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

City Administrator Faye W. Johnson
City Attorney Kimberly Rothenburg
City Clerk Shaquita Edwards

City of West Palm Beach
City Commission
DRAFT Agenda
Monday, July 10, 2023
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.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

6. PROCLAMATIONS

- 6.1. Tribute honoring Grasford Smith in recognition of his years of service and commitment to the citizens of Palm Beach County and his installation as President of Palm Beach County Bar Association.

Originating Department:

Mayor's Office

- 6.2. Proclaiming July 2023 as Parks and Recreation Month. Proclamation to be accepted by Leah Rockwell, Director of Parks and Recreation, Mary Pinak, Marketing and Community Events Manager, Todd Snyder, Assistant Director of Parks and Recreation, and Sherry Wilson, Assistant Director of Parks and Recreation.

Originating Department:

Mayor's Office

7. CONSENT CALENDAR

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

- 7.1. Minutes of the Special City Commission Meeting of June 5, 2023.

Originating Department:

Mayor's Office

- 7.2. Resolution No. 102-23 amending the City's Salary Plan for FY 2022-23 by creating various job classifications and changing the pay grade allocation and/or salary range for certain job classifications, and changing the job title of one (1) job classification; and

Resolution No. 123-23(F) amending the full time equivalent budget (FTE) for certain departments and/or funds for fiscal year 2022-23.

Originating Department:

Human Resources

Ordinance/Resolution:

RESOLUTION NO. 102-23: 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. 255-22 APPROVED ON SEPTEMBER 19, 2022 TO CREATE THE JOB CLASSIFICATIONS OF FLEET SERVICE TECHNICIAN TRAINEE, FINANCIAL ACCOUNTING CLERK, SENIOR FINANCIAL ACCOUNTING CLERK, FINANCIAL ACCOUNTANT I, FINANCIAL ACCOUNTANT II, SENIOR FINANCIAL ACCOUNTANT I,

AND SENIOR FINANCIAL ACCOUNTANT II; TO CHANGE THE JOB TITLE OF FINANCIAL SYSTEMS ANALYST TO FINANCIAL SYSTEMS SUPERVISOR, AND TO CHANGE THE PAY GRADE ALLOCATIONS FOR CERTAIN JOB CLASSIFICATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 123-23(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 MANDEL PUBLIC LIBRARY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The two Resolutions related to this agenda item consist of mid-fiscal year revisions to the City's Salary Plan and FY23 Budget. These Resolutions will implement changes to job titles, position pay grades, and full time equivalent (F.T.E.) positions for various City departments and operational areas. The proposed changes will better align organizational areas to meet current operational needs and align with the 8th pillar (Financial Sustainability & Organizational Excellence) of the City's Updated Strategic Plan.

Any costs associated with the proposed changes, will not have any general fund budget impact and will be absorbed from personnel vacancy savings and savings as result of starting salaries lower than original budgeted.

Resolution No. 123-23(F) amends the full time equivalent (F.T.E.) budget for FY2022/2023 for the Mandel Public Library of West Palm Beach.

Resolution No. 102-23 amends the FY 2022-2023 City's Salary Plan by creating the new job classifications (job titles) of: Fleet Service Technician Trainee, Financial Accounting Clerk, Senior Financial Accounting Clerk, Financial Accountant I, Financial Accountant II, Senior Financial Accountant I, and Senior Financial Accountant II; changing the pay grade allocation for certain job classifications, and changing the job title of one (1) job classification.

The detailed effect of the changes for both resolutions by department is as follows:

Department of Public Works and Support Services

Creation of the job title of Fleet Service Technician Trainee as part of the current career progression plan (no fiscal impact).

Department of Development Services

Change the pay grade allocation of the Construction Inspection Coordinator and the GIS Plans Examiner job classifications (no fiscal impact).

Mandel Public Library

Reallocation of one (1) Programming Librarian position to one (1) Library Supervisor position and changing the pay grade allocation of the Assistant Circulation Supervisor (net neutral due to vacancy savings).

Department of Finance

Job title change of the Financial Systems Analyst to Financial Systems Supervisor and creation of the job titles of: Financial Accounting Clerk, Senior Financial Accounting Clerk, Financial Accountant I, Financial Accountant II, Senior Financial Accountant I, and Senior Financial Accountant II (no fiscal impact).

Fiscal Note:

No fiscal impact.

- 7.3. Resolution No. 129-23 approving an agreement with Forth, to which the City agrees to commit staff time and resources to promote the installation of workplace vehicle charging infrastructure.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 129-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, COMMITTING CITY STAFF TIME AND RESOURCES TO PROMOTE THE INSTALLATION OF WORKPLACE VEHICLE CHARGING INFRASTRUCTURE; APPROVING A SUBCONTRACTOR AGREEMENT WITH FORTH (AN OREGON BASED NON-PROFIT), EVIDENCING THE CITY'S COMMITMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach has been a leader in addressing climate change for over a decade. The City's Strategic Plan defines reducing climate change impacts and increasing resource efficiency in its pillars. Supporting adoption of electric vehicles (EV) charging infrastructure can significantly reduce greenhouse gas emissions associated with the transportation sector and help achieve the City's overarching goal of Net Zero emissions by 2050.

The United States Department of Energy (DOE) Office of Energy Efficiency and Renewable Energy (EERE) mission is to build clean energy economy

by supporting projects and partnerships to enhance energy efficiency, renewable energy, and sustainable transportation. EERE has awarded grant assistance to Forth, an Oregon nonprofit corporation, for the development and execution of a national Leadership of Employers for Electrification Program (LEEP). The objectives of LEEP are comprised of education, outreach, and technical assistance activities that create employer commitments to adopt workplace charging programs and install charging ports at their workplaces. Forth and DOE Agreement and their commitments are outlined in Exhibits C, D, and E.

