



**City of West Palm Beach
City Commission**

AGENDA

**May 18, 2020
5:00 P.M.**

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

**MAYOR
KEITH A. JAMES**

**CITY COMMISSION
PRESIDENT KELLY SHOAF**

**COMMISSIONER CHRISTINA LAMBERT
COMMISSIONER CHRISTY FOX**

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

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

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

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

CONSENT CALENDAR (1-6):

1. **Minutes of the Regular City Commission Meeting of May 4, 2020.**
Agenda Cover Memorandum No.: 22910

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of May 4, 2020.

2. **Resolution No. 119-20 authorizing the assessment of city liens in the total amount of \$28,486.67 for unpaid water service, sewer service, and stormwater service charges for the month of February 2020.**

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; 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.

Agenda Cover Memorandum No.: 22905

Staff Recommended Motion:

Approve Resolution No. 119-20.

Background:

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. 119-20 are for unpaid water service, sewer service and stormwater service charges for the month of February 2020. The list of properties to be assessed and the associated charges totaling \$28,486.67 are attached to Resolution No. 119-20 as EXHIBIT A - Utility Lien List - February 2020. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

3. **Resolution No. 127-20(F) provides FY19/20 appropriations for estimated grant revenues and expenditures regarding COVID-19.**

RESOLUTION NO. 127-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND AND VARIOUS OTHER FUNDS BUDGETS TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF GRANT REVENUES AND EXPENDITURES IN REGARDS TO COVID-19; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22907

Staff Recommended Motion:

Approve Resolution No. 127-20(F).

Background:

The City's estimate of FY19/20 expenses resulting from COVID-19 is \$1,340,000. At this point, the City has expended approximately \$500,000 from the General Fund operating budget. If there comes a time where the expenditures exceed the capacity of the General Fund operating budget, we will have to take money from reserves. An agenda item would be presented to the Commission, if the utilization of reserves became necessary.

It is expected the City will be reimbursed by the Federal Emergency Management Agency (FEMA) for 75.0%, 12.5% from the State of Florida, leaving the City responsible for 12.5%.

Revenue sources are:

Federal Government:	\$1,005,000
State of Florida:	167,500
City of West Palm Beach:	<u>167,500</u>
Total:	\$1,340,000

Estimate of expenditures are for the following items:

Protective Measures/Overtime:	\$ <u>1,340,000</u>
Total:	\$1,340,000

The City's match of \$167,500 will come from the following funds:

General Fund Reserves:	\$156,250
Public Utilities Reserves:	<u>11,250</u>
Total:	\$167,500

It is anticipated that the City will be reimbursed within 18 months.

Fiscal Note:

Approval will recognize the estimated receipt of grant revenue and utilize Fund 001 for \$156,250 from General Fund reserves and Fund 450 for \$11,250 from Utility Fund reserves to fund the estimated expenditures associated with COVID-19.

- 4. Resolution No. 130-20 approving a Grant Reimbursement and Participation Agreement for Construction of Supplemental Safety Improvements at Selected Railroad Crossings with Virgin Trains USA Florida LLC.**

Resolution No. 136-20(F) authorizing the appropriation of funds from the Local Gas Tax Fund for the City's contribution toward the local match for the grant being awarded to Virgin Trains USA Florida for Safety Improvements by the Federal Railroad Administration.

RESOLUTION NO. 130-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A GRANT REIMBURSEMENT AND PARTICIPATION AGREEMENT FOR CONSTRUCTION OF SUPPLEMENTAL SAFETY IMPROVEMENTS AT SELECTED RAILROAD CROSSINGS WITH VIRGIN TRAINS USA FLORIDA LLC; AND AUTHORIZING FUNDING OF THE LOCAL MATCH FOR THE IMPROVEMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 136-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE LOCAL GAS TAX REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR MATCHING FUNDS TOWARD THE AWARD OF A GRANT TO VIRGIN TRAINS USA FLORIDA FOR SAFETY IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22908

Staff Recommended Motion:

Approve Resolutions No. 130-20 and 136-20(F).

Background:

Virgin Trains USA Florida has been awarded a grant under the Federal Railroad Administration's Consolidated Rail Infrastructure and Safety Improvements Program (the "CRISI Grant") which will provide funding for supplemental safety improvements at certain strategically identified crossings along Virgin Train's rail corridor.

Virgin Trains intends to use a portion of the CRISI Grant to make improvements to the railroad crossing at Belvedere Road. The federal grant terms require a 20% match from local non-federal funds.

The City desires to provide funding in the amount of \$31,319.68 as a local match for the CRISI Grant to improve the safety of the railroad crossing at Belvedere Road.

Resolution No. 130-20 approves the funding match and authorizes execution of the Grant Reimbursement and Participation Agreement for Construction of Supplemental Safety Improvements at Selected Railroad Crossings with Virgin Trains USA Florida LLC.

