

CITY OF WEST PALM BEACH
OFFICE OF THE CITY CLERK
REGULAR CITY COMMISSION MEETING
March 21, 2022

The City Commission of the City of West Palm Beach met in regular session on Monday, March 21, 2022, at 5:02 p.m., at City Hall, with the following persons present:

Mayor Keith James, President of the Commission Joseph Peduzzi, Commissioner Christina Lambert, Commissioner Kelly Shoaf [*arrived at 5:14 p.m.*], and Commissioner Shalonda Warren, City Administrator Faye Johnson, City Attorney Kimberly Rothenburg, and City Clerk Hazeline Carson. Absent: Commissioner Christy Fox.

1. CALL TO ORDER:

2. MOMENT OF SILENCE:

Mayor James requested a moment of silence and asked everyone to think about the situation in Ukraine. He also said that Commissioner Christy Fox lost her mother and asked everyone to keep her and her family in their thoughts.

3. PLEDGE OF ALLEGIANCE:

Commissioner Peduzzi led the Pledge of Allegiance.

Mayor James read the civility and decorum code into the record.

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, Sections 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

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

There were none.

6. PROCLAMATION

6.1. Proclaiming April 1, 2022 as The Lord's Place SleepOut Homelessness Awareness Day. Proclamation to be accepted by Diana Stanley, The Lord's Place CEO.

Mayor James read the proclamation into the record and presented it to Diana Stanley.

Ms. Stanley thanked the Mayor and the Commissioners for the proclamation and for their continued partnership. She provided information on the SleepOut Homelessness Awareness Day and said that this is the 15th year. She said that they are in the midst of construction of their \$10 million facility here in the City of West Palm Beach which will be the beacon of homelessness for those experiencing homelessness and it is a new facility on Australian Avenue.

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 Regular City Commission Meeting of March 7, 2022

7.2. Resolution No. 53-22 authorizing the assessment of city liens in the total amount of \$31,602.31 for unpaid water service, sewer service and storm water charges for the month of December 2021.

RESOLUTION NO. 53-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE FOR THE MONTH OF DECEMBER 2021; 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.

7.3. Resolution No. 70-22 approving an Economic Development incentive grant in the amount of \$10,000 for the South Dixie Antique Row Association.

RESOLUTION NO. 70-22: A RESOLUTION OF THE CITY COMMISSION

7.4. Resolution No. 67-22(F) authorizing the receipt of \$50,000 from the West Palm Beach Library Foundation to continue to fund the "Mandel Mobile" minivan to bring essential services and connectivity to families at the City's local parks, community centers and non-profits.

RESOLUTION NO. 67-22(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 PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF WEST PALM BEACH LIBRARY FOUNDATION FUNDS TO CONTINUE MANDEL MOBILE SERVICES OUTSIDE THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7.5. Resolution No. 79-22 authorizing use of the Mandel Public Library of West Palm Beach for a workforce experience program funded by the Florida Division of Vocational Rehabilitation and approving a related agreement.

RESOLUTION NO. 79-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING USE OF THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH AS WORKSITE FOR A FLORIDA DIVISION OF VOCATIONAL REHABILITATION ON-THE-JOB TRAINING OPPORTUNITY AND APPROVING AN AGREEMENT BETWEEN THE CITY, A TRAINEE AND INDEPENDENCE WORKS, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7.6. Resolution No. 42-22 approving a Sponsorship Agreement between the City of West Palm Beach and the Historical Society of Palm Beach County to produce "Evening on Antique Row" on April 9, 2022, from 6:00 p.m. to 10:00 p.m.

RESOLUTION NO. 42-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE HISTORICAL SOCIETY OF PALM BEACH COUNTY FOR "EVENING ON ANTIQUE ROW" TO BE HELD ON APRIL 9, 2022; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7.7. Resolution No. 73-22 authorizing the submittal of an application to Florida Inland Navigation District for a Waterway Assistance Program Grant for \$200,000 which requires a 50/50 match for the design and permitting of various

RESOLUTION NO. 73-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT FOR A WATERWAY ASSISTANCE GRANT IN AN AMOUNT UP TO \$200,000 FOR DESIGN AND PERMITTING OF VARIOUS WATERSIDE IMPROVEMENTS AT CURRIE PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 75-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE STATE OF FLORIDA FOR A FLORIDA BOATING IMPROVEMENT PROGRAM GRANT IN THE AMOUNT OF \$350,000 FOR REDEVELOPMENT OF BOAT RAMPS AND ACCESS AT CURRIE PARK; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING A SAVINGS PROVISION; PROVIDING A CONFLICT CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7.8. Resolution No. 81-22 amending the City's Salary Plan for FY 2021-22 by creating the job classification of Commission Aide.