The City of West Palm Beach (City) desires to enter into a subcontractor agreement with Forth to support this nationwide workplace charging program. This agreement outlines committing staff time to promote the workplace vehicle charging program in the City by conducting outreach and surveying employees/employers, disseminating resources to assist employees/employers in advocating for workplace charging, and coordinating with other project partners. Staff time is presented in the agreement between Forth and City of West Palm Beach as an in-kind cost-share commitment of \$10,500 across three (3) budget periods based on the estimated staff hourly rate.

Supporting this national campaign will make it easier for employers to provide electric vehicle charging opportunities and spur sustainable transportation.

Commission District 1: Commissioner Cathleen Ward.
Commission District 2: Commissioner Shalonda Warren.
Commission District 3: Commissioner Christy Fox.
Commission District 4: Commissioner Joseph Peduzzi.
Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

There is no budget impact for this agreement. This national campaign will be incorporated into activities, which employees normally undertake in the performance of their City positions.

- 7.4. Resolution No. 148-23(F) accepting and appropriating funds in the amount of \$5,250 from Prime Time of Palm Beach County funded by the Children Services Council in recognition of the after-school programs at Vedado Park, Gaines Park, and South Olive Park completing the Quality Improvement System (QIS) core quality practices. These funds are to be used for program supplies, professional development, field trips, special youth/family events, and other program expenditures.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 148-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2022/2023 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND TO PROVIDE FOR THE RECEIPT AND APPROPRIATION OF THE GRANT AWARD FROM PRIME TIME OF PALM BEACH COUNTY TO PROVIDE AFTER SCHOOL PROGRAM SUPPLIES, PROFESSIONAL DEVELOPMENT, FIELD TRIPS, SPECIAL YOUTH/FAMILY EVENTS, OTHER PROGRAM EXPENDITURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Quality Improvement System (QIS) incentive program is a Prime Time of Palm Beach County strategy designed to further increase after school program quality for their participant's activities/programs. The QIS is a performance-based recognition program that awards financial incentives to out-of-school time programs that go above and beyond in their QIS work. The award amount is based upon a tiered process through which a program demonstrates the implementation of advanced youth development and program management practices. These practices are in concert and direct relationship with a program's voluntary participation and work in Prime Time's QIS incentive program. Funding is provided by the Children's Services Council of Palm Beach County and is based upon the availability of funds and performance.

This past year, three (3) of the City's after-school programs were eligible to receive a QIS Core Practices Development Grant through Prime Time's QIS incentive program. They have each completed the QIS core quality practices that aim to increase and maintain positive youth development, which leads young people to develop skills necessary to be successful socially, emotionally, and academically. Prime Time requires that the grant be spent on professional development, program supplies, field trips, special youth and/or family events, and other program expenditures.

Gaines Park Community Center, South Olive Community Center, and Vedado Park Community Center have each been recognized for going above and beyond in their QIS work. Gaines Park K - 5th grade was awarded \$1,500; Gaines Park 6th - 8th grade was awarded \$1,250; South Olive K - 5th grade was awarded \$1,250; and Vedado Park 6th - 8th grade was awarded \$1,250.

Commission District 1: Commissioner Cathleen Ward.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Approval will provide \$5,250 in additional funds to be used towards professional development, field trips, special youth and/or family events, and other program expenditures.

- 7.5. Resolution No. 161-23 authorizing an agreement for use of the Howard Park Parking Lot by the C&L Bus Company, Inc. for the purposes of a bus stop for the American Heritage School during the 2023/2024 school year.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 161-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND C&L BUS COMPANY FOR THE USE OF THE HOWARD PARK PARKING LOT AS A CENTRAL BUS PICK UP AND DROP OFF POINT FOR THE TRANSPORTATION OF STUDENTS TO AMERICAN HERITAGE SCHOOL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

During the 2022-2023 school year, Howard Park staff noticed a bus picking up and dropping off students at different times throughout the day and weeks. Upon investigation, Park staff identified what school the students attended and contacted American Heritage School and the C&L Bus Company, Inc. to submit a formal request for the usage of the Howard Park parking lot. C&L Bus Company intends to use it as a bus stop for the 2023-2024 American Heritage school year for Kindergarten - 12th grade students and estimates 20-25 students being served on this route.

The Revocable License Agreement provides the term of 5 years and conditions for use of the parking lot as a school bus stop for American Heritage School.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 7.6. Resolution No. 115-23 approving the renewal of the lease of space located at 1306 Allendale Road to continue to serve as the fire logistics center for a five (5) year term starting September 1, 2023 for \$718,332.06, excluding taxes and fees.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 115-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE RENEWAL FOR THE LEASE OF SPACE LOCATED AT 1306 ALLENDALE ROAD TO CONTINUE TO SERVE AS THE FIRE LOGISTICS CENTER; AUTHORIZING RENEWAL AND EXECUTION OF A LEASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Since 2018, the Fire Department used the space at Allendale for warehousing, distribution, and ancillary office space to support fire rescue operations, excluding any manufacturing.

The Fire Department desires to renew its lease for the space located at 1306 Allendale Road. The proposed lease terms are as follows:

Lease Term

- Five (5) Years- Commencement Date Renewal: September 1, 2023

Gross Rent

- \$130,000 per annum or \$10,883.33 / month Year 1
- \$136,500 per annum or \$11,320.83 / month Year 2
- \$143,325 per annum or \$11,830.27 / month Year 3
- \$150,491.25 per annum or \$12,362.63 / month Year 4
- \$158,015.81 per annum or \$12,918.95 / month Year 5
- * Plus, applicable sales tax, if any
- * Includes electric charges

Resolution No. 115-23 authorizes the execution of a lease with a goal of occupying the space for five (5) years until 2028.

