened in 2011. Harpa Reykjavik Concert Hall and Conference Centre, 2011, for which Eliasson created the facades in collaboration with Henning Larsen Architects, won the Mies van der Rohe Award in 2013. For Ice Watch, Eliasson and geologist Minik Rosing brought free-floating icebergs from a fjord outside Nuuk, Greenland, to public squares in European cities (Copenhagen, 2014; Paris, 2015; and London, 2018) to raise awareness of the climate crisis. Fjordenhus in Vejle, Denmark, the first building designed entirely by Eliasson and the architectural team at Studio Olafur Eliasson, was completed in June 2018. On the occasion of the 2020 German Presidency of the Council of the European Union, Eliasson created Earth Speakr together with children around the world and with support from the German Federal Foreign Office;

the global artwork invites kids to speak up for the planet. In 2019 Eliasson was appointed Goodwill Ambassador for renewable energy and climate action by the United Nations.

About the Artwork:

The site-specific artwork contains four freestanding columns. Each column has two sides one contains a polychromatic mosaic of triangular glass tiles and the other side has a full-length mirror. The columns are oriented towards one another and positioned in such a way as to produce a squared virtual space where the viewer will see themselves from multiple perspectives. In this illusory space the viewer will see reflections of sky from behind while the sky is in front of them. On the other side of the columns the colored-glass mosaics reflect the light-sun filled colors of West Palm Beach. At night, the mosaics will be lit within adding a soft glow in a range of colors that further enhance the viewers experience.

Artwork Placement:

- Each column is 15'3" X 3' 3 1/2" x 2' 11"3/4 x 1' 7 1/2".
- Space between the columns: 7' 11" and 13' 7" and 9' 8".

Materials:

- Stainless Steel
- Mirror/glass
- Mosaics
- LED lights

Criteria:

The ArtLife WPB (Public Art) Committee considered the criteria set forth in section 78-125 of the code as follows:

Art:

The proposed art conforms to the definition of art contained in this article and will be created by an artist or local artist. The proposed art installation has been created by an internationally renowned artist best known for his reflective and lightlarge-scale installations.

Master Plan:

The proposed art complies with the Public Art master Plan. The proposed work advocates for creative design in the development of private buildings and infrastructure. It will contribute fostering art appreciation and a deeper understanding of art, as well as its relationship to quality of life. This is a large-scale project with a highly experienced artist that can draw local, national, and international interest.

Historic Significance:

Not applicable the work is contemporary.

Cultural Significance:

The project brings a distinct cultural experience to this community. The installation provides for a communal experience within a public space.

Visual Accessibility:

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

Quality:

Proposed art installation is of high quality with durable materials.

Appropriateness to Site:

The proposed art scale is appropriate to the site. The artist intentionally plays with the idea of scale in relation to the building, space, and viewers.

Diversity:

The artwork brings diversity to the public art program in terms of media, innovation, and creativity.

Public Welfare:

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

Maintenance:

The proposed artworks will not require extraordinary maintenance, and the maintenance plan addresses weathering and the life of the artwork. The maintenance of the artwork is the responsibility of the owner/developer.

Valuation:

The proposed arts exceed the valuation requirements of the public art requirement. 1% of total construction costs is \$1,460,000 of which the project exceeds, and developer is funding.

Location:

The proposed location for the art installation is in an exterior place and the public plaza accommodates the size and scale of the work.

Artist Qualifications:

The artist meets the definition of artist in the public art code and is one of the most iconic living artists of our times.

Budget:

The project budget is included as part of the proposal and one percent has being escrowed.

Supporting documents are provided.

The ArtLife Committee recommends to City Commission approval of the proposed art concept by Olafur Eliasson for One West Palm at 550 Quadrille Blvd. in compliance with the public art ordinance.

Commission District 3: Christy Fox.

Fiscal Note:

No fiscal impact.

- 8.3. Resolution No. 144-22 authorizing execution of an agreement for tree donation.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 144-22-A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING THE DONATION OF EIGHT LIVE OAK TREES FROM 350 S.AUSTRALIAN OWNER, LP, TO BE RELOCATED TO THE WATER TREATMENT PLANT PROPERTY; AUTHORIZING EXECUTION OF A DONTATION AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 144-22.

Background Information:

Resolution No 144-22: Regarding a donation agreement for eight (8) Live Oak trees to be relocated from a development site at 201 Clearwater Drive to the City of West Palm Beach Water Plant property at 1015 Banyan Boulevard to meet code requirements of section 94-448 (d)(3) protection of trees as approved with the development at 201 Clearwater/350 S Australian.

The subject property is located at 201 Clearwater Drive. A multi-unit residential building has been approved for the site and is moving through the permitting process. Per the tree disposition plan approved with the project there are eight Live Oak trees that are in good condition and are required to be relocated. The tree disposition plan was reviewed by staff during the approval process for compliance with the code to preserve or relocate any native trees or palms in good condition. The trees were required to be inspected by a certified arborist and evaluated for condition and whether they could be relocated successfully per the ANSI A 300 standards Part 6 for tree relocation.

The site at the Water Plant was evaluated by city staff two years ago and determined that there were missing trees from the original planting that

could be replaced with trees relocated from a development site. Since that time, the Banyan streetscape project has been completed in this section adding Live Oaks and mixed groundcovers including native species in a bioswale between the curb and the five foot wide bike land and five foot wide pedestrian sidewalk.

The additional trees will provide shade for the sidewalk and bike path, create habitat and further beautify the area.

CONCLUSION:

Staff is recommending approval of the donation agreement as the addition of the Live Oak trees to the water plant site will enhance the aesthetics and character of the public area along Banyan Blvd. where the streetscape improvements have recently been completed.

COMMISSION DISTRICT:

The subject property is located within Commission District No. 3: Commissioner Christy Fox.

9. PUBLIC HEARING-ALL APPROVED

- 9.1. Public Hearing and First 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 First Reading and schedule a 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.

- 9.2. Resolution No. 108-22 finding that a two foot strip of land adjacent to Australian Avenue at 1540 N. Australian Avenue is not needed for City purposes and is declared to be surplus; and

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:

RESOLUTION NO. 108-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT A 2-FOOT STRIP OF LAND ADJACENT TO AUSTRALIAN AVENUE AT THE ADDRESS 1540 N AUSTRALIAN AVENUE IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; AUTHORIZING CONVEYANCE TO PALM BEACH COUNTY FOR RIGHT-OF-WAY PURPOSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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:

Approve Resolution No. 108-22.

Approve Ordinance No. 4998-22 on First Reading and schedule a Second Reading for May 31, 2022.

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.

Resolution No. 108-22 declares 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.

Ordinance No. 4998-22 authorizes the conveyance to Palm Beach County and the execution of all necessary documents.

The approval of Resolution No. 108-22 and 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.

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.