RESOLUTION NO. 81-22: 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, TO CREATE THE JOB CLASSIFICATION OF COMMISSION AIDE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion was made by Commissioner Peduzzi, seconded by Commissioner Lambert, to approve the Consent Calendar; and thereafter it was voted as follows: Ayes: Commissioners Peduzzi, Lambert, Shoaf and Warren. Motion therefore carried unanimously.

8. RESOLUTIONS

8.1. Resolution No. 69-22(F) authorizing the use of General Fund discretionary unassigned fund balance in Fiscal Year 2021/2022 to provide expenditure appropriations in the amount of \$2,501,760 for the purchase of one (1) custom pumper truck and one (1) Aerial Ladder Truck for the Fire Department.

RESOLUTION NO. 69-22(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

Faye Johnson, City Administrator, discussed the request to use general fund dollars to purchase two vehicles for the Fire Department as follows: overview; urgent critical vehicle needs; \$2,501,760 expenditure-2 fire trucks; \$2,501,760 use of reserves; and staff's recommendation of approval.

There was discussion regarding: when we will receive the vehicles; and lease versus buy option.

Motion was made by Commissioner Peduzzi, seconded by Commissioner Lambert, to approve Resolution No. 69-22(F); and thereafter it was voted as follows: Ayes: Commissioners Peduzzi, Lambert, Shoaf and Warren. Motion therefore carried unanimously.

8.2. Resolution No. 74-22 approving a new cooperation agreement between the City of West Palm Beach and HCI College for student training in paramedic and emergency medical technician programs.

RESOLUTION NO. 74-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND HCI COLLEGE LLC FOR STUDENTS TRAINING IN PARAMEDIC AND EMERGENCY MEDICAL TECHNICIAN PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Jaime Walker, Division Chief, stated that this is a request to renew the internship program that we have with HCI. She said that the approval of this program will allow EMT and Paramedic students to continue training under the direction of our highly trained and experienced paramedics. She said that it is an invaluable experience for the students and there is no fiscal impact to the City.

Commissioner Shoaf asked if agreements like this a good tool to recruit firefighters in the future.

Ms. Walker responded yes, as when they do ride times with us it gives us the opportunity to show them what fire services are about, and that West Palm Beach is known to be highly trained.

Motion was made by Commissioner Peduzzi, seconded by Commissioner Lambert, to approve Resolution No. 74-22; and thereafter it was voted as follows: Ayes: Commissioners Peduzzi, Lambert, Shoaf and Warren. Motion therefore carried unanimously.

8.3. Resolution No. 76-22 approving the Temporary Detour Plans submitted by the Florida Department of Transportation (FDOT) and reviewed by the City

RESOLUTION NO.76-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE TEMPORARY DETOUR PLANS SUBMITTED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE UTILIZATION OF CITY OF WEST PALM BEACH STREETS AS THE DESIGNATED DETOURS FOR THE PROJECT SR80/SOUTHERN BOULEVARD BRIDGE REHABILITATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO.77-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING THE DIRECTOR OF ENGINEERING SERVICES OR THE CITY TRAFFIC ENGINEER AS THE CITY OFFICIAL AUTHORIZED TO APPROVE DETOUR PLANS SUBMITTED BY FLORIDA DEPARTMENT OF TRANSPORTATION FOR UTILIZING CITY STREETS FOR DETOUR ROUTES TO FACILITATE FDOT CONSTRUCTION PROJECTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Kevin Volbrecht, Director of Engineering Services, discussed the resolutions requested by the Florida Department of Transportation (FDOT) on the traffic detours for the FDOT Southern Boulevard (SR80) bridge rehabilitation project. He said that Resolution No. 77-22 will allow the Engineering Services Director to authorize these detours in the future.

Commissioner Lambert asked if these detours would create a conflict.

Mr. Volbrecht said that there are no conflicts for these detours. He said that there is a Committee that reviews these detours and have done so in this case.

Commissioner Lambert asked about the communication about these detours, especially in Spanish.

Mr. Volbrecht said that is handled by FDOT in coordination with the City.

Mayor James said that if they need our assistance to let us know and we will assist with communication in Spanish.

Motion was made by Commissioner Lambert, seconded by Commissioner Shoaf, to approve Resolution No. 76-22 and Resolution No. 77-22; and thereafter it was voted as follows: Ayes: Commissioners Peduzzi, Lambert, Shoaf and Warren. Motion therefore carried unanimously.