The property is located at 1306 Allendale Road, which consists of approximately 3,425 square feet of ground floor office and warehouse space and 1,295 square feet of second floor office space, together with designated parking areas, landscaping, and walkways.

Fiscal Note:

131, Fire Assessment Fund. 5 year lease, budgeted annually.

- 7.7. Resolution No. 153-23 approving the interlocal agreement between Palm Beach County and the City of West Palm Beach accepting a grant in an amount not to exceed \$38,687.11 for reimbursement of Fire Emergency Medical Equipment.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 153-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH ACCEPTING A GRANT IN AN AMOUNT NOT TO EXCEED \$38,687.11 FOR REIMBURSEMENT OF FIRE EMERGENCY MEDICAL EQUIPMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Palm Beach County is the recipient of grant funds from the Florida Department of Health, Bureau of Emergency Medical Services ("DOHEMS"), which are distributed to improve and expand pre-hospital Emergency Medical Services (EMS) systems in the County. Each grant recipient County is encouraged to disburse funds to EMS providers operating within that County. Palm Beach County offers an EMS grant program, which provides funding for the purchase or replacement of EMS equipment. The West Palm Beach Fire Department desires to receive a grant funding for the purchase of one (1) Zoll X Series Advanced Monitor/Defibrillator ("EMS Equipment").

The West Palm Beach Fire Department requested funds from Palm Beach County to purchase this EMS equipment in order to treat patients with cardiac arrhythmia's and provide life-saving electrical therapy (defibrillation) for patients in cardiac arrest. The Zoll X Series Advanced Monitor/Defibrillator is designed for use with all patients ranging from neonate through adult. The monitor addresses current and future EMS needs by continuously monitoring a patient's heart rhythm, blood pressure, heart rate, and oxygen saturation, as well as detecting and treating clinical arrhythmia's. The monitor has a built-in defibrillator, which triples the odds of a patient surviving cardiac arrest as well as 12-lead ECG capability, which reduces definitive treatment time for patients suffering an acute myocardial infarction, more commonly known as a "heart attack". The monitor also provides means of monitoring routine vital signs on all medical patients encountered in the field. Palm Beach County has awarded the City a grant in an amount not to exceed \$38,687.11 for the purpose of purchasing this medical equipment.

The use of the grant funds will improve our ability to serve and treat the community by saving lives, reducing mortality rate secondary to cardiac arrest, and recognizing immediate cardiac threats like STEMI (Heart Attacks), dysrhythmia's, and arrhythmia. It is the City's priority to promote a safe and secure community, and the Fire Department strives to meet and exceed those expectations.

The Grant funds will be provided to the City by the County on a reimbursement basis once the medical equipment has been purchased. The Fire Department will ensure proper execution and will continue to provide the best care possible. The Fire Department currently uses said device on existing EMS units; therefore, training of personnel will not be needed, as it is a monitor with which personnel are already proficient.

Fiscal Note:

The Grant funds will be provided to the City by the County on a reimbursement basis once the medical equipment has been purchased.

- 7.8. Resolution No. 164-23 accepting the Assistance to Firefighters Grant award of \$438,764 from the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) to be used to provide wellness and fitness programs for firefighters; and

Resolution No. 165-23(F) recognizes the funds and provides appropriations for overtime and wellness programs.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 164-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY WEST PALM BEACH, FLORIDA, ACCEPTING THE ASSISTANCE TO FIREFIGHTERS GRANT AWARD OF \$438,764 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO BE USED TO PROVIDE WELLNESS AND FITNESS PROGRAMS FOR FIREFIGHTERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 165-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2022/2023 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND AND GRANT PROGRAMS SPECIAL REVENUE FUND BUDGETS TO PROVIDE FOR THE RECEIPT OF THE FEMA ASSISTANCE TO FIREFIGHTERS GRANT 2022 FUNDS AND MATCHING CITY FUNDS TO PROVIDE APPROPRIATIONS FOR OVERTIME AND WELLNESS PROGRAMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City Commission authorized submittal of an application to the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant (AFG) Program for 2022

grant to be utilized by the Fire Department to protect the health and safety of the public and firefighting personnel and fire-related hazards.

The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) awarded to the City of West Palm Beach an Assistance to Firefighters Grant (AFG) in the amount \$398,876.36 (Award No. EMW-2022-FG-05332) for the requested purposes.

As a condition of the grant, the City is required to contribute a 10% funding match in the amount of \$39,887.64 for a total project budget of \$438,764.

The West Palm Beach Fire Department intends to utilize the funds from this grant to provide a formal wellness and fitness program and cover overtime/backfill costs to ensure minimum staffing requirements for firefighting personnel.

By Resolution No. 164-23, the City Commission accepts the grant, while Resolution No. 165-23(F) recognizes the funds and provides appropriations for overtime and wellness programs.

Fiscal Note:

Approval will recognize the receipt of the FEMA AFG grant, City match funding, and provide appropriations for overtime and wellness programs.

- 7.9. Resolution No. 167-23(F) amends the General Fund and Fire Assessment Fee Budgets to provide appropriations for a peer support mental health workshop, strategic planning, and other operational expenses.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 167-23(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 2022/23 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 AND FIRE ASSESSMENT FEE FUNDS BUDGETS TO PROVIDE APPROPRIATIONS FOR MENTAL HEALTH TRAINING, STRATEGIC PLANNING AND OTHER OPERATIONAL EXPENSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Fire Department aims to develop a strategic plan, which involves gathering and analyzing external resources to identify and prioritize goals, strategies, and action plans. The expectation is to have a three-to-five year work plan intended to guide the forward progress of the entire organization toward critical goals and objectives. A consulting agreement with HRE,

LLC d/b/a Tenzinga will provide a foundation development strategic plan for the Fire Department.