Resolution No. 136-20(F) approves budget appropriation from Local Gas Tax Fund 101 which is fully budgeted for FEC railroad maintenance.

Fiscal Note:

Approval will provide appropriations from the Local Gas Tax Fund (101) in an amount not to exceed \$31,319.68 to Virgin Trains USA Florida to satisfy a grant match for safety improvements for the FEC railroad. The appropriation from Local Gas Tax Fund 101 is budgeted for FEC railroad maintenance.

5. **Resolution No. 135-20 authorizing a memorandum of agreement between the City of West Palm Beach and the West Palm Beach Association of Firefighters Local 727 (IAFF), resolving a grievance and providing a COVID-19 related stipend for members of the IAFF Collective Bargaining Unit and for other purposes.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE WEST PALM BEACH ASSOCIATION OF FIRE FIGHTERS LOCAL 727 (IAFF) PROVIDING A COVID-19 STIPEND FOR MEMBERS OF THE IAFF COLLECTIVE BARGAINING UNIT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22911

Staff Recommended Motion:

Approve Resolution No. 135-20.

Background:

The West Palm Beach Association of Firefighters Local 727 (IAFF) filed a grievance on April 6, 2020 regarding emergency pay for its bargaining unit members in light of the COVID-19 pandemic. The proposed Memorandum of Agreement (MOA) was collectively bargained and resolves the COVID-19 emergency pay grievance. The MOA requires ratification by the Commission in order for it to be binding on the City.

As part of the MOA, the IAFF withdraws its grievance with prejudice not to refile. The MOA provides that a COVID-19 Stipend will be paid to all eligible IAFF bargaining unit members in the amount of \$200 per pay period retroactive to the pay period ending on March 21, 2020 through the pay period ending on May 30, 2020, only. The proposed Stipend will be paid to IAFF bargaining unit members in one lump sum in the Friday, June 5, 2020 paycheck.

This MOA is non-precedent setting and does not alter any express term(s) of the Collective Bargaining Agreement currently in effect between the City and the IAFF. All other terms of the collective bargaining agreement between the City and the IAFF remain in full force and effect.

Fiscal Note:

Based on current IAFF personnel counts, the Impact to General Fund is \$268,800. The cost will be absorbed from Citywide salary savings in the General Fund.

6. **Resolution No. 143-20 authorizing a memorandum of agreement between the City of West Palm Beach and the Professional Managers and Supervisors Association (PMSA), resolving issues concerning emergency pay, providing a COVID-19 related stipend for members of the PMSA Collective Bargaining Unit and for other purposes.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA RATIFYING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE PROFESSIONAL MANAGERS AND SUPERVISORS ASSOCIATION; PROVIDING A COVID-19 STIPEND FOR CERTAIN JOB CLASSIFICATIONS IN THE PMSA COLLECTIVE BARGAINING UNIT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22912

Staff Recommended Motion:

Approve Resolution No. 143-20.

Background:

The City of West Palm Beach and the Professional Managers and Supervisors Association (PMSA) have fully negotiated and agreed to resolve a perceived issue concerning emergency pay, about which there is no current grievance or request for arbitration. The proposed Memorandum of Agreement (MOA) was collectively bargained and requires ratification by the Commission in order for it to be binding on the City.

The MOA provides that a COVID-19 Stipend will be paid to certain job classifications within the PMSA bargaining unit during the current pandemic commonly known as COVID-19. A stipend in the amount of \$100 per pay period will be paid only to the specific PMSA job classifications identified in the MOA under Exhibit "A," retroactive to the pay period ending on March 21, 2020, through the pay period ending on May 30, 2020. The proposed Stipend will be paid to the specified PMSA bargaining unit members in one lump sum in the Friday, June 5, 2020 paycheck.

This MOA is non-precedent setting and does not alter any express term(s) of the Collective Bargaining Agreement currently in effect between the City and the PMSA. All other terms of the collective bargaining agreement between the City and the PMSA remain in full force and effect.

Fiscal Note:

Based on personnel counts, the Impact to General Fund is \$60,600, Utilities \$24,000, and other funds is \$22,800. Budget is available from vacancies and other expenditures savings to absorb this impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (7-8):

- 7. Resolution No. 126-20 conditionally waiving code enforcement liens on 717 New York Street.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONDITIONALLY WAIVING CITY LIENS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 717 NEW YORK STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
Agenda Cover Memorandum No.: 22906

Staff Recommended Motion:

Approve Resolution No. 126-20.

Background:

Resolution No. 126-20 is a resolution to conditionally waive a code enforcement lien encumbering 717 New York Street. This is a chronic nuisance property that has been in a state of disrepair since July 2015 with one code enforcement lien against it that has accrued to an amount of \$255,000. The City has filed a foreclosure action against it and recently attended mediation with the property owner where this proposed resolution was discussed. The resolution requires the property owner to repair and rehabilitate the property and pass all inspections by December 31, 2020, to pay an administrative fine of \$20,000 to pay any outstanding resolution liens, and to pay attorney's fees and costs of \$5,000. Once all conditions are met, the lien would be released.