8.4. Resolution No. 88-22 amending existing parking rates and hours of operation for the City Parking System

Edward Davis, Parking Systems Administrator, discussed the downtown parking rate restructure as follows: introduction-impacts of parking rates being too low, reason for parking fees; metered parking-Clematis improvement impacts; current on street parking rates comparisons; current off street (garage parking) rates; off street (garage parking); on street parking rates re-structure; parking rates re-structure; off street (garage) rate re-structure; community engagement; benefits of proposed rate structure; future upgrades/maintenance; citation fines (current); WPB proposed citation fines; and proposed monthly parking permit rates.

Mayor James asked Mr. Davis to explain about the benefits of making these changes so people will know that it is not about making money. He said that this is about changing behavior as we have been working on this for two years and it is time to implement it.

Mr. Davis said that by changing these rates they are trying to create an atmosphere of compliance.

There was discussion regarding: benefits outweighing the burdens; convenience and availability was more important than price; what has changed from free parking after 7:00 p.m. and on Sunday to start charging for those times; making sure we are not adding a burden to businesses for their employees parking on the street; having credit card options only on Sunday and adding a cash option; and different options to incentivize workers or businesses to offer different modes of transportation.

Public comments were made by Joseph Russo and Raphael Clemente.

Commissioner Lambert asked about the communication plan.

Mr. Davis explained the communication done in preparation of this resolution and what communication will be done going forward on when the changes will take place.

There was discussion regarding adjusting the fees once we see the effects that this will have.

Motion was made by Commissioner Peduzzi, seconded by Commissioner Shoaf, to approve Resolution No. 88-22; and thereafter it was voted as follows: Ayes: Commissioners Peduzzi, Lambert, Shoaf and Warren. Motion therefore carried unanimously.

9. PUBLIC HEARING

WATERS PRESERVE / WATER CATCHMENT AREA; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, A CODIFICATION CLAUSE, AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Armando Fana, Assistant City Administrator, said that there are no changes since the first reading.

Commissioner Peduzzi thanked the officers that protect our natural areas and said that we need to look to the County to see if they have ordinances in place to protect the natural areas.

City Administrator Johnson said that at first reading Commissioner Peduzzi brought this up and the Mayor directed her to follow-up with the County Administrator on their ordinance. She stated that she has not done that as she and Deputy City Attorney Nancy Urcheck have been communicating about our ordinance and the Memorandum of Understanding (MOU). She stated that Ms. Urcheck is comparing our ordinance with an ordinance that she found on the books that the County has to identify where there are gaps. She said that based on Ms. Urcheck's review and determination, she will then craft that correspondence to the County Administrator and will inform the Mayor and the Board.

Motion was made by Commissioner Peduzzi, seconded by Commissioner Shoaf, to approve Ordinance No. 4992-22. The City Clerk read the ordinance by title; and thereafter it was voted as follows: Ayes: Commissioners Peduzzi, Lambert, Shoaf and Warren. Motion therefore carried unanimously.

9.2. Public Hearing and First Reading of Ordinance No. 4973-21 regarding Public Safety Radio Coverage. Establishing standardized in-building radio signal strength levels in compliance with nationally accepted fire codes. Reliable consistent and unobstructed radio signal transmission and reception within buildings located in the city is necessary to provide public safety services.

ORDINANCE NO. 4973-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 18 (BUILDING AND BUILDING REGULATIONS) TO CREATE ARTICLE VIII (PUBLIC SAFETY RADIO COVERAGE); AMENDING CHAPTER 26, CODE ENFORCEMENT, AT SECTIONS 26-65 AND 26-66 REGARDING ENFORCEMENT PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS;

ordinance affect; exemptions; compliance deadlines; testing, inspections and enforcement; fees; and closing remarks.

Commissioner Shoaf asked about the P25 system and how they go about the process.

Captain Clarke said that the City currently has the P25 system, and we are trying to establish the P25 signal. He said that not every business owner will be affected, only modern larger buildings.

Motion was made by Commissioner Peduzzi, seconded by Commissioner Shoaf, to approve Ordinance No. 4973-21. The City Clerk read the ordinance by title; and thereafter it was voted as follows: Ayes: Commissioners Peduzzi, Lambert, Shoaf and Warren. Motion therefore carried unanimously.

10. PUBLIC HEARING – QUASI-JUDICIAL

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

The City Clerk swore in all those persons having an interest in item 10.1.

Commissioner Lambert disclosed as to item 10.1: She has not had ex-parte communications; she has not received written communications; she has not conducted an investigation; she has not made a site visit; she has not received expert opinions. She requests that these disclosures and all written communications be made part of the record.