The Fire Department has received a CIGNA reimbursement for the purchase of training equipment in the amount of \$38,297. The Department seeks to appropriate the reimbursement funding to partially fund a peer support workshop for mental health training, and fund 50% of the total cost of developing the department's Strategic Plan. The Fire Assessment Fee Fund will fund the remaining 50% of the Strategic Plan Cost.

As part of a pharmaceutical company opioid related lawsuit, West Palm Beach Fire Department has been awarded a portion of a class action settlement in the amount of \$117,226 for use towards "Opioid Remediation" other operational expenses.

These funds are immediately available for purchase of medications and EMS/medical equipment to assist individuals affected by the opioid epidemic. West Palm Beach Fire Department will use these funds for the purchase of the following:

- Overdose response kits for all members of the West Palm Beach Fire Department: This will enhance the capability of our personnel mitigating an opioid event or overdose that may be encountered in the public setting.
- Overdose kits at all City AED/Stop the Bleed locations: Kits will contain intranasal naloxone (Narcan) and medical gloves for possible administration by the public, or City employees to members of the public experiencing an opioid overdose.
- New AEDs for the West Palm Beach Police Department and Fire Department prevention vehicles: Three (3) new AEDs to be supplied to West Palm Beach Police Department, and one (1) new AED to the Fire Department to replace obsolete units. AEDs are an effective tool that can be used by police officers or fire inspectors to buy crucial time until EMS arrives for a patient in cardiac arrest due to overdose or by other means.
- New cardiac monitor/defibrillator for the West Palm Beach Fire Department: One (1) new Zoll cardiac monitor/defibrillator will be supplied to the EMS Captain for use on scene of an overdose or cardiac arrest. Cardiac monitors have the ability to analyze cardiac arrhythmias and provide life-saving electrical therapy to restore a normal heart rhythm to patients encountered in cardiac arrest secondary to opioid overdose.

Resolution No. 167-23(F) recognizes and appropriates the CIGNA reimbursement of \$38,297 and the Opioid settlement of \$117,226 to fund Fire Departments' Strategic Planning, Peer Support Mental Health Training and various operational expenses related to Opioid Remediation.

Fiscal Note:

Approval will provide appropriations for the Fire Department Strategic Planning, Peer Support Mental Health Training, and various operational expenses related to Opioid Remediation.

- 7.10. Resolution No. 166-23 authorizing the assessment of City liens in the total amount of \$45,739.46 for unpaid water service, sewer service, and storm water charges for the month of April 2023.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 166-23; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE CHARGES FOR THE MONTH OF APRIL 2023; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 166-23 are for unpaid water service, sewer service, and stormwater service charges for the month of April 2023. The list of properties to be assessed and the associated charges totaling \$45,739.46 are provided in Resolution No. 166-23 as EXHIBIT A - Utility Lien List - April 2023.

Fiscal Note:

No fiscal impact.

- 7.11. Resolution No. 137-23(F) allocates \$100,000 towards Echo Lake Park public art project.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 137-23(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 ARTLIFE WPB CAPITAL PROJECT FUND BUDGET TO PROVIDE APPROPRIATIONS TO DESIGN AND INSTALL A PUBLIC ARTWORK FOR ECHO LAKE PARK AT 4129 HADEN AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On May 3, 2023 at their regularly scheduled meeting, the ArtLife Committee voted unanimously to recommend to City Commission the allocation of \$100,000 from the Art Reserves to commission local artist Nestor Guzman to design and create a site-specific public art sculpture for Echo Lake Park at 4129 Haden Avenue.

Nestor Guzman is a Colombian born sculptor who works primarily in marble. In his artist statement he writes: "Marble talks to me! It is like words to the writer or oil to the painter". Further, he states: "Seemingly rigid and harsh in its unpredictable natural stage, marble becomes an object defined by a few clean lines, breaking the stigma of being a heavy and soundless stone to become a natural source of expression, greatly capable to inspire other minds".

The artist will work with the community and within his art practice to produce a distinct artwork for Echo Lake Park.

Final design will be presented to City Commission for Face of the City approval at a future date.

Resolution No. 137-23(F) allocates \$100,000 for a unique public art sculpture by local artist Nestor Guzman for Echo Lake Park at 4129 Haden Avenue.

Commission District One (1): Commissioner Ward.

Fiscal Note:

Approval provides appropriations for the design and installation of public artwork and Echo Lake Park.

8. RESOLUTIONS

- 8.1. Resolution No. 135-23 approves, as Face of the City, Cha Chi's Village Historical Memorial to be installed at Sunset Park, 3601 North Australian Avenue. The title of the Memorial will be granted to the City upon completion. The funding of \$6,200 will be provided by the Florida Black Historical Research Project, Inc. with matching funds of \$6,200 by the ArtLife Public Art Account; and

Resolution No. 155-23(F) appropriates \$6,200 from the Public Art Account towards the Cha-Chi's Village Historical Memorial.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 135-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING CHA-CHI'S VILLAGE HISTORICAL MEMORIAL TO BE INSTALLED AT SUNSET PARK 3601 NORTH AUSTRALIAN AVENUE AND PARTIAL FUNDING PROVIDED BY FLORIDA BLACK HISTORICAL RESEARCH PROJECT, INC. IN COMPLIANCE WITH THE PUBLIC ART ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

RESOLUTION NO. 155-23(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 ARTLIFE WPB CAPITAL PROJECT FUND BUDGET TO PROVIDE APPROPRIATIONS TO DESIGN AND INSTALL A HISTORICAL MEMORIAL FOR CHA-CHI'S VILLAGE TO BE INSTALLED AT SUNSET PARK, 3601 NORTH AUSTRALIAN AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 135-23 and Resolution No. 155-23(F).

This motion is based on the findings that the proposed memorial meets the criteria set forth in Section 78-125 of the City Code as reviewed by the ArtLife WPB Committee.