8. **Resolution No. 147-20 accepting funds from the Community Foundation of Palm Beach and Martin Counties, John S. and James L. Knight Foundation Fund for the City's COVID-19 relief programs; and Resolution No. 148-20(F) appropriating the funds.**

RESOLUTION NO. 147-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING FUNDING FROM THE COMMUNITY FOUNDATION OF PALM BEACH AND MARTIN COUNTIES, FROM THE JOHN S. AND JAMES L. KNIGHT FOUNDATION FUND TO BE USED FOR THE CITY'S COVID-19 RELIEF PROGRAMS; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

RESOLUTION NO. 148-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE FOR THE RECEIPT OF GRANT REVENUES AND EXPENDITURES FOR COMMUNITY FOUNDATION OF PALM BEACH AND MARTIN COUNTIES, JOHN S. AND JAMES L. KNIGHT FOUNDATION FUND FOR THE CITY'S COVID-19 RELIEF PROGRAMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22913

Staff Recommended Motion:

Approve Resolution Nos. 147-20 and 148-20(F).

Background:

During the early part of April, the Community Foundation of Palm Beach and Martin Counties reached out the City to understand the efforts being made to provide relief to the COVID-19 pandemic. During the discussion, the City shared the following actions being taken: COVID Response Unit Organization Structure, restaurant promotion program, economic recovery and assistance program, strategies to help business re-open, collaboration with organizations, and regular updates with the business leaders in the community. A follow-up meeting was set with the Community Foundation, Knight Foundation, City of West Palm Beach, Downtown Development Authority, Community Redevelopment Agency, Urban League of Palm Beach County, and Valley National Bank.

During the discussion, the group went in depth on the programs, their successes and the challenges still being faced. At the conclusion of the meeting, the Community Foundation and Knight Foundation expressed interest in possibly helping the City's economic relief efforts by donating fund. On May 7, 2020, the City received notice that it had been awarded \$50,000 for COVID-19 Relief from the John S. and James L. Knight Foundation Fund of the Community Foundation for Palm Beach and Martin Counties.

The award applies City-wide and can be used in all commission districts.

Fiscal Note:

Approval recognizes grant proceeds of \$50,000 and provides appropriations for COVID-19 relief.

PUBLIC HEARING:

9. **Public Hearing and Second Reading of Ordinance No. 4899-20 amending the Property Registration Ordinance to update and clarify the property registration requirements for mortgagees of foreclosure properties.**

ORDINANCE NO. 4899-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI VACANT BUILDINGS, VACANT STRUCTURES AND VACANT OR UNIMPROVED LOTS TO RENAME ARTICLE VI TO BE ENTITLED “VACANT BUILDINGS, VACANT STRUCTURES, VACANT OR UNIMPROVED LOTS AND FORECLOSURE PROPERTIES”; AMENDING DIVISION 2 RESPONSIBILITY OF OWNERS, SECTIONS 18-206 THROUGH 18-208 AND 18-210 THROUGH 18-212 TO UPDATE AND CLARIFY THE RESPONSIBILITIES OF MORTGAGEES OF FORECLOSURE PROPERTIES; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22909

Staff Recommended Motion:

Approve Ordinance No. 4899-20 on Second Reading.

Background:

Chapter 18, Article VI, Division 2 of the City’s Code of Ordinances establishes the responsibilities of owners when a property is vacant, abandoned or subject to foreclosure. The City Code currently requires the registration of vacant and abandoned properties, including but not limited to, properties that are in mortgage foreclosure, and the registration of abandoned real property at the time of mortgage default.

Foreclosed homes quickly succumb to the forces of nature and the elements, grass and weeds grow, swimming pools become stagnant public health hazards, landscaping dies from lack of attention or grows out of control, windows are broken, exteriors suffer damage from normal wear-and-tear and vandalism, communities suffer, and these consequences have a negative impact first on neighboring residences and then on the entire neighborhood. This Ordinance amends the City Code provisions pertaining to a mortgagee's obligation to register properties with the City to clarify the property registration process. The Ordinance clarifies that all properties, regardless of whether they are vacant or occupied, must be registered at the time a lis pendens is recorded, or a foreclosure action is commenced in order to protect neighborhoods and prohibit blight through the lack of adequate maintenance and security of vacant properties, or blight in properties that are subject to mortgages that are in default. The Ordinance further amends the property registration requirements to require a mortgagee to designate a local property manager and perform property inspections monthly.

Fiscal Note:

No fiscal impact.

ADJOURNMENT:

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

NOTICE: IF ANY PERSON DECIDES TO APPEAL ANY DECISION OF THE CITY COMMISSION AT THIS MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THAT PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY OF WEST PALM BEACH DOES NOT PREPARE OR PROVIDE SUCH A RECORD.