Commissioner Peduzzi disclosed as to item 10.1: He has not had ex-parte communications; he has not received written communications; he has not conducted an investigation; he has not made a site visit; he has not received expert opinions. He requests that these disclosures and all written communications be made part of the record.

Commissioner Shoaf disclosed as to item 10.1: She has had ex-parte communications with residents; she has not received written communications; she has not conducted an investigation; she has not made a site visit; she has not received expert opinions. She requests that these disclosures and all written communications be made part of the record.

Commissioner Warren disclosed as to item 10.1: She has not had ex-parte communications; she has not received written communications; she has not conducted an investigation; she has not made a site visit; she has not received expert opinions. She requests that these disclosures and all written communications be made part of the record.

10.1. Resolution No. 66-22: Regarding a Major Amendment to The Marina Commercial Marine Planned Development to modify the Design Guidelines specifically relating to the required setbacks and maximum encroachment allowed within Permissible Building Areas (PBAs) #1 and #2, as well as amend the existing Development Order conditions pertaining to improvements on 40th Street.

RESOLUTION NO. 66-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE MARINA COMMERCIAL MARINE PLANNED DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF NORTH FLAGLER DRIVE, BETWEEN 38TH AND 42ND STREETS, TO MODIFY THE DESIGN GUIDELINES SPECIFICALLY WITH REGARD TO THE SETBACKS AND MAXIMUM ENCROACHMENT ALLOWED WITHIN PERMISSIBLE BUILDING AREAS #1 AND #2, AS WELL AS MODIFYING THE DEVELOPMENT CONDITIONS PERTAINING TO REQUIRED IMPROVEMENTS ON 40TH STREET; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Joshua Long, of the Gunster law firm, discussed the previously approved Master Plan. He said that the amendment will allow them to build a drop off for the tower and will allow them to construct an open area Tiki Hut for the Beach Club. He said that the changes will be in the Design Guidelines and showed the affected area. He explained the changes made at the request of the School District as to Northboro Elementary School and said that they will leave 40th Street one-way.

John Roach, Principal Planner, said that Mr. Long covered everything in the detail of the request. He discussed further changes to 40th Street and other safety improvements that will be made as part of the Development Order. He said that staff recommends approval and the Planning Board also recommended approval.

The City Clerk swore in Ron Davis.

Public comment was made by Ron Davis.

Motion was made by Commissioner Shoaf, seconded by Commissioner Lambert, to approve Resolution No. 66-22, approving a Major Amendment to The Marina Commercial Marine Planned Development to modify the Design Guidelines specifically relating to the required

Peduzzi, Lambert, Shoaf and Warren. Motion therefore carried unanimously.

11. COMMENTS FROM THE PUBLIC

Public comments were made by the following: TK, Mike Taylor, Acura Amanda, Lynne Hubbard, Joyce Smith, and Rick Rose.

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

Commissioner Peduzzi sent condolences to the Fox family on the death of their mother. He mentioned upcoming events in March and the Special Commission meeting to be held on March 31st. He did a shout out to volunteers of Grassy Waters.

Commissioner Lambert expressed condolences to Commissioner Fox and her family. She mentioned hearing from residents that live on the South Dixie Corridor about the construction going on in these areas and asked about the agreement about parking for construction workers and wants an update on that. She mentioned the TPA grant and said that she hopes we will apply for the grant.

Commissioner Warren expressed condolences to Commissioner Fox and her family. She acknowledged Commissioner Shoaf for this being her last meeting and said that she appreciates all the things that she brings to this body. She mentioned speaking with ladies on Delta Day on Saturday.

Commissioner Shoaf expressed condolences to Commissioner Fox and her family. She congratulated Commissioner-elect Ward.

Mayor James expressed condolences to Commissioner Fox and her family on the loss of her mother. He said that today we will wind down the COVID testing site at Gaines Park and the EOC will continue to monitor COVID data. He provided the following updates: Rudolph Galindo as the new LGBTQ Liaison; Spring egg hunt on April 16th at Howard Park; ribbon cutting for renovations for Bryan Chapel and Mickens Parks; in preparation of hurricane season vegetation amnesty days May 2-13, 2022; congratulations to the Green Market for being number 1 for a second consecutive year. He said that he will miss the swearing in ceremony on March 31st as he will be out of the country and paid tribute to Commissioner Shoaf for her service.

13. ADJOURNMENT

APPROVED AT THE CITY COMMISSION MEETING OF APRIL 4, 2022.

PRESIDING OFFICER

X 

Signed by: Keith Alan James

ATTEST:

X 

Signed by: Hazeline F Carson

CITY CLERK