Background Information:

On Wednesday May 3, 2023, the ArtLife Committee reviewed the Memorial application from the Florida Black Historical Research Project, Inc. Group (FBHRP). The group has requested a memorial on the lakefront of Sunset Park, 3601 North Australian Avenue, acknowledging the historical presence of Cha-Chi's Village, a once-thriving Nineteenth Century Native

American community in that general vicinity. Further, the ArtLife Committee recommended matching FBHRP's funds of \$6,200 towards the historical memorial from the Public Art Account.

This memorial's intent will serve as a historical marker and reference of the area's first people and honor Cha Chi's Village.

Who is Cha-chi? He is identified as a Seminole village chief who is considered the first resident of the Palm Beaches.

The text for the plaque will read as follows:

Cha-Chi's Village: A Prominent Seminole settlement was located in this general area during and after the Second Seminole War until it was destroyed by U.S. Forces in 1841, following the capture of leader Cha-Chi and his wife Polly, which led to further captures, deaths, and devastation under the "Indian Removal Act.

In 1841, the United States Military attacked Cha-Chi's village.

Further Historical Background

What began in 1513, the Native people of this land discovered the explorers from Europe making their first landfall on Turtle Island (the North American continent) and claiming the land for Spain would eventually lead to what is now Palm Beach County as a crucial site in a turning point in American history, an event whose full story is yet to be fully known. Following two January 1838 Battles of the Loxahatchee River in the Second Seminole War, hundreds of Native and African American Seminoles, although not defeated in battle, were captured under a flag of truce. The tide of the decades-long military assault on generations-long Seminole peace, freedom, and prosperity finally turned in favor of the invaders, which opened the way for further U.S. Military advances southward.

One of the first and most prominent developments in the immediate aftermath would be the capture of Cha-Chi, an important Seminole leader, who was coerced to lead his captors to his main "Village" in what is now West Palm Beach, a thriving encampment with bountiful crop fields--all of which would be destroyed--and where many more would be captured. This would prove to be only the beginning of a new and continuing saga of tragedies and triumphs for Cha Chi and his wife, Polly. These events are still few documented from the Seminole perspective, culminating with Cha-Chi's death in Central Florida and with the capture and escape of his wife, then known as Polly Parker, and recently credited by Florida Seminoles with the rebirth of the Seminole Tribe that thrives today.

Location

The precise location and size of “Cha-Chi’s Village” is not known today, but some indication can be found on military maps, and in this information provided by late P.B. County librarian Bob Davidsson:

“Cha-Chi’s village was located within the future city of West Palm Beach. Lt. Andrew A. Humphreys, [Captain] Wade’s topographical engineer, noted the Seminole settlement was located 12.5 miles south of Lake Worth Creek and 1.5 miles west of Lake Worth. The site was probably adjacent to the freshwater chain-of-lakes which today is just east of Interstate 95.”

With that general uncertainty, it is thought that the historic landscape might be most appropriately honored at Sunset Park.

Memorial

18 x 24" cast bronze plaque mounted on a free form boulder of natural limestone.

The natural form seems most appropriate as an evocation of Seminole tradition and reverence for the land and natural resources in the area.

Title of the memorial will be given to the City after completion. Maintenance of the memorial will be maintained by ArtLife WPB Fund 316.

Resolution No. 135-23 approves as Face of the Cha Chi’s Village Historical Memorial to be installed at Sunset Park, 3601 North Australian Avenue. Title of the Memorial will be granted to the City upon completion.

Resolution No. 155-23 (F) approves the allocation of \$6,200 from the Public Art Account towards Cha Chi’s Village Historical Memorial.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval will provide appropriations in the amount of \$6,200 towards the Cha Chi’s Village Historical Memorial.

- 8.2. Resolution No. 136-23 approves the proposed art concept Sound Ripples by Alexandre Arrechea for Soleste Palm Station at 520 North Rosemary Avenue by The Estate Companies to satisfy the public art requirement. One percent (1%) of the total construction costs is \$600,000.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 136-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, MAKING FINDINGS AND APPROVING INSTALLATION OF A PUBLIC ART INSTALLATION BY ALEXANDRE ARRECHEA FOR SOLESTE PALM STATION AT 520 NORTH ROSEMARY AVENUE. IN COMPLIANCE WITH THE PUBLIC ART ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 136-23.

This motion is based on the findings that the proposed artworks meet the criteria set forth in Section 78-125 of the City Code as reviewed by the ArtLife WPB Committee.

Background Information:

On May 3, 2023 at the regularly scheduled meeting, the ArtLife Committee voted unanimously to recommend to City Commission the proposed artwork *Sound Ripples* by Alexandre Arrechea for the development *Soleste Palm Station* at 520 North Rosemary Avenue.

ABOUT THE DEVELOPMENT

Soleste Palm Station is a 325-unit luxury mid-rise multifamily apartment community located at North Rosemary, 4th Street, and West Railroad Avenue.

ABOUT THE ARTIST

Alexandre Arrechea's work comprises large-scale installations, sculptures, watercolor drawings, and videos that debate such issues as history, memory, politics, and the power relations of the urban space.

Arrechea's mode of working site specifically makes him explore the ideological and philosophical legacy of the surrounding context to create a more engaging interaction with the audience. His exploration of space contemplates cultural resonances implicit in architecture, from design to social value, and how this condition its multiple readings.

This approach to dissecting architectural anatomies and spaces through drawings and installations explores the possibility of multiple conflicts embedded in architecture as result of the many decisions "hidden" in their structures.

He is internationally renowned as one of the founding members of the Cuban collective, Los Carpinteros [The Carpenters], active between 1991 and 2003. Embarking on his solo career in the same year, Arrechea is widely recognized for Nolimits (2013), a monumental project composed of ten (10) sculptures inspired by iconic buildings in New York City and erected along Park Avenue; and Katrina Chairs (2016), erected at the Coachella Music Festival, Palm Springs, California, USA. In 2020 at the peak of the pandemic, he created “Dreaming with Lions,” an immersive rotunda resembling an enormous forum-cum-library installed at Faena Miami Beach.

ABOUT THE ARTWORK

Sound Ripples:

If we understand the notion that the world is deeply interconnected, that all actions carry repercussions; everything we think, say and do has consequences for ourselves and for others. In that line of thinking, the project Sound Ripples, intends to shed light on the notion of how our reality positively evolve because of our organized actions.

Inspired in music, nature, and architecture. The objective of my proposal for the louver at the building Soleste is to create a sculpture that evokes music and its influence in the community. Not only as an element of identity but as a tool for socio-cultural transformation. Thus, enhancing human values such as empathy, generosity etc., with a formal structure conformed by three bas-relief painted trumpets in Aluminum.

These wind like instruments contrast with the textured background (perforated aluminum). As if the action of the instruments (trumpets) sculpt and open the surface beyond its real possibilities. Therefore, creating a dialog intended to unlock multiple readings.

Sound Ripples will be installed on both sides of the connecting bridge (levels 3 and 4) of the development.

Approximate size: 59' x 20' x 2' fabricated from perforated aluminum.

Color mode: Orange International, Black and White.

MATERIALS

The trumpets are in Aluminum but painted in black and white in order to achieve the height contrast. The perforated elements have different sizes and alternate positions to create movement.

To be fabricated from Aluminum Topcoat painted with Tnemec, Series 1070V meets the exterior weathering requirements of AAMA 2604-98.

Based on the findings that the proposed artwork meets the criteria set forth in Section 78-125 of the City Code as reviewed by the ArtLife WPB Committee, Resolution No.136-23 approves Sound Ripples by Alexandre Arrechea for Soleste Palm Station to satisfy the developers public art requirement.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 8.3. Resolution No. 169-23(F) recognizes additional Building Permitting revenue of \$1,756,500 to fund numerous improvements within the Development Services - Building Division to address overages in overtime, professional services, enhancing the Enterprise, Permitting and Licensing (EPL) software, among other needs.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 169-23(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 BUILDING PERMITTING FUND BUDGET TO PROVIDE APPROPRIATIONS FOR VARIOUS OPERATIONAL NEEDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 169-23(F).

This motion is based on the findings that the increases in these specific line items will be offset by additional revenues collected by the Building Division within the Building Permitting Special Revenue Fund (i.e. building permit revenues).

Background Information:

For FY23, the City has not witnessed much of a slow down in construction activity in comparison to FY22 when a record \$15.2 million in building permit revenue and other building charges were collected. This current fiscal year, the Department has already collected the \$10.5 million budgeted in building revenues and is on pace to collect \$14.8 million for the year. The Department has been challenged in filling the positions

needed to keep up with the growth in the City and has had to rely on overtime and outside consultants to keep up with the workload. The Division currently has eight (8) building inspector and plan reviewer vacancies accounting for 17.8% of the total employees in the Division. The following adjustments are requested:

OVERTIME

The Department originally budgeted \$300,000 for overtime for FY23 and through the end of May; approximately \$400,000 had been spent. Much of this increase is attributed to a loss of personnel in the Division and the difficulty in filling these positions during a very strong construction market. The Department has a targeted goal of reviewing residential building permit applications within fourteen (14) calendar days and nonresidential permit applications within thirty (30) days, and overtime is used to assist in trying to meet these goals. The Department is requesting an additional \$350,000 to carry us through the end of the fiscal year, and these costs will not come from the General Fund, but from additional revenues collected through the Building Permitting Special Revenue Fund (i.e. building permit revenues).

PROFESSIONAL SERVICES

To assist the Building Division with both plan reviews and building inspections, the Division has utilized four (4) firms (CAP Government, GFA International Inc., MT Causley Inc., Hy-Byrd Inc.) to assist with these tasks on an as needed basis. The Department budgeted \$469,000 for FY23, and through May 31, 2023, we have spent \$466,000. The Department is requesting an additional \$300,000 to carry us through the end of the fiscal year, and these costs will not come from the General Fund, but from excess revenues collected through the Building Permitting Special Revenue Fund (i.e. building permit revenues).

ENTERPRISE, PERMITTING AND LICENSING (EPL) SOFTWARE

The City has been working for more than three (3) years and has invested more than \$7 million in a new permitting software program to replace the antiquated CommunityPlus system the City has been using for the past 24 years. The EPL software will streamline more than 200 existing processes within the City, and numerous City departments will be positively impacted. The City has targeted June 26, 2023 as the "Go Live" date, and additional work will be required after this start from the vendor, Tyler Technologies, to merge the Business Tax Licensing program into this new platform and from DH Public Sector Consulting LLC (David Haas), who has been instrumental in converting the 24 years of data from CommunityPlus into EPL.

Staff is recommending that an additional \$750,000 be earmarked for Tyler Technologies and \$210,000 for DH Public Sector. These costs will not come from the General Fund, but from excess revenues collected through the Building Permitting Special Revenue Fund (i.e. building permit revenues).

CISCO WEBEX CONFERENCE ROOM

Within City Hall, there is an open area located in between the Community Redevelopment Agency and the Planning Division that is commonly referred to as the "Planning Open Area." Numerous meetings are held here daily, and the City conducts their Plans and Plats Review Committee (PPRC) and ArtLife meetings at this location, with Developers attending remotely. The Development Services Department has been discussing improving this area for some time to provide a virtual conference room with an enhanced television monitor, audio, camera, and hardware. The proposal also calls for a sliding partition that would allow for the room to be enclosed for additional privacy. An improvement to this space would easily allow Developers to present their plans for discussions with staff and enhance the PPRC and other meetings held in this space.

Staff is recommending that \$106,500 be allocated for these improvements and again these costs will not come from the General Fund, but from excess revenues collected through the Building Permitting Special Revenue Fund.

FORERUNNER SOFTWARE

A demonstration of the Forerunner software program was recently made to City staff, and it was determined that this could be a very effective tool to further enhance our flood insurance discounts to City residents. The program can provide great efficiencies to the verification of Elevation Certificates and related Community Rating Services (CRS) activities. With FEMA expecting to identify over 1,400 parcels in their Flood Insurance Rate Map (FIRM) within the designated Special Flood Hazard Area (SFHA), particularly along the coast, Forerunner will facilitate effective management of elevation certificates and relieve the management burden of staff by automating many of the CRS activities and helping the City maintain and improve it's Class Rating into the future.

Staff is recommending that \$40,000 be allocated for the Forerunner software, and again, these costs will not come from the General Fund, but from excess revenues collected through the Building Permitting Special Revenue Fund (i.e. building permit revenues).

Resolution No. 169-23(F) approves the allocation of \$1,756,500 from the Building Permitting Special Revenue Fund to cover the overages and

dollars needed for overtime, outside professional services, Enterprise, Permitting and Licensing consultant fees, the creation of a Cisco Webex Conference Room, and purchase of the Forerunner software program.

Fiscal Note:

Approval will recognize additional Building Permitting revenue to provide appropriations for various operational needs.

9. PUBLIC HEARING

- 9.1. Public Hearing and Third Reading of Ordinance No. 5044-23 amending Chapter 94, Article IV - Downtown Master Plan Urban Regulations, Section 94-106, Article VII - Special Districts, Section 94-210, Table VII-9 and Section 94-215, Table VII-17, Article IX - Permitted uses, uses permitted with extra requirements, and special uses, Section 94-272 and 94-273, and Article XIX – Definitions, Section 94-611 and Appendix A; to prohibit Medical Marijuana Dispensaries in the City of West Palm Beach.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5044-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 94, ARTICLE IV - DOWNTOWN MASTER PLAN URBAN REGULATIONS, SECTION 94-106, ARTICLE VII - SPECIAL DISTRICTS, SECTION 94-210, TABLE VII-9 AND SECTION 94-215, TABLE VII-17, ARTICLE IX - PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS, AND SPECIAL USES, SECTION 94-272 AND 94-273, AND ARTICLE XIX – DEFINITIONS, SECTION 94-611 AND APPENDIX A; TO PROHIBIT MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF WEST PALM BEACH; DECLARING THESE PROPOSED ZONING TEXT AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE ZONING AND LAND DEVELOPMENT REGULATIONS OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5044-23 on Third Reading.

Background Information:

On June 16, 2014, Florida’s Compassionate Medical Cannabis Act of 2014 became law. This act legalized the cultivation, production, and dispensing of a low-THC derivative product of marijuana for “qualified patients.”

Between 2016 to May 2018, City staff held discussions and workshops with the Planning Board, Mayor-City Commission, and the Downtown Action Committee on amending the City’s Zoning Code to identify Medical

Marijuana Dispensaries as a permitted use within certain zoning districts in the City, which resulted in adopting Ordinance No. 4780-18 on June 18, 2018.

Since 2018, eight (8) Medical Marijuana Dispensaries have been established in the City of West Palm Beach, four (4) of which are located within the Clematis Waterfront District.

On November 14, 2022, the Downtown Development Authority (DDA) sent a letter to the Mayor, Commission President Christy Fox, and City Commissioners raising concerns regarding medical marijuana dispensaries in Downtown, particularly the latest establishment of Curaleaf located on the ground level of the building at 300 Clematis Street, which is the same building where DDA occupies the 2nd floor.

On February 12, 2023, the Mayor and City Commission held a work session to evaluate existing regulations for Medical Marijuana Dispensaries, review inventory of already established businesses in the City, and potential impacts on adopting additional regulations of Medical Marijuana Dispensaries.

Based on direction provided by the Mayor and City Commission, and additional research done by City staff, staff is recommending amendments to the Medical Marijuana Dispensaries regulations.

This code revision was heard by the Downtown Action Committee (DAC) on April 12, 2023. DAC made a motion of approval to prohibit dispensaries within the Clematis Waterfront District and recommend changing the separation distance between Medical Marijuana Dispensaries to half a mile (2,640 feet) and to correct the language of Article IV, Sec. 94-106 to get rid of the ambiguity in which districts medical marijuana dispensaries are not permitted. The motion passed 5-1.

This code revision was heard by the Planning Board on April 18, 2023. The Planning Board made a motion recommending denial of the staff's request and suggested the market should determine where discrepancies and pharmacies are viable. The Board further moved that the proposal amendment did not comply with the orderly development amendment standard found in Section 94-32 of the Zoning and Land Development Regulations. The motion of denial passed 5-2.

City Commission amended Ordinance No. 5044-23 as proposed on June 12, 2023 and voted (3-2) to prohibit Medical Marijuana Dispensaries in the City of West Palm Beach. On June 26, 2023, the Commission voted 4-1 to prohibit Medical Marijuana Dispensaries. Ordinance No. 5044-23 has been revised to reflect the prohibition of Medical Marijuana Dispensaries City-wide.

- 9.2. Public Hearing of Resolution No. 162-23 authorizing acceptance of federal entitlement grants in the amount of \$5,095,720; approving submission of the One-Year Action Plan for Fiscal Year 2023-2024; authorizing execution of all agreements and related documents; approving amendments to the City's Annual One Year Action Plans for fiscal years 2020-2023 for the Community Development Block Grant (CDBG) Program, for fiscal years 2017-2021 for the HOME Investment Partnerships Program (HOME), and for fiscal years 2019-2023 for the Housing Opportunities for Persons with AIDS (HOPWA) Program; and authorizing submittal of the Action Plan and amendments to HUD for review and approval.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 162-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO THE CITY'S ANNUAL ACTION PLANS FOR FISCAL YEARS 2017-2024; AUTHORIZING ACCEPTANCE OF FEDERAL ENTITLEMENT GRANTS FROM THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, THE HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM AND THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM; APPROVING THE CITY'S ANNUAL ACTION PLAN FOR FISCAL YEAR 2023-2024 FOR USE OF THE FUNDS; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND RELATED DOCUMENTS NECESSARY TO RECEIVE THE GRANT FUNDS AND TO AWARD THE GRANT FUNDS TO SUBRECIPIENTS; AUTHORIZING AMENDMENTS TO THE CITY'S ANNUAL ACTION PLANS TO REPROGRAM THE FUNDS TO SPECIFIC PROJECTS FOR FISCAL YEARS 2020-2023 FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM; FOR FISCAL YEARS 2017-2021 FOR THE HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) AND FOR FISCAL YEARS 2019-2023 FOR THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM; AUTHORIZING AND DIRECTING THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO SUBMIT THE ONE-YEAR ACTION PLAN AND AMENDMENTS TO THE PLANS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 162-23.

Background Information:

The City of West Palm Beach is an entitlement recipient of federal funds from the U. S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME), and the Housing Opportunities

for Persons with AIDS Program (HOPWA). For Fiscal Year (FY) 2023-2024, the City anticipates receiving a total of \$5,095,720 as follows:

- CDBG: \$1,011,059;
- HOME: \$532,518; and
- HOPWA: \$3,552,143

In order to receive these funds, the City is required to submit an Annual One-Year Action Plan to HUD, which describes the City's intended use of these funds. The submission deadline of the Annual One-Year Action Plan is August 16, 2023.

The City is also amending the CDBG, HOME, and HOPWA program budgets under program years 2017, 2018, 2019, 2020, 2021, and 2022 to make additional funding available in FY 2023-2024 for other eligible activities. A detailed description of the proposed substantial amendment, including specific budgetary changes, is provided in Resolution No.162-63 as Exhibit A.

The grant funds are intended to address the community development and housing needs within the corporate limits of the City of West Palm Beach by achieving the overall goal of decent housing, providing a suitable living environment, and expanding economic development opportunities principally for low and moderate income persons.

As a part of developing the Annual Action Plan, federal regulations require the City to hold a public meeting to receive public input on the use of the funds. In addition to this public hearing, the City held an input meeting in-person and via Zoom on May 10, 2023. Input gathered at the meeting focused on the increasing cost of housing and the shortage of affordable housing in the City.

Federal regulations also require the City to provide citizens with reasonable notice of and an opportunity to comment on the Annual Action Plan, as well as any substantial amendment to the Plans in accordance with 24 CFR 91.10. The 30-day comment period commenced on June 10, 2013 and ended on July 10, 2013. The City of West Palm Beach has considered all comments or views of residents, agencies, or other interested parties in preparation of the Action Plan and the final amendment. Such comments will be included in the final submittal documents to HUD.

Resolution No. 162-23: (a) authorizes the acceptance of the funds, (b) approves the FY 2023-2024 Annual Action Plan for uses of funds, (c) authorizes the Mayor to execute grant agreements and all other documents necessary for the submission of the Action Plan and the receipt and use of grant funds, (d) authorizes amendments to prior year Annual Action Plans,

and (e) authorizes submittal of the Action Plan and amendments to HUD for its review and approval.

Fiscal Note:

Budget line item appropriations will be setup in the FY24 Grant fund budget.

10. PUBLIC HEARING - QUASI-JUDICIAL

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

- 10.1. Resolution No. 138-23 approving a replat of property to create the plat "The Grand" on approximately 2.54 acres (110,623 square feet) of real property generally located at 609 2nd Street; associated with "The Grand" multi-family residential project and granting a private underground utility easement under a portion of 2nd Street; and

Resolution No. 168-23 correcting Resolution No. 30-21 to correct the legal description of the alley previously abandoned for "The Grand" project.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 138-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONSOLIDATION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "GRAND PLAT" CONSISTING OF ONE DEVELOPMENT TRACT TOTALING APPROXIMATELY 2.54 ACRES (110,623 SQUARE FEET) GENERALLY LOCATED AT 609 2ND STREET; GRANTING A PRIVATE UNDERGROUND DRAINAGE EASEMENT ON A PORITON OF 2ND STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 168-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING RESOLUTION NO. 30-21 TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF THE ALLEY ABANDONED BY SAID RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 138-23. This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with all applicable provisions of Chapter 177, Florida Statutes, the Comprehensive Plan, and the standards in Section 94-342 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 168-23.

Background Information:

The project "The Grand" consists of approximately 2.54 acres located at 609 2nd Street. The project received site plan approval from the Downtown Action Committee on January 13, 2021 and is nearing completion of its construction. The approved structure features an 8-story, 288,824 gross square foot, mixed-use residential building consisting of 309 residential units.

The development approval for "The Grand", provided that prior to the issuance of the final Certificate of Occupancy (CO), the various parcels assembled for the project shall be re-platted in accordance with the City's policies and procedures.

In order to accommodate the Project, a non-exclusive drainage easement under a portion of 2nd Street is required.

Resolution No. 138-23 approves the re-plat entitled "The Grand" and grants a private underground utility easement under a portion of 2nd Street.

To accommodate "The Grand" project, by Resolution No. 30-21, the City Commission previously abandoned East-West alley, which ran between Rosemary Avenue and Sapodilla Avenue and 2nd Street and 3rd Street. The legal description of the alley contained in the Resolution was incorrect and the public record requires correction.

Resolution No. 168-23 corrects the scrivener's error in the legal description of the abandoned alley for the public records.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

11. COMMENTS FROM THE PUBLIC

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

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. ADJOURNMENT

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

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